



**CITY COUNCIL  
ZEPHYRHILLS, FLORIDA**

**Monday, July 8, 2024  
6:00 PM**

Please join the GoToMeeting  
from your computer, tablet or smartphone:

<https://meet.goto.com/391711005>

or dial in using your phone:

**+1 (571) 317-3122 - Access Code: 391-711-005**

(Please mute your phone unless you wish to speak on a specific item)

**Zephyrhills  
City Hall**

**Council  
Chambers**

Call to Order – Council President Kenneth M. Burgess, Jr.

Roll Call – City Clerk Lori Hillman

Invocation – Pastor Fran Stubbs, Senior Pastor, Oasis Church at Zephyrhills

Pledge of Allegiance – Council President Kenneth M. Burgess, Jr.

**1. CONSENT**

1.1 Pasco County Law Enforcement Mutual Aid Agreement 41-23-25 First Amended and Restated

1. Pasco County Law Enforcement Municipality Sheriff Mutual Aid Agreement - First Amended and Restated

**2. BUSINESS ITEMS/PUBLIC HEARING**

2.1 Transportation, Public Safety, and Park Impact Fees

First Reading **ORDINANCE NO. 1481-24 - "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING CHAPTER 155 – IMPACT FEES, OF THE CITY OF ZEPHYRHILLS CODE OF ORDINANCES; ADOPTING SIMPLIFIED LAND USE CATEGORIES WITHIN THE TRANSPORTATION IMPACT FEE SCHEDULES; ADOPTING A TIMELINE AND PHASING FOR IMPLEMENTATION OF AMENDED IMPACT**

**FEES; ADOPTING AN UPDATED METHODOLOGY FOR IMPACT FEE ANALYSIS; ADOPTING AN UPDATED IMPACT FEE STUDY; PROVIDING FOR THE EFFECT OF THE TRANSPORTATION IMPACT FEE ORDINANCE ON OTHER REGULATIONS AND DEVELOPMENT ORDERS; PROVIDING FOR PURPOSE AND INTENT PROVIDING DEFINITIONS; PROVIDING RULES OF CONSTRUCTION; PROVIDING FINDINGS; PROVIDING FOR CONFLICT SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1481-24 on the First Reading
- 1. ORDINANCE NO 1481-24 Transportation\_ Public Safety\_ and Park Impact(30996332.1)
- 2. zephyrhills study final4 (2)
- 3. Impact fee presentation 7-8-2024 rev

### 3. PLANNING DIRECTOR'S REPORT

- 3.1 ANX 16-22 – Black Marlin Capital LLC Annexation, Future Land Use Map Amendment and Rezoning
  - 1. ANX 16-22 Staff Report for Black Marlin Townhomes July 8 2024 Final\_1
  - 2. ANX 16-22 Attachments for Black Marlin Annexation Rezone FLUMA July 8 2024
- 3.2 ANX 15-22 - Providence Village, LLC - Annexation, Future Land Use Map Amendment and Rezoning
  - 1. Providence Village Staff Report
  - 2. Providence Village Power Point
  - 3. 14th Ave Sketch
  - 4. 14th Ave 2nd Sketch
- 3.3 **PUD-0016-22 Gagne PUD Indoor Storage with Mixed Use Development;** Located at the North and Southeast corners of Chancey Rd and Paul S Buchman.3356 Paul S Buchman Hwy, Zephyrhills Fl 33540.Parcel#23-26-21-0020-08000-0000.
  - 1. Updated Petition
  - 2. PUD Plans
  - 3. 6A. Concept Plan Self Storage
  - 4. 6B. Concept Plan Self Storage-Rendered
  - 5. 7. Zephyrhills Elevation (1)
  - 6. 8. ZephyrHills 3d rendering
  - 7. 9. 2024-05-06\_Landscape-Exhibit (1)
  - 8. 4 Exhibit C Gagne PUD Conditions 8.17.22

### 4. CITY ATTORNEY'S REPORT

- 4.1 Medical Marijuana Treatment Centers Moratorium  
First Reading **ORDINANCE NO. 1484-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA RELATED TO MEDICAL MARIJUANA TREATMENT CENTERS; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF ANY NEW MEDICAL MARIJUANA TREATMENT CENTERS; SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE."**



1. Ordinance 1484-24 Medical Marijuana Treatment Centers Moratorium
- 4.2 Municipal Association of Pasco (MAP) Meeting July 25, 2024 - New Port Richey  
First Reading **RESOLUTION NO. 825-24 - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AUTHORIZING THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS TO PARTICIPATE IN A JOINT MEETING OF THE MUNICIPAL ASSOCIATION OF PASCO TO DISCUSS MATTERS OF MUTUAL INTEREST; AND PROVIDING FOR AN EFFECTIVE DATE."**
  1. Resolution 825-24 Participation in 07-25-2024 MAP Meeting

5. CITIZEN COMMENTS

**MAYOR ANNOUNCEMENTS**

**CITY MANAGER ANNOUNCEMENTS**

**CITY ATTORNEY ANNOUNCEMENTS**

**CITY COUNCIL COMMENTS**

**ADJOURN**

**\* PLEASE NOTE: This is a Public Meeting. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S. 286.0105. If you are a person with a disability which requires reasonable accommodation in order to participate in this meeting, please contact the City Clerk at 813/780-0000 at least 48 hours prior to the public hearing. A.D.A. and F.S. 286.26.**

## **CONSENT 1.1**

Pasco County Law Enforcement Mutual Aid Agreement 41-23-25 First Amended and Restated

**Issue:**

Approval of the Pasco County Law Enforcement Mutual Aid Agreement (41-23-25) First Amended and Restated.

**Background:**

The Pasco County Law Enforcement Mutual Aid Agreement (41-23-25) was entered into in September 2023, by and between the listed municipalities along with their respective Chiefs of Police in Pasco County, Florida, and the Sheriff of Pasco County, Florida. The agreement exists to address voluntary cooperation, extra-jurisdictional investigations, emergency operational assistance, and traffic enforcement or crash investigations. The first amended and restated agreement contains changes to sections: VII. *Extraterritorial Powers by Municipalities* (pgs. 4 & 5), XIV. *Arrestee Transportation Operational Guidelines* (pg. 9), and XV. *Terms and Procedures* (pg. 12).

**Attachment(s):**

1. Pasco County Law Enforcement Municipality Sheriff Mutual Aid Agreement - First Amended and Restated

**Fiscal Impact:**

N/A

**Staff Recommendation:**

Staff recommends approval of the first amended and restated mutual aid agreement.

**FIRST AMENDED AND RESTATED PASCO  
COUNTY LAW ENFORCEMENT MUTUAL AID  
AGREEMENT**

THIS FIRST AMENDED AND RESTATED AGREEMENT is made and entered into by and between the listed Pasco County municipalities in Pasco, County, Florida and CHRIS NOCCO, as Sheriff of Pasco County, Florida. The purpose of this agreement is to address voluntary cooperation, extra jurisdictional investigations, emergency operational assistance, and traffic enforcement or crash investigations on contiguous ways.

**WITNESSETH**

WHEREAS, Part I, Chapter 23 of the Florida Statutes, the "Florida Mutual Aid Act", authorizes law enforcement agencies to enter into agreements for voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines by and between such agencies, to such unlawful activities and to enter into an operational assistance agreement whereby each agency may request and render law enforcement assistance to the other law enforcement agency during emergencies under s. 252.34, Florida Statutes; and

WHEREAS, the Pasco Sheriff's Office and the listed municipal law enforcement agencies in Pasco County recognize that an increasing number of criminals are operating across jurisdictional lines and that there is a need for a continuing multi-jurisdictional response to such unlawful activities; and

WHEREAS, the Pasco Sheriff's Office and the listed municipal law enforcement agencies in Pasco County desire to secure the benefits of such mutual aid for their respective jurisdictions; and

WHEREAS, the Pasco Sheriff's Office and the listed municipal law enforcement agencies in Pasco County recognize that there is a need for continuing multi-jurisdictional; response to persons who are involved in traffic accidents on or who are operating vehicles in violation of traffic laws on streets, roads, or other traveled ways, including the right-of-way thereof, that are adjacent to or that form the boundary between unincorporated and incorporated areas of Pasco County; and

WHEREAS, the Pasco Sheriff's Office and the listed municipal law enforcement agencies in Pasco County determine that it is in the best interest of the health, safety and welfare of the citizens of the municipality and of the citizens of Pasco County to enter into a Voluntary Cooperation Agreement and Operational Assistance Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants expressed herein and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows:

- I. The parties to this Agreement are as follows:

- a. Chris Nocco, as Sheriff of Pasco County, Florida;
- b. The City of Dade City, Pasco County, Florida;
- c. The City of New Port Richey, Pasco County, Florida;
- d. The City of Port Richey, Pasco County, Florida;
- e. The City of Zephyrhills, Pasco County, Florida.

II. The Law Enforcement agencies participating in and subject to this Agreement, and their respective commanders, are as follows:

- a. The Pasco Sheriff's Office - Sheriff;
- b. The Dade City, Pasco County, Florida Police Department-Chief of Police;
- c. The New Port Richey, Pasco County, Florida Police Department - Chief of Police;
- d. The Port Richey, Pasco County, Florida Police Department - City Manager; and
- e. The Zephyrhills, Pasco County, Florida Police Department - Chief of Police.

111. Provisions for Voluntary Cooperation

- a. The Pasco Sheriff's Office and the listed municipal law enforcement agencies Pasco County hereby approve and enter into this Agreement authorizing the other to request law enforcement assistance from and to render law enforcement assistance to the other in dealing with any violations of Florida Statutes, to include, but not necessarily be limited to, investigating homicides, sex offenses, robberies, assaults, burglaries, larcenies, gambling, motor vehicle thefts, drug violations pursuant to Chapter 893, Florida Statutes and backup services during patrol activities, and inter-agency task forces and/or joint investigations.

JV. Routine Law Enforcement Matters

- a. Any party to this agreement may request the voluntary assistance and cooperation of another party to this agreement relating to routine law enforcement matters involving more than one jurisdiction.

V. In-Progress Crime Assistance

- a. Whenever a law enforcement officer from one jurisdiction views a felony or a misdemeanor involving a breach of the peace occurring in the jurisdiction of the other, the law enforcement officer may physically arrest the perpetrator and preserve the crime scene. The arresting law enforcement officer shall immediately notify the agency of the jurisdiction in which the incident occurred. Control of both the persons apprehended and the crime scene will be relinquished to the first available officer from the jurisdiction in which the

incident occurred. If that jurisdiction advises that they decline to dispatch an officer to the scene, the officer on the scene shall complete the investigation, issue any and all necessary citations or notices to appear or effect an arrest, collect and preserve evidence, take custody of any contraband article as defined in Section 932.701 (2), Florida Statutes, and/or take such action as is necessary and appropriate to protect the health and safety of the public as such may be appropriate to the particular circumstances. The jurisdiction taking law enforcement action shall, at the conclusion of the investigation, notify the jurisdiction in which the incident occurred of the law enforcement action taken. Whenever remaining at the scene exposes either the law enforcement officer or the subject to imminent physical danger, the subject and any physical evidence or contraband article may be transported or otherwise relocated in accordance with normal procedure.

- b. All fines shall accrue to the jurisdiction where the offense occurred. In order to facilitate the proper disposition of fines, each ticket written by municipal officers shall indicate the name of the city in which the infraction occurred or, if the incident occurred in the unincorporated area of Pasco County, the ticket should note that clearly on the face thereof.

## **VI. Forfeiture Proceedings and Equitable Sharing**

- a. All real and personal property seizures and subsequent forfeitures pursuant to the Florida Contraband Forfeiture Act stemming from any investigation and/or arrest pursuant to law enforcement action taken under this agreement will be first reviewed by the Pasco Sheriff's Office's Legal Department to determine whether the Pasco Sheriff's Office will initiate forfeiture action. Any law enforcement officer initiating forfeiture proceedings when taking law enforcement action pursuant to this MOU will notify the Pasco Sheriff's Office's Legal Department of their intentions and the administrative agency's forfeiture policies and reports will be utilized. The agencies agree to divide any forfeiture proceeds in equitable shares. Equitable shares must bear a reasonable relationship to that agency's direct and active participation in the investigation or law enforcement effort resulting in the forfeiture. The Pasco Sheriff's Office is the deciding authority to determine equitable shares by comparing the number of work hours expended by each agency actively participating in the investigation, arrest, and/or seizure. Equitable distribution of any such funds will be less the cost of administrative and filing fees, not to include salaries. This MOU does not preclude a participating agency from initiating forfeiture proceedings within their respective jurisdictions outside the scope of this MOU.

VII. Extraterritorial Powers by Municipalities

- A. On-duty officers from one jurisdiction are authorized to conduct investigations into criminal activity that occurs within their jurisdiction and to make arrests related to those investigations in the other party's jurisdiction in accordance with the following:

1. Actions Not Requiring Notification to the Pasco Sheriff's Office:

- a. Driving Under the Influence (DUI) (Misdemeanor or Felony) investigations: A municipal officer from one jurisdiction conducting a DUI investigation which occurred in the municipal officer's jurisdiction is authorized to continue their investigation to comply with Florida Statute 316.1932 regarding breath, urine, and/or blood testing and may, at any time related to the investigation, perform any investigative function, including the collection of evidence and suspect interview and exercise all police powers related to the investigation outside of their jurisdiction anywhere in Pasco County and does not need to notify the Pasco Sheriff's Office as outlined in Section 2.
- b. Direct Transportation of Arrestees: Municipal officers may transport arrestees from a municipal jurisdiction into the county jurisdiction to a county jail for incarceration and booking, or to a medical facility for medical treatment or required jail medical clearance and may, at any time during the transportation, perform any investigative function, including a suspect interview and exercise all police powers related to the investigation outside of their jurisdiction anywhere in Pasco County and does not need to notify the Pasco Sheriff's Office as outlined in Section 2, provided the transportation is directly from the place of arrest to the jail or medical facility as outlined above.

2. Actions Requiring Notification:

- a. Investigations Requiring Notification: If a municipal officer from one jurisdiction is conducting an investigation regarding criminal activity that occurred within the municipal jurisdiction, the officer and all other officers from the same agency, retain jurisdiction and may, at any time related to the investigation, perform any investigative function, including the collection of evidence and questioning of victims, witnesses, and suspects, and exercise all

police powers related to the investigation outside of their jurisdiction anywhere in Pasco County and, as soon as practicable, shall notify the Pasco Sheriff's Office dispatch of their intent to conduct such extraterritorial investigation. The notification must include the location and nature of the investigation to ensure proper coordination and jurisdictional awareness.

VIII. Traffic Control Assistance

- A. Whenever a traffic accident involving suspected injuries of a serious nature reported to the jurisdiction in which the accident occurred and that law enforcement agency is unable to provide the immediate response necessary to render aid to the injured or prevent further injury, the cooperating agency may be contacted for assistance. The cooperative effort shall be restricted to necessary first aid and traffic direction, except as otherwise specified in Section X of this Agreement.

IX. Hazardous Traffic Conditions Assistance

- A. Where an automated traffic control device located in the jurisdiction of a cooperating agency has malfunctioned and such malfunction poses a hazard to vehicular or pedestrian traffic, an on-duty, uniformed, officer of the other cooperating agency may immediately commence to divert or direct traffic or take such other action as is reasonably necessary to reduce the hazard to the traveling public. Such law enforcement officer shall immediately notify the agency in whose jurisdiction the device is located of the malfunction and the action being taken. Upon arrival of an officer from the agency with original jurisdiction, the cooperating officer shall relinquish control of the area.

X. Traffic Accident Investigations and Enforcement of Traffic Laws on Contiguous Ways

- A. When a traffic accident occurs on a contiguous way, a uniformed, on-duty officer from a cooperating agency may commence necessary first aid and traffic control. The law enforcement officer on the scene shall contact the jurisdiction in which the accident occurred. If that jurisdiction declines to dispatch an officer to the scene, the officer on the scene shall proceed to work the accident, to issue any and all necessary citations, notices to appear or to effect arrests; collect and preserve evidence, take custody of any contraband article as defined in §932.701(2), Florida Statutes, and/or to take such action as is necessary and appropriate to protect the health and safety of the public as such may be appropriate to the particular circumstances. The jurisdiction taking law enforcement action shall, at the conclusion of the event, notify the jurisdiction in which the event occurred of the law enforcement action taken.

- B. When a uniformed, on-duty law enforcement officer of a cooperating agency observes a traffic infraction occurring on a contiguous way, such officer may take appropriate action to enforce the traffic laws of the state and issue any and all necessary citations, notices to appear or to effect arrests; collect and preserve evidence, take custody of any contraband article as defined in §932.701(2), Florida Statutes, and/or to take such action as is necessary and appropriate to protect the health and safety of the public as such may be appropriate to the particular circumstances. Such officer shall promptly notify the jurisdiction in which the violation occurred of the incident and the action taken.
- C. On-duty law enforcement officers of a participating agency enforcing traffic laws and conducting traffic accident investigations pursuant to this section shall be under the direction and authority of the commanding officers of their employing agency.
- D. All fines shall accrue to the municipality or unincorporated area where the offense occurred. In order to facilitate the proper disposition of fines, each ticket written by municipal officers shall indicate the name of the city in which the infraction occurred, or, if the incident occurred in the unincorporated area of the county, the ticket should note that clearly on the face thereof.
- E. "Contiguous way" in this section means those streets, roads, or other traveled ways, including the right-of-way thereof, that are adjacent to or that form the boundary between the municipality and unincorporated Pasco County.
- F. The terms set out in this section shall constitute the procedures for requesting and for authorizing assistance. No formal request or authorization, except as set forth in this section, shall be necessary to implement the traffic accident investigations and enforcement of traffic laws on contiguous ways.

XI. Inter-Agency Joint Task Forces

- A. Law enforcement officers assigned to joint task force operations pursuant to this Agreement may enforce all state laws while engaged in the joint task force operation and shall take enforcement action in accordance with law, including but not limited to, taking custody of any offender, evidence, or contraband article as defined in Section 932.701(2), Florida Statutes, and completing appropriate documentation.
- B. Law enforcement officers assigned to joint task force operations pursuant to this Agreement shall be under the supervision of those individuals specified



in the joint-task force operational plan approved by the cooperating agencies participating in the joint task force.

- C. Except as otherwise outlined in a joint task force agreement, any current or subsequent joint task force operations agreements entered into by the Parties for joint law enforcement operations in Pasco County shall be subject to the terms and conditions of this MOU.

## XII. Marine Violations

- A. Municipal law enforcement officers of a cooperating agency may enforce all state boating and marine fishery laws and county boating ordinances on the waterways of the other cooperating agency as long as such violations occur on waterways contiguous to and in view of the jurisdiction of the officer's employing agency. In the case of a felony or a misdemeanor involving a breach of peace, control of the person(s) apprehended and the crime scene will be relinquished to the first available officer from the jurisdiction in which the incident occurs. Cases involving only a minor violation may be concluded at the scene by the issuance of a Boating Citation or Notice to Appear.

## XIII. Law Enforcement Emergencies

- A. Each of the cooperating agencies may request law enforcement assistance from and render law enforcement assistance to the other cooperating agency in a law enforcement emergency, including but not limited to:
  - 1. Civil affray and disobedience, disturbances, riots, large protest demonstrations or controversial trials.
  - 2. Any natural or man-made disaster.
  - 3. Incidents which require rescue operations and crowd and traffic control measures such as activities related to large-scale evacuations, aircraft and ship disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical and hazardous waste spills, and major electrical power failures.
  - 4. Terrorist activities including acts of sabotage.
  - 5. Escapes from and disturbances within any local or state detention

facilities.

6. Hostage and barricaded subject situations.
  7. Incidents requiring utilization or specialized units; e.g., underwater recovery, aircraft, ordinance disposal, crisis management, and emergency response teams.
- B. A law enforcement emergency is any situation which exceeds the capability of the local agency to counteract effectively.
  - C. Upon request for assistance to the chief of police or his/her designee or the sheriff or his/her designee, the law enforcement personnel and equipment of the cooperating law enforcement agency shall be dispatched to the location within the specified request.
  - D. A request for assistance made under this Section shall specify the number of personnel and type and amount of equipment needed, the location to which the personnel and equipment are to respond and the official to whom they are to report. Nevertheless, the number of personnel and amount and type of equipment which are actually furnished shall be determined by the law enforcement agency to who the request is made.
  - E. If requested, law enforcement officers rendering assistance shall assist in the transportation and processing of prisoners in situations involving mass arrests and, if necessary, in the operation of temporary detention facilities.
  - F. The cooperating agency's personnel and equipment shall be released by the requesting party when assistance is no longer needed or when such personnel and equipment are needed in the jurisdiction in which they normally furnish law enforcement protection. Should the need arise, the cooperating agency may, at any time, recall personnel and equipment to the jurisdiction in which they are normally employed.
  - G. Resources which may be available under this Section shall include, but are not limited to, personnel, marked or unmarked vehicles, 4-wheel drive vehicles, police patrol boats, K-9 units, aircraft, and national/state/county/city computer networks.
  - H. Law enforcement officers rendering assistance shall complete written reports as if they were performing their duties in the jurisdiction in which they are normally employed. Copies of these reports shall be furnished to the agency requesting assistance within a reasonable time. Additionally,

officers rendering assistance shall prepare such reports as the agency requesting assistance may reasonably require.

XIV. Arrestee Transportation Operational Guidelines

- A. The Pasco Sheriff's Office contracts with a third party vendor for arrestee transportation. The Pasco Sheriff's Office is willing to share these services with the municipalities under the following terms and conditions:
1. The Pasco Sheriff's Office shall have the first priority in the utilization of arrestee transportation.
  2. The Pasco Sheriff's Office reserves the right to rescind a municipality's participation in the arrestee transportation program at any time upon written notification to the municipality.
  3. Non-compliance with the terms of this section and/or the third party transportation criteria will result in the immediate suspension of a municipality's ability to participate in the arrestee transportation program.
  4. Municipalities who utilize the services of the Pasco Sheriff's Office arrestee transportation services shall indemnify and hold harmless the Pasco Sheriff's Office from any and all claims, damages, losses, and expenses, including but not limited to attorney's fees, arising out of or resulting from the municipality's use of the arrestee transportation program, provided that any such claims, damages, losses, or expenses are not caused by the negligence of the Pasco Sheriff's Office.
  5. Law enforcement personnel must conduct a thorough search of all individuals and their belongings, consistent with applicable law, prior to providing the individual for transport by the third party transportation service. This measure is to ensure the safety and security of all individuals involved in the transport.
- B. The third-party vendor shall establish specific criteria regarding which arrestees are eligible for transportation. A comprehensive list of these criteria will be provided to all participating municipalities to ensure adherence and uniform application of the transportation policy.

XV. Terms and Procedures

- A. A cooperating agency will answer a specific request for voluntary cooperation or operational assistance only to the extent that the available

personnel and equipment are not required for adequate protection of that agency. The commander of the agency, or the commander's designee, shall have the sole authority to determine the amount of personnel and equipment, if any, available to respond.

- B. A specific request for voluntary cooperation or operational assistance for law enforcement emergencies shall be made by the commander of the agency or the commander's designee.
- C. Voluntary cooperation can also be initiated, within the limitations as more fully stated above, by an officer who views an in-progress crime or a need for traffic control in the cooperating agency, or who views a traffic violation or traffic accident scene, or marine violation on a contiguous way. The supervising authority of that officer shall be notified immediately to enable a supervisor from the officer's agency to authorize and direct actions taken by the officer. An officer taking voluntary action should notify the communication liaison person in the assisted agency as soon as possible.
- D. Whenever the employees of any law enforcement agency are rendering aide outside its jurisdiction and pursuant to the authority contained in this Agreement, such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the jurisdiction in which they are normally employed.
- E. Law enforcement officers or employees responding to a specific request for voluntary cooperation or operational assistance for law enforcement emergencies shall be under the direction and authority of the commanding officers of their own agency. However, no officer rendering assistance shall be required to perform, any act which would violate standard operating procedures or supervisory guidelines in the jurisdiction in which they are normally employed.
- F. All pension, insurance, relief, disability, workers' compensation, salary, death and other benefits which apply to the activities of officers, agents and employees performing duties in the jurisdiction in which they are nomlally employed shell apply to the same manner, degree and extent while such officers, agents and employees are rendering assistance under this Agreement. Notwithstanding the above, nothing contained herein is intended to limit either party's right to reimbursement for eligible costs as permitted by law.

- G. Each agency shall be responsible for its own operational costs and expenses in providing assistance under this Agreement and bearing its own costs associated with any loss or damage incurred to such jurisdiction's property equipment, or resources as a result of the use of such property during a voluntary cooperation or operational assistance situation. No financial charges shall be made by either party for assistance provided under this Agreement.
- H. Each party shall provide and carry liability insurance, workers' compensation insurance, self-insurance and other insurance necessary to assure that each party shall be protective and indemnified from any and all liabilities which may result by reason of activities which are the subject of this Agreement. Liability insurance shall be maintained in an amount not less than \$200,000 per person and \$300,000 per occurrence. Each party shall furnish satisfactory proof of insurance to the other party. "Insurance" may be procured either privately or pursuant to an approval self-insurance risk-financing program. Should any insurance policy or self-insurance program expire, be cancelled or undergo material change, the insured party shall, 30 days before such expiration, cancellation, or change, mail notice of the same to the other party.
- I. Nothing herein shall be deemed to transfer any legal or equitable ownership of any equipment utilized pursuant to this Agreement from one cooperating agency to the other. Further, nothing herein shall be deemed to confer any agency or employer/employee relationship or status upon the personnel of the cooperating agency while providing assistance to the cooperating agency under this Agreement.
- J. A cooperating agency shall not be required to respond to a request for assistance if, in the opinion of the cooperating agency, providing the assistance would interfere with or jeopardize the police protection and safety of the citizens or property within the jurisdiction normally served by that cooperating agency, or if the requested assistance is otherwise unavailable.
- K. Nothing in this Agreement is intended to be, nor shall it be construed to be, a relinquishment or transfer, expressly or by implication, of any of the powers or functions of the cooperating agency.
- L. In no event shall this Agreement confer upon any person, corporation, or entity, whether private or government, the right to damages against the cooperating agency for any acts, omissions or conduct, except as expressly provided in this Agreement.

- M. Each party to this Agreement shall bear all court costs, defense costs, and liability for its own law enforcement officers, agents and/or employees for acts undertaken pursuant to this Agreement unless such act was ordered by the commanding officer of the assisted agency; but if such act was not ordered by the commanding officer of the assisted agency, each agrees, to the extent permitted by law, to indemnify and hold the other harmless of and from any claims, lawsuits and/or causes of action arising out of the acts, omissions and conduct of its own officers, agents and/or employees. In the event that an act or acts undertaken pursuant to this Agreement is ordered by the commanding officer directing the voluntary cooperation or operational assistance situation, any defense or court costs and liability that might arise shall be the responsibility of the agency employing the commanding officer. However, nothing contained herein shall be construed to waive or modify the provisions of F.S. 768.28 or the doctrine of sovereign immunity as to any party hereto.
- N. This agreement shall be binding upon the parties from the date of execution by a party hereto and shall continue in full force and effect until terminated as provided herein below.
- O. This agreement shall be binding upon the parties from the date of execution and shall continue in full force and effect **until June 30, 2029.** However, any party hereto may withdraw or cancel such party's participation pursuant to this agreement without liability to the other party hereto by providing written notice of such withdrawal no less than ten (10) days prior thereto.
- P. This document reflects the full and complete understanding of the parties and may be modified or amended only by a document in writing signed by all of the parties hereto. **Upon full execution by all the Parties, this First Amended and Restated Pasco County Law Enforcement Mutual Aid Agreement replaces the Mutual Aid Agreement in its entirety, and supersedes all Amendments executed subsequent to the Original Mutual Aid Agreement.**

#### XV. Severability

If any provision of this Agreement shall be declared invalid for any reason, such invalidity shall not affect any of the remaining provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto cause these presents to be signed.

In acknowledgment and execution of the First Amended and Restated Pasco County Law Enforcement Mutual Aid Agreement, I hereby set my hand and seal:

PASCO SHERIFF'S OFFICE

\_\_\_\_\_  
CHRIS NOCCO, SHERIFF

STATE OF FLORIDA  
COUNTY OF PASCO

BEFORE ME, this, \_\_\_\_ day of \_\_\_\_\_, 2024 an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared, CHRIS NOCCO, Sheriff of Pasco County, Florida, who is personally known to me and who acknowledged he executed the foregoing Agreement.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
(Seal)

IN WITNESS WHEREOF, the parties hereto cause these presents to be signed.

In acknowledgment and execution of the First Amended and Restated Pasco County Law Enforcement Mutual Aid Agreement, I hereby set my hand and seal:

**As to the City of Dade City:**

Witness:

\_\_\_\_\_

Witness:

\_\_\_\_\_

\_\_\_\_\_  
James Shive, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
James Walters, Chief of Police

\_\_\_\_\_  
Date



IN WITNESS WHEREOF, the parties hereto cause these presents to be signed.

In acknowledgment and execution of the First Amended and Restated Pasco County Law Enforcement Mutual Aid Agreement, I hereby set my hand and seal:

**As to the City of New Port Richey:**

|                       |                                                      |
|-----------------------|------------------------------------------------------|
| <b>Witness:</b> _____ | _____                                                |
|                       | <b>Alfred Davis, Mayor                      Date</b> |
| <b>Witness:</b> _____ | _____                                                |
|                       | <b>Robert Kochen, Chief of Police      Date</b>      |

IN WITNESS WHEREOF, the parties hereto cause these presents to be signed.

In acknowledgment and execution of the First Amended and Restated Pasco County Law Enforcement Mutual Aid Agreement, I hereby set my hand and seal:

**As to the City of Port Richey:**

**Witness:** \_\_\_\_\_

\_\_\_\_\_  
**Matthew Coppler, City Manager      Date**

**Witness:** \_\_\_\_\_

\_\_\_\_\_  
**Ashlee McDonough, City Clerk      Date**

IN WITNESS WHEREOF, the parties hereto cause these presents to be signed.

In acknowledgment and execution of the First Amended and Restated Pasco County Law Enforcement Mutual Aid Agreement, I hereby set my hand and seal:

**As to the City of Zephyrhills:**

**Witness:** \_\_\_\_\_

\_\_\_\_\_  
**Kenneth Burgess, Council President    Date**

**Witness:** \_\_\_\_\_

\_\_\_\_\_  
**Derek Brewer, Chief of Police    Date**

## **BUSINESS ITEMS/PUBLIC HEARING 2.1**

Transportation, Public Safety, and Park Impact Fees

First Reading **ORDINANCE NO. 1481-24 - "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING CHAPTER 155 – IMPACT FEES, OF THE CITY OF ZEPHYRHILLS CODE OF ORDINANCES; ADOPTING SIMPLIFIED LAND USE CATEGORIES WITHIN THE TRANSPORTATION IMPACT FEE SCHEDULES; ADOPTING A TIMELINE AND PHASING FOR IMPLEMENTATION OF AMENDED IMPACT FEES; ADOPTING AN UPDATED METHODOLOGY FOR IMPACT FEE ANALYSIS; ADOPTING AN UPDATED IMPACT FEE STUDY; PROVIDING FOR THE EFFECT OF THE TRANSPORTATION IMPACT FEE ORDINANCE ON OTHER REGULATIONS AND DEVELOPMENT ORDERS; PROVIDING FOR PURPOSE AND INTENT PROVIDING DEFINITIONS; PROVIDING RULES OF CONSTRUCTION; PROVIDING FINDINGS; PROVIDING FOR CONFLICT SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1481-24 on the First Reading

### **Issue:**

The City originally adopted transportation impact fees in 1999. It most recently amended them in 2015, but most of the fees continue to be based on 40% of the calculated fees from a 2007 study – only five of 36 land uses are based on the 2015 study. These five new uses were added at 60% of the updated 2015 fees. A proposed phase-in of the other fees did not take place. Parks and public safety fee ordinances were originally adopted in 2004 and 2005 based on 2004 studies, and have not been updated since.

### **Background:**

The Impact Fee Study helps the City of Zephyrhills with updating our transportation, parks, and public safety impact fees. In addition to the impact fee study, the project includes the preparation of impact fee ordinance amendments to implement the recommendations of the study. Finally, it includes a description of circumstances that reasonably demonstrate that an extraordinary need exists to exceed the limitations on impact fee increases for transportation and public safety fees, as required by the Florida Impact Fee Act.

### **Changes in Methodology**

The current transportation fees rely on non-local data for a number of important inputs, including travel demand (miles of travel per day) and cost per lane-mile. In this update, travel demand by land use is calibrated to ensure that the fees are only charging for travel on major roads within

the city limits, and the cost per lane-mile is based on recent improvements to major roads in Zephyrhills.

The original public safety fees were calculated using fire calls by land use, because police calls were not available. This is not an option in this update, because the city no longer provides fire rescue service. The alternative “functional population” approach used in this update bases demand for service by land use on where people are located.

### **Changes in Land Use Categories**

The transportation categories are proposed to be reduced from 36 to nine. Advantages include greater ease in classifying proposed developments, recognition of long term impacts (uses of many commercial buildings often change over time), reduced need for change of use fees, and greater incentives to reuse existing buildings. Additional land use categories are being added for the public safety fees. The functional population approach inherently requires more than one residential and one nonresidential category.

The residential categories are the same for all three fee types: single-family detached and multi-family. The nonresidential categories for transportation and public safety are similar. The difference is that the commercial and office categories for transportation exclude certain higher-intensity uses (fast food restaurants, convenience stores with gas pumps, and medical offices), while the public safety fees include those uses. To distinguish the broader categories, the transportation categories are referred to as general commercial and general office, while the public safety categories are referred to as commercial and office.

### **Changes in Fees**

Updated maximum impact fees by land use for transportation, parks, and public safety are summarized below.

| <b>Land Use Type</b>    | <b>Unit</b>   | <b>Transportation<br/>Updated Fees</b> | <b>Parks</b> | <b>Public Safety</b> | <b>Total</b> |
|-------------------------|---------------|----------------------------------------|--------------|----------------------|--------------|
| Single-Family Detached* | Dwelling      | \$5,704                                | \$880        | \$524                | \$7,108      |
| Multi-Family**          | Dwelling      | \$4,082                                | \$704        | \$421                | \$5,207      |
| Commercial***           | 1,000 sq. ft. | \$9,668                                | N/A          | \$1,362              | \$11,030     |
| Fast Food Restaurant    | 1,000 sq. ft. | \$21,544                               | N/A          | \$1,362              | \$22,906     |
| Conv. Store w/Gas Pumps | Fuel Position | \$4,200                                | N/A          | N/A                  | N/A          |
| Office                  | 1,000 sq. ft. | \$4,984                                | N/A          | \$786                | \$5,770      |
| Medical Office****      | 1,000 sq. ft. | \$15,475                               | N/A          | \$786                | \$16,261     |
| Industrial/Warehouse    | 1,000 sq. ft. | \$1,011                                | N/A          | \$123                | \$1,134      |
| Public/Institutional    | 1,000 sq. ft. | \$2,509                                | N/A          | \$380                | \$2,889      |

\* includes mobile home not in mobile home park

\*\* includes space in mobile home/RV park

\*\*\* excludes fast food restaurant and convenience store for transportation, and includes them for public safety

\*\*\*\* excludes medical office for transportation, and includes it for public safety

**Attachment(s):**

1. ORDINANCE NO 1481-24 Transportation\_ Public Safety\_ and Park Impact(30996332.1)
2. zephyrhills study final4 (2)
3. Impact fee presentation 7-8-2024 rev

**Fiscal Impact:**

If approved, the Impact Fees will provide additional revenue for funding various transportation, parks, and public safety related projects.

**Staff Recommendation:**

Staff recommends approval of Ordinance 1481-24 on the first reading.

**ORDINANCE NO.: 1481-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AMENDING CHAPTER 155 – IMPACT FEES, OF THE CITY OF ZEPHYRHILLS CODE OF ORDINANCES; ADOPTING SIMPLIFIED LAND USE CATEGORIES WITHIN THE TRANSPORTATION IMPACT FEE SCHEDULES; ADOPTING A TIMELINE AND PHASING FOR IMPLEMENTATION OF AMENDED IMPACT FEES; ADOPTING AN UPDATED METHODOLOGY FOR IMPACT FEE ANALYSIS; ADOPTING AN UPDATED IMPACT FEE STUDY; PROVIDING FOR THE EFFECT OF THE TRANSPORTATION IMPACT FEE ORDINANCE ON OTHER REGULATIONS AND DEVELOPMENT ORDERS; PROVIDING FOR PURPOSE AND INTENT PROVIDING DEFINITIONS; PROVIDING RULES OF CONSTRUCTION; PROVIDING FINDINGS; PROVIDING FOR CONFLICT SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council has authority to adopt this ordinance through general home rule powers pursuant to Article VIII of the 1968 Florida Constitution, and Chapters 166 and 163, Florida Statutes; and

**WHEREAS**, the City is hired a consultant to conduct an impacted impact fee study to determine if changes need to be made to the current impact fee calculation and fee amounts; and

**WHEREAS**, increasing the capacity of arterial, collector and other roads to make them safe and more efficient, in coordination with a plan for the control of traffic, is the recognized responsibility of the City through Chapter 166, Florida Statutes, and is in the best interest of the public health, safety and welfare; and

**WHEREAS**, planning for the necessary expansion of transportation improvements, the need for additional Police Officers and related expansion of the Police Department expansion, and the need for additional parks and recreation areas created by development activity generating new traffic and increasing the City population through the comprehensive planning process, and the implementation of these plans, is a mandatory responsibility of the City through Section 163.3161, et seq., Florida Statutes, and is in the best interest of public health, safety and welfare; and

**WHEREAS**, the City has studied the necessity for, and implications of, the imposition of impact fees for funding the expansion of the City's transportation facilities, City Police Department, and City parks and recreation area; and

**WHEREAS**, the City has found and determined that impact fees are appropriate for funding the expansion of the City's transportation facilities, City Police Department, and City parks and recreation area; and

**WHEREAS**, the City has found and determined that an amendment to the impact fee ordinance is necessary and in the best interest of the citizens of the City of Zephyrhills; and

**WHEREAS**, this ordinance shall apply to the incorporated area of the City Zephyrhills and is consistent with the City of Zephyrhills Comprehensive Plan; and

**WHEREAS**, the City Council desires to hereby formally adopt this amendment to Section 155 of the City of Zephyrhills Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Zephyrhills, Florida, as follows:

## **Section 1. Recitals.**

The Whereas Clauses above are true and accurate and are incorporated by reference and made a part of this Ordinance.

## **Section 2. Authority.**

This Ordinance is enacted pursuant to Chapter 163, Florida Statutes, and under the home rule powers of the City.

## **Section 3. Amendments.**

That CHAPTER 155. – IMPACT FEES is hereby repealed in its entirety and replaced with the following:

### **§ 155.01 SHORT TITLE, AUTHORITY, AND APPLICABILITY.**

- (A) This chapter shall be known and may be cited as the "Impact Fees Ordinance."
- (B) The City Council has authority to adopt this chapter through Fla. Stat. § 163.31801.
- (C) Increasing the capacity of transportation, park, and public safety facilities to accommodate growth and development is in the best interest of public health, safety and welfare.
- (D) This chapter shall apply to the incorporated area of the city except as specifically provided by any duly executed intergovernmental agreement with the county or the state.

### **§ 155.02 INTENT AND PURPOSE.**

(A) The City Council has determined and recognized through adoption of the City of Zephyrhills Comprehensive Plan that growth which the city is experiencing will necessitate additional transportation, park, and public safety improvements and make it necessary to regulate development activity generating new demands on such facilities in order to maintain an acceptable level of service and quality of life within the city. In order to finance the necessary growth-related capital improvements, additional methods of financing will be necessary, one of which will require development activity generating new demands on such facilities to pay transportation, park, and public safety impact fees not to exceed a pro rata share of the reasonably anticipated expansion costs of these facilities.

(B) The purpose of this chapter is to continue to enable the city to allow new development consistent with the adopted Comprehensive Plan, and to regulate development activity generating new demands on transportation, park, and public safety facilities to require it to share in the burdens of growth by paying its pro rata share for the reasonably anticipated expansion costs of expanding those facilities. In this way, growth will help pay for itself, and the existing residents of the city will not have the full financial burden of providing the increased capacity to accommodate new development.

(C) It is not the purpose of this chapter to collect any money from development activity in excess of the actual amount necessary to offset the demand on the city's transportation, park, and public safety systems generated by the new development. It is specifically acknowledged that this chapter has approached the problem of determining the transportation, park, and public safety impact fees in a conservative and reasonable manner.

### **§ 155.03 RULES OF CONSTRUCTION.**

For the purpose of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter.



(A) In the case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

(B) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(C) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(D) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".

(E) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(F) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events shall apply singly or in any combination.

(G) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind of character.

#### § 155.04 GENERAL DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING OR STRUCTURE.** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**BUILDING.** Any structure, having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind for a period of time in excess of four weeks in any one calendar year. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building.

**BUILDING PERMIT.** An official document or certificate issued by the authority having jurisdiction, authorizing the construction of any building. The term shall also include site plan approval, tie-down permit, or other development permit or approval for those structures, buildings, or use of land that do not require a building permit in order to be occupied or used.

**CAPITAL IMPROVEMENT.** Any long-term investment of public funds for the acquisition, construction, or improvement of public lands or facilities that, by reason of its size and cost, is nonrecurring in the local budget.

**CAPITAL IMPROVEMENT PLAN or CIP.** A multi-year schedule of capital improvement projects, including priorities and cost estimates, budgeted to fit the financial resources of the community. This plan is updated annually and is part of the city's Comprehensive Plan.

**COMMUNITY REDEVELOPMENT DISTRICT (CRA).** The area as expanded in 2015 and as reflected on the legal description and survey attached to Ord. 1309-16 as Exhibit "A" and by reference made apart hereof.

CITY MANAGER. The City Manager of the City of Zephyrhills or designee.

DEVELOPMENT PERMIT. An official document or certificate, other than a building permit, issued by the authority having jurisdiction, authorizing commencement of land development activity. This term includes any mining permit, landfilling permit, or other final plan approval for land development activity not involving construction of a building.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ELIGIBLE IMPROVEMENTS. Improvements or land that enhance the capacity of the transportation, park, or public safety systems, but do not include site-related transportation improvements or the operation, maintenance, repair, or replacement of existing improvements, provided that replacement of an existing improvement or facility with a new improvement or facility of greater capacity shall be partially eligible based on the increase in capacity.

ENCUMBER. An irrevocable commitment through an agreement or purchase order or a contract.

EXTERNAL TRIP. Any trip which either has its origins from or its destination to the development site and which impacts the major road system.

IMPACT FEE STUDY. The technical report that calculates the maximum impact fees that may be charged by the City.

INTERNAL TRIP. A trip that has both its origin and destination within the development site.

MAJOR ROAD SYSTEM. All arterial and collector roads within or benefitting the city and designated or identified in the adopted city Comprehensive Plan, including new arterial and collector roads necessitated by new development.

NEW DEVELOPMENT. The carrying out of any building activity or the making of any material change in the use or size of any structure or land that creates additional demands on transportation, park, or public safety facilities over and above that produced by the existing use of the land.

NON-COMMENCEMENT. Notice to the city of intent not to commence development or the date of expiration of a building permit.

PARK FACILITIES. Public parks and recreation land, buildings, recreational amenities, associated improvements, and vehicles or other capital equipment with a minimum five-year useful life.

PLANNED DEVELOPMENT. A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final master land use plan, including but not limited to planned unit developments, master planned unit developments, planned commercial developments and similar planned developments.

PUBLIC SAFETY FACILITIES. Police stations, other buildings or portions of buildings owned by the city and used for police support functions, vehicles, and other equipment with a useful life of at least five years.

RIGHT-OF-WAY. Land, property, or interest therein, that is necessary to accommodate all of the required elements for and to support the construction and/or improvement of roads, streets, highways, and bridges on the major road system.

SITE ACCESS IMPROVEMENTS. Improvements to transportation facilities at or near the development site which are necessary to interface the developments 's with the major road system or which are necessary to interface the developments internal trips with the major road

system where a portion of the major road system is included within the development; i.e., project drives, turn-lanes, signalization, etc. It shall also include improvements designed to ensure safe and adequate ingress and egress.

**SITE RELATED IMPROVEMENTS.** Improvements to transportation facilities at or near the development site which are necessary to interface the development's external trips with the major road system or which are necessary to interface the development's internal trips with the major road system where a portion of the major road system is included within the development (i.e., project drives, turn lanes, signalization, etc.). It shall also include improvements designed to ensure safe and adequate ingress and egress. For purposes of this chapter, site related improvements include, but are not limited to, any right-of-way dedications necessary to construct the first four lanes of a roadway on the major road system within the development site, and design and construction of any portion of the first two lanes of a roadway on the major road system within the development site, including all roadway facilities necessary for the design and construction of the first two lanes of such roadway.

**SQUARE FEET or SQUARE FOOTAGE (SF).** In both this chapter and the fee schedules shall mean the area under roof used for occupancy or storage that is used to calculate the square footage of the development, including the gross area measured in square feet from the exterior faces or the exterior walls or other exterior boundaries of the building, excluding areas within the interior of the building which are utilized for parking.

**TRANSPORTATION FACILITIES.** Collector and arterial roads including rights-of-way and improvements typically associated with major roadways.

#### § 155.05 ADOPTION OF IMPACT FEE STUDY. .

The technical data, findings, and conclusions herein are based on the city's Comprehensive Plan and the impact fee study. The Council hereby adopts and incorporates by reference the Zephyrhills Impact Fee Study, dated June 5, 2024, prepared by Duncan Associates.

#### § 155.06 IMPOSITION OF FEES.

The impact fees for transportation, park, and public safety facilities shall be assessed upon the issuance of any building permits for any new development and shall be collected and payable before the release of final power (pre-meter) in accordance with the fees set forth herein. In the event that a building permit has been applied for and deemed complete prior to the effective date of an ordinance increasing the impact fees, the impact fees for such building permit will be calculated based on the fees in effect at that time.

#### § 155.07 ASSESSMENT OF FEES.

(A) Upon receipt of a complete application for a building permit (or prior to the issuance of a development permit where a building permit is not required) the City Manager shall calculate the applicable impact fees in accordance with this chapter.

(B) A person may request at any time a non-binding estimate of the impact fees due for a particular development, however, such estimate is subject to change when a complete application for a building permit is made.

(C) Impact fees shall be calculated as set forth herein based on the fees in effect at the time of the city's issuance of a building permit, except where otherwise provided for in this chapter.

#### § 155.08. IMPACT FEE SCHEDULES.

The impact fees shall be assessed and collected based on the following schedules.

- (1) Transportation Impact fee schedule effective October 21, 2024.

| Land Use Type              | Unit          | Fee/Unit |
|----------------------------|---------------|----------|
| Single-Family Detached*    | Dwelling      | \$5,704  |
| Multi-Family**             | Dwelling      | \$4,082  |
| General Commercial         | 1,000 sq. ft. | \$9,668  |
| Fast Food Restaurant       | 1,000 sq. ft. | \$21,554 |
| Conv. Store with Gas Pumps | Fuel Pos.     | \$4,200  |
| General Office             | 1,000 sq. ft. | \$4,984  |
| Medical Office             | 1,000 sq. ft. | \$15,475 |
| Industrial/Warehouse       | 1,000 sq. ft. | \$1,011  |
| Public/Institutional       | 1,000 sq. ft. | \$2,509  |

\* includes mobile home not in mobile home park

\*\* includes space in mobile home/RV park

(2) Public safety impact fee schedule effective October 21, 2024.

| Land Use Type           | Unit          | Fee/Unit |
|-------------------------|---------------|----------|
| Single-Family Detached* | Dwelling      | \$524    |
| Multi-Family**          | Dwelling      | \$421    |
| Commercial              | 1,000 sq. ft. | \$1,362  |
| Office                  | 1,000 sq. ft. | \$786    |
| Industrial/Warehouse    | 1,000 sq. ft. | \$123    |
| Public/Institutional    | 1,000 sq. ft. | \$380    |

\* includes mobile home not in mobile home park

\*\* includes space in mobile home/RV park

(3) Park impact fee schedule effective October 21, 2024.

| Land Use Type           | Unit     | Fee/Unit |
|-------------------------|----------|----------|
| Single-Family Detached* | Dwelling | \$825    |
| Multi-Family**          | Dwelling | \$684    |

\* includes mobile home not in mobile home park

\*\* includes space in mobile home/RV park

(4) Park impact fee schedule effective October 21, 2025.

| Land Use Type           | Unit     | Fee/Unit |
|-------------------------|----------|----------|
| Single-Family Detached* | Dwelling | \$880    |
| Multi-Family**          | Dwelling | \$704    |

\* includes mobile home not in mobile home park

\*\* includes space in mobile home/RV park

(B) The City Manager shall determine the appropriate land use type based on the following definitions of the land use categories.

**SINGLE-FAMILY DETACHED.** A building containing only one dwelling unit, including a mobile home not located in a mobile home park.

**MULTI-FAMILY.** A building containing two or more dwelling units. It includes duplexes, apartments, residential condominiums, townhouses, and timeshares. The fee per dwelling unit for this category also applies per space for new mobile home and recreational vehicle parks.

**MOBILE HOME/RV PARK.** A parcel (or portion thereof) or abutting parcels of land designed, used or intended to be used to accommodate two or more occupied mobile homes or recreational vehicles (RVs), with necessary utilities, vehicular pathways, and mobile home/RV pads or spaces.

**COMMERCIAL.** An integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the

public of goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure, or the provision of services not located within an office building. This category includes but is not limited to all uses located in shopping centers and the following typical types of free-standing uses: Amusement park, bank, book store, camera shop, car sales, car wash, convenience store, department store, discount store, florist shop, gas station, health or fitness club, hotel, laundromat, laundry or dry cleaning, lawn and garden supply store, marina, massage establishment, motel, movie theater, music store, newsstand, racetrack, recreation facility (commercial), repair shop, restaurant, service station, specialty retail shop, used merchandise store, variety store, and vehicle and equipment rental.

**GENERAL COMMERCIAL.** Same as Commercial, except that it excludes Fast Food Restaurant and Convenience Store with Gas Pumps.

**FAST FOOD RESTAURANT.** An establishment that sells meals prepared on site, and provides drive-through or drive-in service.

**CONVENIENCE STORE WITH GAS PUMPS.** An establishment offering the sale of motor fuels and convenience items to motorists.

**OFFICE.** A building exclusively containing establishments providing executive, management, administrative, financial, medical or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or childcare facilities. It may be the upper floors of a multi-story office building, excluding ground floor retail uses. Typical uses include hospitals; offices for medical services, real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to a different primary use of the site.

**GENERAL OFFICE.** Same as Office, except that it excludes Medical Office.

**MEDICAL OFFICE.** A building used exclusively for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients) by health professionals, and which may include ancillary services for medical office workers or a medical laboratory to the extent necessary to carry out diagnostic services for the patients.

**INDUSTRIAL/WAREHOUSE.** Any of the following:

Industrial - a facility primarily intended for the production or assembly of goods, processing of foods, mining of raw materials, or similar activities. Typical uses include factories, welding shops, wholesale bakeries, and water and wastewater treatment plants.

Warehouse - an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations and major mail processing centers.

Mini-warehouse - an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

**PUBLIC/INSTITUTIONAL.** A governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center or separately listed in the impact fee schedule. Typical uses include schools, colleges, day care centers, nursing homes,

churches, prisons, city halls, courthouses, post offices, jails, libraries, fire stations, museums, military bases, airports, bus stations, parks and playgrounds.

(C) The fee per residential unit or fee per non-residential square footage or fueling position shall be multiplied by the feepayer's total number of units for residential property or total number of square feet or number of fueling positions for non-residential property. The total will then be multiplied by 1.05 to accommodate the general administrative charge of 5%. The resulting total is the impact fees and administrative charge that shall be paid by the feepayer. The 5% general administrative cost portion of the payment shall be deposited into a separate operating account of the city and shall be used solely to pay the costs of administering the impact fee. The fees in this section shall not exceed the limited imposed by Florida Statutes.

(D) In the case of development activity involving a change of use or magnitude of use in which a building permit is required, the proposed development shall be required to pay an impact fee only for the increase in the development activity. The impact fee shall be the difference between the computed impact fee for the proposed development activity and the computed impact fee for the existing development activity as defined above. No refunds will be given for proposed development activity resulting in a negative fee calculation.

(E) In determining existing development activity and the units or square feet of proposed or existing development, the City Manager or designee shall use the building permit and certificate of use information contained in the building or zoning records of the city or other governmental agencies.

#### § 155.09. PAYMENT OF IMPACT FEES.

(A) Impact fees due may be paid using cash, money order, check, or credit card. If any such payment is not promptly collectable, the city will void the approval of the applicable permit and halt any further reliance on the permit until the fees are collected.

(B) Any applicable available development credits that are requested to be used prior to payment shall be deducted from amount due for the transportation, park, or public safety impact fees in accordance with the provisions of § 155.13.

#### § 155.10 INDEPENDENT FEE COMPUTATION STUDY.

(A) The feepayer may elect, prior to paying the impact fees from the fee schedules, to utilize an independent fee study prepared by a qualified professional for one or more of the applicable fees. The feepayer shall provide the City Manager or his or her designee notice of intent to utilize an independent fee computation study prior to the issuance of any building permit on the property for which the fee is due. Nothing in this section shall allow a building permit for development activity to be issued without the payment of the applicable impact fees.

(B) If the feepayer elects to utilize an independent fee computation study, the feepayer shall, at his or her own expense, prepare and present to the City Manager, a study that documents the basis upon which the value of each of the components of the fee formula were determined. The burden shall be upon the feepayer to provide the data, analysis, and reports necessary for the City Manager or his or her designee to make a determination. The analysis and report must be based on the same methodology set forth in the impact fee study.

(C) The City Manager or his or her designee shall determine whether the independent fee computation study accomplishes the following:

(1) Adheres to the impact fee methodology used in the impact fee study;

(2) Ensure the inputs to the calculation reasonably reflect the long-term impacts (20 years or more) of the development, rather than unique characteristics of the proposed initial occupant or use;

(3) Provides complete, thorough, and accurate information; and

(4) Is prepared by a qualified professional.

(D) Upon approval of the independent fee computation study by the City Manager or his or her designee based upon a determination that the conditions described above have been fully met, the feepayer shall pay the amount of the fee so computed and be entitled to a refund of any amount previously paid in excess thereof.

(E) Any appeal from a decision of the City Manager or his or her designee to reject an independent fee computation study shall be filed within 30 days of the written determination with the City Council.

#### § 155.11 EXEMPTIONS.

The following shall be exempted from payment of the impact fees:

(1) Alteration or expansion of an existing residential dwelling unit or the construction of accessory residential structures.

(2) The replacement of a building or structure with a new building or structure of the same size and use provided that the structures or buildings existed on or after November 1990 and no additional demands on transportation, park, or public safety facilities will be produced over and above those produced by the original use of the land.

(3) The construction of publicly-owned governmental buildings.

#### § 155.12 CRA WAIVERS.

The Community Redevelopment Authority (CRA) shall have the following authority to waive or reduce transportation impact fees.

(1) The City Council hereby grants authority to the CRA Commission to waive or reduce transportation impact fees on redevelopment projects of existing structures under 1,000 square feet within the CRA District that the CRA Commission determines to further the goals of the CRA and conforms to the CRA Master Plan.

(2) The City Council hereby grants authority to the CRA Commission to waive or reduce transportation impact fees on new development projects of existing structures of 1,000 square feet or more within the CRA District that meet the following criteria:

(a) Project furthers the goals of the CRA Master Plan;

(b) Project must be commercial property that is non-retail;

(c) The business must serve a public purpose by advancing the economic prosperity and the general welfare of the people with consideration to the environment of the city;

(d) The business activity provides specific benefits to the city, including, but not limited to, increased ad valorem taxation, employment, education, and increased revenues for existing utilities; and

(e) The business will provide gainful full-time employment to the citizens of the city.

(3) The City Council hereby grants authority to the CRA Commission to waive or reduce transportation impact fees on new construction projects within the CRA District that meet the following specific minimum qualification criteria:

(a) Create a minimum of 15 full-time employees;

(b) Has 10,000 square feet of enclosed permanent structure; and

(c) Provides an average annual income for full-time employee position that meets the per-capita income for the Tampa MSA.

(4) All new developments within the CRA district shall be assessed transportation impact fees unless specifically reduced or waived by the CRA Commission.

(5) Developers wishing to have transportation impact fees reduced or waived shall petition the CRA before beginning construction. All petitions shall be submitted in writing and shall describe the new development, state how the new development furthers the goals of the CRA and state how the new development is consistent with the CRA Master Plan.

#### § 155.13 DEVELOPMENT CREDITS.

(A) An applicant may obtain credit for up to 100 percent of transportation, park, or public safety impact fees otherwise due or to become due by offering to dedicate land for, construct, or make monetary contributions for Eligible Improvements included in the City's current Capital Improvements Plan. If a person elects to and the City Manager approves construction of an improvement other than that scheduled in the current year CIP, the person shall not receive credits until the year the improvement is scheduled for construction by the appropriate governmental entity. To receive a credit, applicants must file an impact fee credit application and provide required information and documentation as required by this section or as determined necessary by the City. Any claim to utilize credits must be made no later than the time of payment of the impact fee. Credits may be assigned or transferred to another development project within the city limits, provided, however, that the transfer to another property shall not be permitted until the development for which the credit was initially established has been completely built out in accordance with city development approvals.

(B) Transportation right-of-way dedication credits may be granted, at the discretion of City Council, for major roadway system projects not in the current Capital Improvement Plan but identified in the Pasco County Needs Plan for right-of-way, or in a City Council approved roadway plan. However, such credits shall not be available for use until the year the right-of-way acquisition phase is scheduled by the appropriate governmental entity.

(C) An offer to make capital improvements or dedicate land in lieu of paying impact fees shall be made in an application filed with the City identifying the capital improvements and/or land dedications for which credits are requested. The applicant shall specify the dollar amount of the credit requested. The credit claimed by the applicant as the basis for the credit requested shall be no more than fair market value as determined by the City. It is the obligation of the applicant to submit documentation to the satisfaction of the City that supports the amount of the credit requested and describes the basis on which the amount requested was calculated.

(D) If the City accepts such an offer, the credit shall be determined and provided in the following manner.

(1) The City Manager shall determine credits for the dedication of land based on the most recent market value of the land as determined by the Pasco County Property Appraiser.

(2) The City Manager shall determine credits for the construction of capital improvements from the certified engineering criteria and construction cost estimates provided by the applicant and accepted by the City.

(3) Once the City Manager has made a credit determination, a written credit agreement or development order shall be provided to the applicant. The applicant shall sign and date the agreement and return the document to the City, which shall be binding on both parties as to the terms and conditions of the credit upon the City Council's approval.



(4) Once the amount and terms of the credit are determined, credits for land dedication will be provided following delivery of a fully executed deed or other appropriate conveyance document, and acceptance of the dedication by the City Council. Credits for construction will be made upon completion in compliance with all applicable local state and federal design specifications, laws and regulations and acceptance by the City Council.

(5) Any person who offers land and/or improvements in exchange for credits may withdraw the offer at any time prior to the transfer of legal title to the land or improvements in question and pay the full impact fees required by this section.

(E) Any claim for credit pursuant to this section must be filed with the City Manager or his or her designee prior to the final approval of the applicable building or development permit. Any feepayer claiming such credits shall present documentation and any other evidence of a donation of real property or a monetary contribution for capital equipment or facilities.

(F) Credits will expire if not used within ten (10) years after the receipt of the deed for land dedication or the city's acceptance of the improvements constructed.

(G) If an impact fee is increased, the holder of any impact fee credits before the increase is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established.

(H) Credit shall be provided for any improvement or contribution, whether identified in a development order, proportionate share agreement, or any form of exaction, related to public facilities, including monetary contributions, land dedication, site planning and design, or construction. Any such contribution shall be provided credit on a dollar-for dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.

#### § 155.14 IMPACT FEE FUNDS.

(A) There are hereby established separate special revenue funds for transportation, park, and public safety impact fees.

(B) Funds may be withdrawn from these special revenue funds for use solely in accordance with the provisions of § 155.15, provided that the disbursement of such funds shall require the approval of the City Council, after recommendation of the City Manager.

#### § 155.15 APPROPRIATION OF IMPACT FEE FUNDS.

(A) In general, transportation, park, and public safety impact fees shall be appropriated for Eligible Improvements applicable to the type of impact fee, for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the city to finance such improvements, or for refunds of impact fees paid pursuant to § 155.16. Types of Eligible Improvements for the transportation, parks, and public safety impact fees are described in the following three subsections.

(B) Transportation impact fee funds may be expended for, but are not limited to, the following types of Eligible Improvements, including joint participation in projects with the Florida Department of Transportation and/or Pasco County:

- (1) Design, permits, route studies, and construction plan preparation;
- (2) Right-of-way acquisition and related costs;
- (3) Construction of through lanes;
- (4) Construction of turn lanes and other intersection improvements;
- (5) Construction of bridges;

(6) Construction of drainage facilities and mitigation areas in conjunction with roadway construction;

(7) Design, purchase and installation of traffic signalization;

(8) Construction of roads, curbs, medians and shoulders;

(9) Relocating utilities to accommodate roadway construction;

(10) Any other improvements or amenities typically associated with the construction of transportation facilities, including sidewalks and multi-use paths.

(C) Park impact fee funds may be expended for, but are not limited to, the following types of Eligible Improvements:

(1) Planning, design, and construction plan preparation for park improvements;

(2) Permitting and fees;

(3) Park land acquisition, including any costs of acquisition or condemnation;

(4) Relocation of utilities required by the construction of improvements and additions to park facilities;

(5) Landscaping and site preparation, including demucking, filling to flood criteria and compaction;

(6) Construction management and inspection;

(7) Surveying, soils and materials testing and removal of hazardous and solid waste materials;

(8) Acquisition of capital equipment for park services; and

(9) Installation of recreational amenities and other improvements associated with parks and recreation facilities development or expansion.

(10) Purchase of vehicles or other capital equipment for park services.

(D) Public safety impact fee funds may be expended for, but are not limited to, the following types of Eligible Improvements:

(1) Planning, design, and construction plan preparation;

(2) Permitting and fees;

(3) Land and materials acquisition, including any costs of acquisition or condemnation;

(4) Relocation of utilities required by the construction of improvements and additions to public safety facilities;

(5) Design and construction of new drainage facilities required by the construction of improvements and additions to public safety facilities;

(6) Landscaping and site preparation, including demucking, filling to flood criteria and compaction;

(7) Construction management and inspection;

- (8) Surveying, soils and materials testing and removal of hazardous and solid waste materials;
- (9) Acquisition of capital equipment for public safety services;
- (10) Purchase of land for additional public safety service buildings and support facilities needed to accommodate new growth; and
- (11) Purchase of vehicles or other capital equipment for public safety services.

(E) To reiterate from its definition, Eligible Improvements do not include site-related transportation improvements or the operation, maintenance, repair, or replacement of existing improvements. However, the definition also provides that replacement of an existing improvement or facility with a new improvement or facility of greater capacity shall be partially eligible based on the increase in capacity. This means that impact fee funds shall not be used for acquisition of new vehicles or equipment that simply replace existing vehicles or equipment, but instead increase the fleet of vehicles or stock of equipment currently in active use. An increase in capacity of replacement facilities or capital equipment can be quantified in different ways, such as the increase in square footage of a replacement police station, the increase in surface area of a replacement swimming pool, or the increase in cost of a replacement communication device with enhanced capabilities over the cost to replace the existing device.

#### § 155.16 REFUNDS BY THE CITY.

(A) Upon request, the impact fees collected pursuant to this chapter shall be returned to the present owner if the fees have not been spent or encumbered within eight (8) years from the date they were collected. Refunds shall be made in accordance with the following procedure:

(1) The present owner of the property for which an impact fee was paid must petition the City Council for the refund within one year following the end of the eighth year from the date on which the fee was paid.

(2) The petition must be submitted to the City Manager and must contain:

(a) A notarized sworn statement that the petitioner is the current owner of the property;

(b) The original dated receipt issued for payment of the fee or other evidence of payment acceptable to the City Manager.

(c) A certified copy of the latest recorded deed; and

(d) A copy of the most recent ad valorem tax bill.

(3) Within 90 days from the date of receipt of a petition for refund, the City Manager will advise the petitioner and the City Council of the status of the fee requested for refund. For the purposes of this section, fees collected shall be deemed to be spent on the basis of the first fee in shall be the first fee out. In other words, the first money placed in a special revenue fund shall be the first money taken out of that account when withdrawals have been made.

(4) When the money requested for refund is still in a special revenue fund and has not been expended by the end of eight years from the date the fees were paid, pursuant to this section, the unexpended fees shall be refunded with interest at a rate equal to the eight year average annual rate earned by the city in the Local Government Surplus Funds Trust Fund administered by the Florida State Board of Administration. Interest on the unexpended amount remaining in the special revenue fund shall be calculated from the date the fees were collected to the end of the eight year period.

(B) The fees collected pursuant to this chapter shall be returned to the present owner if the permitted development activity is canceled due to non-commencement of construction before

the funds have been encumbered and expended pursuant to the terms of this chapter. For purposes of this section, non-commencement means either notice to the city of intent not to commence development or the date of expiration or revocation of a building permit. Refunds shall be made in accordance with division (A) of this section, provided that the present owner petitions the City Council for the refund within 90 days from the date of non-commencement. However, an administrative process fee of \$500 or 15% of the applicable impact fee, whichever is less, shall be retained by the city.

(C) If no claim is made within the time period prescribed by this section for the money eligible for refund, then said money shall be returned to the appropriate trust fund and shall be utilized for the purposes described above. For the purpose of refunds under this section, monies collected shall be deemed to be spent or encumbered for the expenditure on the assumption that the first money placed in the trust fund shall be the first money taken out of the fund when withdrawals are made.

#### § 155.17 APPEALS.

(A) A person who is required to pay an impact fee pursuant to this chapter shall have the right to request an appeal hearing before the City Council.

(B) Such appeal hearing shall be limited to the following:

(1) the City Manager's determination on the appropriate land use category for the proposed use pursuant to § 155.08(B);

(2) the City Manager's determination on the applicability of an exemption for the proposed use pursuant to § 155.11;

(3) the City Manager's denial of a credit application pursuant to § 155.13; or

(4) the City Manager's denial of an application for a refund pursuant to § 155.16.

(C) Except as otherwise provided in this chapter, a person shall request such appeal hearing within 30 days of the denial of an exemption or credit, whichever is applicable.

(D) Failure to request an appeal hearing within the time provided shall be deemed a waiver of such right.

(E) The request for an appeal hearing shall be filed with the Council through the City Manager. The request shall contain the following:

(1) The name and address of the applicant or successor in interest;

(2) The legal description of the property in question;

(3) A statement of the reasons why the hearing is requested and supported by documentation and exhibits with regard to the basis for the appeal; and

(4) A filing fee of \$250 or as amended by resolution by City Council from time to time.

(F) Upon receipt of such request, the City Manager shall schedule an appeal hearing as a department matter before the Council at a regularly scheduled meeting or a special meeting called for the purpose of conducting such hearing and shall provide the person written notice of the time and place of the hearing. The appeal hearing shall be held within 60 days of the date that the request for such hearing was properly filed.

(G) Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the appeal hearing shall be conducted in a fair and impartial manner with

each interested party having an opportunity to be heard and to present information and evidence. The Council shall make known its determination at the end of the hearing.

§ 155.18 CITY ENFORCEMENT.

The City Manager is specifically authorized to take any and all steps and actions that are legally available to the city, including any court proceedings as are authorized by law, against any person who fails, neglects or refuses to pay a transportation, park, or public safety impact fee as required by this chapter. The city shall also be entitled to file a lien upon the real property, and may enforce same in the manner as action for foreclosure. In any action to foreclose a lien pursuant to this chapter the city shall, in addition to damages, be entitled to reasonable attorney fees. This provision shall apply retroactively as well as prospectively. Knowingly furnishing false information to the City Manager or other official in charge of the administration of this chapter on any matter relating to the administration of this chapter shall constitute a violation of this chapter. Any violation of this chapter is subject to the provisions of Ordinance No. 782-01, and shall be considered a Class VI violation. Each act in violation of this chapter shall be considered a separate violation for the purpose of assessing penalties. Payment of any penalties imposed shall not release a person or entity from payment of any impact fee due but shall be in addition to the impact fee. A violation of this chapter shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this chapter.

**Section 4. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 5. Severability.**

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having continued the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

**Section 6. Inclusion into the Code.**

It is the intent of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Zephyrhills code, and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 7. Effective Date.**

This Ordinance shall become effective 90 days after the passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1481-24 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8<sup>th</sup> day of July 2024.

|                                  |                                              |
|----------------------------------|----------------------------------------------|
| Attest: _____                    | _____                                        |
| Lori L. Hillman, City Clerk, MMC | Kenneth M. Burgess, Jr.<br>Council President |

The foregoing Ordinance No. 1481-24 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 22<sup>nd</sup> day of July 2024.

Attest: \_\_\_\_\_  
Lori L. Hillman, City Clerk, MMC  
Kenneth M. Burgess, Jr.  
Council President

The foregoing Ordinance No: 1481-24 was approved by me this 22<sup>nd</sup> day of July 2024.

\_\_\_\_\_  
Melonie Bahr Monson, Mayor

Approved as to legal form and content  
for the reliance of the City of Zephyrhills only:

\_\_\_\_\_  
Matthew E. Maggard, Esq.  
City Attorney

# City of Zephyrhills, Florida Impact Fee Study



**duncan** | associates

**June 2024**

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**prepared by**  
**Duncan Associates**

Clancy Mullen, Project Manager  
17409 Rush Pea Circle, Austin, TX 78738  
(512) 423-0480  
clancy@duncanassociates.com

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## EXECUTIVE SUMMARY

This impact fee study for the City of Zephyrhills calculates recommended updated fees that could be adopted for transportation, parks and public safety facilities. This executive summary is followed by an analysis of extraordinary circumstance, chapters on the legal framework, methodology, land use categories, separate chapters on the three types of facilities, and appendices. To make the fee calculations easier to follow, numbers in tables that are inputs into other tables are highlighted in red.

The City originally adopted transportation impact fees in 1999. It most recently amended them in 2015, but most of the fees continue to be based on 40% of the calculated fees from a 2007 study – only five of 36 land uses are based on the 2015 study. These five were new uses added at 60% of the updated 2015 fees. A proposed phase-in of the other fees did not take place. Parks and public safety fee ordinances were originally adopted in 2004 and 2005 based on 2004 studies, and have not been updated since.

### Approach

This project entails assisting the City of Zephyrhills in updating its transportation, parks, and public safety impact fees. In addition to the impact fee study, the project includes the preparation of impact fee ordinance amendments to implement the recommendations of the study. Finally, it includes a description of circumstances that reasonably demonstrate that an extraordinary need exists to exceed the limitations on impact fee increases for transportation and public safety fees, as required by the Florida Impact Fee Act.

**Legal Defensibility.** The study and related ordinance amendments need to be consistent with the Florida Impact Fee Act, as well as the body of Florida impact fee case law known as the “dual rational nexus” test. Key principles from that case law include requirements that (a) the fees are proportional to the impacts of the development, (b) the fees are based on levels of service that are no higher than that currently provided to existing development; and (c) new development does not pay twice for the same level of service, once through impact fees and again through other taxes or fees.

**Restrictions on Fee Increases.** 2021 amendments to the Florida act now place significant restrictions on impact fee increases. Any impact fee rate increase of up to 25% must be phased in over two years, and any increase more than 25% and up to 50% must be phased in over four years. The phased increases must be in equal annual amounts. Impact fees can only be increased once every four years (exclusive of phased increases over two or four years). These restrictions are more onerous than they may appear, due to another statutory requirement that the impact fee rates for all land uses must be proportional to the impact of the development. This means that at the end of the phase-in period, all land uses should be assessed fees at the same percentage of the maximum fees calculated in the updated impact fee study.

**Simplified Fee Schedules.** For years we have been recommending fewer and more broadly-defined land use categories in fee schedules, arguing that a simplified fee schedule is much easier to administer and reduces the need to assess fees for changes of use in existing buildings. The phasing requirements present another argument in favor of a simplified fee schedule.

The need for simplification applies only to the City's transportation impact fee schedule, which lists 36 land uses. In contrast, the schedules include only three land use categories for parks, and only two for public safety. These require a different approach. This topic is addressed in detail in the Land Use Categories chapter.

## Current Impact Fees

The City's current impact fee schedules for transportation, parks, and public safety are presented in the following three tables.

**Table 1. Current Transportation Impact Fees**

| Land Use Type                                      | Unit          | Fee/Unit |
|----------------------------------------------------|---------------|----------|
| Single Family Residential                          | Dwelling      | \$3,632  |
| Multi-Family Residential (Apartment)               | Dwelling      | \$3,727  |
| Low-Rise Condominium/Townhome                      | Dwelling      | \$3,480  |
| Retirement Community (Age-Restricted Multi-Family) | Dwelling      | \$1,657  |
| Congregate Care Facility (Attached)                | Dwelling      | \$527    |
| Mobile Home Park                                   | Space         | \$2,270  |
| Campground/Recreational Vehicle Park               | Space         | \$873    |
| Hotel                                              | Room          | \$1,494  |
| Motel                                              | Room          | \$1,496  |
| Shopping Center under 50,000 sq. ft.               | 1,000 sq. ft. | \$5,265  |
| Shopping Center 50,001 to 200,000 sq. ft.          | 1,000 sq. ft. | \$4,211  |
| Shopping Center 200,001 to 400,000 sq. ft.         | 1,000 sq. ft. | \$4,028  |
| Shopping Center 400,001 to 600,000 sq. ft.         | 1,000 sq. ft. | \$3,904  |
| Shopping Center 600,001 to 800,000 sq. ft.         | 1,000 sq. ft. | \$3,745  |
| Shopping Center greater than 800,000 sq. ft.       | 1,000 sq. ft. | \$3,621  |
| Specialty Retail                                   | 1,000 sq. ft. | \$5,309  |
| Variety Store                                      | 1,000 sq. ft. | \$12,979 |
| Movie Theater                                      | Screen        | \$20,814 |
| Supermarket                                        | 1,000 sq. ft. | \$5,634  |
| Pharmacy Drug Store w/ Drive Thru                  | 1,000 sq. ft. | \$3,549  |
| Drive-In Bank                                      | 1,000 sq. ft. | \$17,579 |
| Quality Restaurant                                 | 1,000 sq. ft. | \$9,621  |
| Sit-Down Restaurant (High-Turnover)                | 1,000 sq. ft. | \$13,384 |
| Fast-Food/Drive-Through Window                     | 1,000 sq. ft. | \$26,944 |
| Convenience Market with Gas Pumps                  | 1,000 sq. ft. | \$30,373 |
| Gasoline/Service Station                           | Pump          | \$3,189  |
| Gasoline/Service Station w/Conv. Market            | Pump          | \$6,227  |
| Gasoline/Service Station w/Conv. Market & Car Wash | Pump          | \$5,846  |
| General Office Building                            | 1,000 sq. ft. | \$1,808  |
| Hospital                                           | 1,000 sq. ft. | \$8,381  |
| Medical-Dental Office Building                     | 1,000 sq. ft. | \$5,933  |
| General Light Industrial                           | 1,000 sq. ft. | \$1,496  |
| Manufacturing                                      | 1,000 sq. ft. | \$820    |
| Warehousing                                        | 1,000 sq. ft. | \$1,065  |
| Mini-Warehouse                                     | 1,000 sq. ft. | \$411    |
| Nursing Home                                       | Bed           | \$545    |

Source: Ord. 1003-08, passed 4/28/2008; Kimley-Horn and Associates, *Transportation Impact Fee Updates*, 2007 and 2015; and *Transportation Impact Fee Schedule*, effective 10/1/2015, on City's website at <https://www.ci.zephyrhills.fl.us/500/Transportation-Impact-Fee-Schedule>.

**Table 2. Current Park Impact Fees**

| Housing Type           | Unit     | Fee/Unit |
|------------------------|----------|----------|
| Single Family/Townhome | Dwelling | \$769.56 |
| Multiple Family        | Dwelling | \$663.06 |
| Mobile Home            | Dwelling | \$573.73 |

Source: Ord. 904-04, passed 9/27/2004.

**Table 3. Current Public Safety Impact Fees**

| Land Use Type  | Unit          | Fee/Unit |
|----------------|---------------|----------|
| Residential    | Dwelling      | \$254    |
| Nonresidential | 1,000 sq. ft. | \$163    |

Source: Ord. 912-05, passed 1/10/2005; Kimley-Horn and Assoc.,  
Police and Fire Impact Fees, Sept. 2004 (police fees only).

## Updated Impact Fees

The updated fees calculated in this study are described below.

### Changes in Methodology

The current transportation fees relied on non-local data for a number of important inputs, including travel demand (miles of travel per day) and cost per lane-mile. In this update, travel demand by land use is calibrated to ensure that the fees are only charging for travel on major roads within city limits, and the cost per lane-mile is based on recent improvements to major roads in Zephyrhills.

The original public safety fees were calculated using fire calls by land use, because police calls were not available. This is not an option in this update, because the city no longer provides fire rescue service. The alternative “functional population” approach used in this update bases demand for service by land use on where people are located.

### Changes in Land Use Categories

The transportation categories are proposed to be reduced from 36 to nine. Advantages include greater ease in classifying proposed developments, recognition of long term impacts (uses of many commercial buildings often change over time), reduced need for change of use fees, and greater incentives to reuse existing buildings. Additional land use categories are being added for the public safety fees. The functional population approach inherently requires more than one residential and one nonresidential category.

The residential categories are the same for all three fee types: single-family detached and multi-family. The nonresidential categories for transportation and public safety are similar. The difference is that the commercial and office categories for transportation exclude certain higher-intensity uses (fast food restaurants, convenience stores with gas pumps, and medical offices), while the public safety fees include those uses. To distinguish the broader categories, the transportation categories are referred to as general commercial and general office, while the public safety categories are referred to as commercial and office. Definitions of the proposed land use categories are provided in the Land Use Categories chapter.

### Changes in Fees

Updated maximum impact fees by land use for transportation, parks, and public safety are summarized in the upper part of Table 4. The current fees for the most comparable land uses are summarized in the middle part of the table, and the bottom part shows the percentage change from the current comparable fees to the maximum updated fees. The fees that are increasing by the largest percentage for each type of facility are highlighted.

**Table 4. Updated Impact Fees and Changes from Current Fees**

| Land Use Type                                          | Unit          | Transportation | Parks | Public Safety | Total    |
|--------------------------------------------------------|---------------|----------------|-------|---------------|----------|
| <b>Updated Fees</b>                                    |               |                |       |               |          |
| Single-Family Detached *                               | Dwelling      | \$5,704        | \$880 | \$524         | \$7,108  |
| Multi-Family **                                        | Dwelling      | \$4,082        | \$704 | \$421         | \$5,207  |
| Commercial ***                                         | 1,000 sq. ft. | \$9,668        | n/a   | \$1,362       | \$11,030 |
| Fast Food Restaurant                                   | 1,000 sq. ft. | \$21,544       | n/a   | \$1,362       | \$22,906 |
| Conv. Store w/Gas Pumps                                | Fuel Pos.     | \$4,200        | n/a   | n/a           | n/a      |
| Office ****                                            | 1,000 sq. ft. | \$4,984        | n/a   | \$786         | \$5,770  |
| Medical Office                                         | 1,000 sq. ft. | \$15,475       | n/a   | \$786         | \$16,261 |
| Industrial/Warehouse                                   | 1,000 sq. ft. | \$1,011        | n/a   | \$123         | \$1,134  |
| Public/Institutional                                   | 1,000 sq. ft. | \$2,509        | n/a   | \$380         | \$2,889  |
| <b>Current Most Comparable Fee in Updated Category</b> |               |                |       |               |          |
| Single Family                                          | Dwelling      | \$3,632        | \$770 | \$254         | \$4,656  |
| Multiple Family                                        | Dwelling      | \$3,727        | \$663 | \$254         | \$4,644  |
| Shopping Center < 50,000 sq. ft.                       | 1,000 sq. ft. | \$5,265        | n/a   | \$163         | \$5,428  |
| Fast Food Restaurant                                   | 1,000 sq. ft. | \$26,944       | n/a   | \$163         | \$27,107 |
| Conv. Store w/Gas Pumps                                | Fuel Pos.     | \$6,227        | n/a   | n/a           | n/a      |
| Office                                                 | 1,000 sq. ft. | \$1,808        | n/a   | \$163         | \$1,971  |
| Medical Office                                         | 1,000 sq. ft. | \$5,933        | n/a   | \$163         | \$6,096  |
| Warehouse                                              | 1,000 sq. ft. | \$1,065        | n/a   | \$163         | \$1,228  |
| Nursing Home *****                                     | 1,000 sq. ft. | \$1,202        | n/a   | \$163         | \$1,365  |
| <b>Percent Change</b>                                  |               |                |       |               |          |
| Single-Family Detached                                 | Dwelling      | 57%            | 14%   | 106%          | 53%      |
| Multi-Family                                           | Dwelling      | 10%            | 6%    | 66%           | 12%      |
| Commercial                                             | 1,000 sq. ft. | 84%            | n/a   | 736%          | 103%     |
| Fast Food Restaurant                                   | 1,000 sq. ft. | -20%           | n/a   | 736%          | -15%     |
| Conv. Store w/Gas Pumps                                | Fuel Pos.     | -33%           | n/a   | n/a           | n/a      |
| Office                                                 | 1,000 sq. ft. | 176%           | n/a   | 382%          | 193%     |
| Medical Office                                         | 1,000 sq. ft. | 161%           | n/a   | 382%          | 167%     |
| Industrial/Warehouse                                   | 1,000 sq. ft. | -5%            | n/a   | -25%          | -8%      |
| Public/Institutional                                   | 1,000 sq. ft. | 109%           | n/a   | 133%          | 112%     |

\* includes mobile home not in mobile home park

\*\* includes space in mobile home/RV park

\*\*\* excludes fast food restaurant and convenience store for transportation, and includes them for public safety

\*\*\*\* excludes medical office for transportation, and includes it for public safety

\*\*\*\*\* estimated current fee per 1,000 square feet is fee per bed times ratio of daily trip ends per 1,000 square to trip ends per bed from ITE *Trip Generation Manual*, 11<sup>th</sup> edition, 2021

Source: Updated fees from Table 19 (transportation), Table 23 (parks), and Table 28 (public safety); current fees for comparable land use categories from Table 1 (transportation), Table 2 (parks), and Table 3 (public safety).

The transportation fees are likely not going up more because, unlike the current fees, the updated fees are calibrated (reduced) to reflect actual travel on the major road system within the city limits. The fees are going down or increasing by a much lower percentage for some uses due to changes in trip generation rate or other factors.

For example, the current multi-family fee is higher than the single-family fee, even though the single-family trip rate is about 30% higher. This happened when the 2015 revisions replaced single-family fees by unit size with a flat rate based on the smallest size category. The fast food restaurant and convenience store fees are going down because those uses were added in 2015 at 60% of the 2015 updated amounts, while all the other fees are at 40% of fees calculated in the 2007 study, and industrial/warehouse trip rates have gone down significantly over the last 17 years. In sum, the wide variation in fee changes can be attributed to putting the fees on a sounder foundation based on current data.

## Statutory Phasing Schedules

Unless the City prepares an analysis of extraordinary circumstances and adopts updated fees by a super-majority of the governing body, any fees increase must be phased in as required by Florida law. As described in more detail in the Legal Framework chapter, any impact fee increase of no more than 25% must be phased in over two years, and any increase between 25-50% over four years. The increases must be in equal annual increments during the phase-in period. The statutory proportionality requirement means that the impact fee for each land use must be at the same percentage of their maximum updated fee in the final year of the two-year or four-year phase-in period. The recommended phasing schedules that comply with both of these statutory requirements for transportation, parks, and public safety are shown in the following three tables.

### Parks

The park fees are not increasing significantly. Single-family detached increases the most, by 14%. Any increase requires a minimum two-year phase-in. The statutory phasing schedule is shown in Table 5.

**Table 5. Parks Phasing Schedule**

| Land Use Type          | Unit     | Current Fee | Phasing Schedule |        | Updated Max. Fee |
|------------------------|----------|-------------|------------------|--------|------------------|
|                        |          |             | Year 1           | Year 2 |                  |
| Single-Family Detached | Dwelling | \$770       | \$825            | \$880  | \$880            |
| Multi-Family           | Dwelling | \$663       | \$684            | \$704  | \$704            |
| <b>Annual Change</b>   |          |             |                  |        |                  |
| Single-Family Detached | Dwelling | n/a         | \$55             | \$55   | n/a              |
| Multi-Family           | Dwelling | n/a         | \$21             | \$20   | n/a              |

Source: Current fees for comparable categories and updated maximum fees from Table 4; annual phasing that results in all land uses assessed at 100% of their maximum fee in year 2 from Duncan Associates.

### Transportation

The statutory phasing schedule for transportation is shown in Table 6 on the following page. The general office fee is increasing the most and would be at 54.4% of its maximum fee at the end of a four-year phase-in. All the other fees except medical office and public/institutional would need to be decreased to be at that same percentage and thus proportional with the office fees. All of the fees would be at 54.4% of the updated maximum fee in the fourth year, and it would require an additional six years of phasing, for a total of ten years, to fully implement the updated fees.



**Table 6. Transportation Phasing Schedule**

| Land Use Type           | Unit          | Current Fee | Statutory Phasing Schedule |          |          |          | Updated Max. Fee |
|-------------------------|---------------|-------------|----------------------------|----------|----------|----------|------------------|
|                         |               |             | Year 1                     | Year 2   | Year 3   | Year 4   |                  |
| Single-Family Detached  | Dwelling      | \$3,632     | \$3,104                    | \$3,104  | \$3,104  | \$3,104  | \$5,704          |
| Multi-Family            | Dwelling      | \$3,727     | \$2,221                    | \$2,221  | \$2,221  | \$2,221  | \$4,082          |
| General Commercial      | 1,000 sq. ft. | \$5,265     | \$5,261                    | \$5,261  | \$5,261  | \$5,261  | \$9,668          |
| Fast Food Restaurant    | 1,000 sq. ft. | \$26,944    | \$11,723                   | \$11,723 | \$11,723 | \$11,723 | \$21,544         |
| Conv. Store w/Gas Pumps | Fuel Pos.     | \$6,227     | \$2,285                    | \$2,285  | \$2,285  | \$2,285  | \$4,200          |
| General Office          | 1,000 sq. ft. | \$1,808     | \$2,034                    | \$2,260  | \$2,486  | \$2,712  | \$4,984          |
| Medical Office          | 1,000 sq. ft. | \$5,933     | \$6,555                    | \$7,177  | \$7,799  | \$8,421  | \$15,475         |
| Industrial/Warehouse    | 1,000 sq. ft. | \$1,065     | \$550                      | \$550    | \$550    | \$550    | \$1,011          |
| Public/Institutional    | 1,000 sq. ft. | \$1,202     | \$1,243                    | \$1,284  | \$1,325  | \$1,365  | \$2,509          |
| <b>Annual Change</b>    |               |             |                            |          |          |          |                  |
| Single-Family Detached  | Dwelling      | n/a         | -\$528                     | \$0      | \$0      | \$0      | n/a              |
| Multi-Family            | Dwelling      | n/a         | -\$1,506                   | \$0      | \$0      | \$0      | n/a              |
| General Commercial      | 1,000 sq. ft. | n/a         | -\$4                       | \$0      | \$0      | \$0      | n/a              |
| Fast Food Restaurant    | 1,000 sq. ft. | n/a         | -\$15,221                  | \$0      | \$0      | \$0      | n/a              |
| Conv. Store w/Gas Pumps | Fuel Pos.     | n/a         | -\$3,942                   | \$0      | \$0      | \$0      | n/a              |
| General Office          | 1,000 sq. ft. | n/a         | \$226                      | \$226    | \$226    | \$226    | n/a              |
| Medical Office          | 1,000 sq. ft. | n/a         | \$622                      | \$622    | \$622    | \$622    | n/a              |
| Industrial/Warehouse    | 1,000 sq. ft. | n/a         | -\$515                     | \$0      | \$0      | \$0      | n/a              |
| Public/Institutional    | 1,000 sq. ft. | n/a         | \$41                       | \$41     | \$41     | \$40     | n/a              |

Source: Current fees for comparable categories and updated maximum fees from Table 4; annual phasing that results in all land uses assessed at 54.4% of their maximum fee in year 4 from Duncan Associates.

## Public Safety

The statutory four-year phasing schedule for the public safety fees is shown in Table 7. The updated maximum fees are higher than current fees for all but industrial/warehouse. The retail/commercial fee is increasing the most, and would be at 18.0% of the full updated fee in the fourth year. To have the fees be proportional in the fourth year, all the other land uses would have to be reduced, and the industrial/warehouse fee that is already going down would have to go down even more. It would require another 18 years of phasing, for a total of 22 years, to increase the fees to 100% of the updated amounts.

**Table 7. Public Safety Phasing Schedule**

| Land Use Type          | Unit          | Current Fee | Statutory Phasing Schedule |        |        |        | Updated Max. Fee |
|------------------------|---------------|-------------|----------------------------|--------|--------|--------|------------------|
|                        |               |             | Year 1                     | Year 2 | Year 3 | Year 4 |                  |
| Single-Family Detached | Dwelling      | \$254       | \$94                       | \$94   | \$94   | \$94   | \$524            |
| Multi-Family           | Dwelling      | \$254       | \$76                       | \$76   | \$76   | \$76   | \$421            |
| Commercial             | 1,000 sq. ft. | \$163       | \$184                      | \$205  | \$226  | \$245  | \$1,362          |
| Office                 | 1,000 sq. ft. | \$163       | \$141                      | \$141  | \$141  | \$141  | \$786            |
| Industrial/Warehouse   | 1,000 sq. ft. | \$163       | \$22                       | \$22   | \$22   | \$22   | \$123            |
| Public/Institutional   | 1,000 sq. ft. | \$163       | \$68                       | \$68   | \$68   | \$68   | \$380            |
| <b>Annual Change</b>   |               |             |                            |        |        |        |                  |
| Single-Family Detached | Dwelling      | n/a         | -\$160                     | \$0    | \$0    | \$0    | n/a              |
| Multi-Family           | Dwelling      | n/a         | -\$178                     | \$0    | \$0    | \$0    | n/a              |
| Commercial             | 1,000 sq. ft. | n/a         | \$21                       | \$21   | \$21   | \$19   | n/a              |
| Office                 | 1,000 sq. ft. | n/a         | -\$22                      | \$0    | \$0    | \$0    | n/a              |
| Industrial/Warehouse   | 1,000 sq. ft. | n/a         | -\$141                     | \$0    | \$0    | \$0    | n/a              |
| Public/Institutional   | 1,000 sq. ft. | n/a         | -\$95                      | \$0    | \$0    | \$0    | n/a              |

Source: Current fees and updated maximum fees from Table 4; annual phasing that results in all land uses assessed at 18.0% of their maximum fee in year 4 from Duncan Associates.



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## EXTRAORDINARY CIRCUMSTANCES ANALYSIS

This chapter provides an analysis of potentially extraordinary circumstances that could justify varying from the statutory phasing requirements for transportation and public safety. There do not appear to be any extraordinary circumstances with regard to the park impact fees. The park fee increases are very modest and would only require a two-year phase-in.

The Florida Impact Fee Act allows the phase-in limitations to be exceeded, based on an analysis that “expressly demonstrates the extraordinary circumstances” that require exceeding them. In addition to a written description of the extraordinary circumstances, two public workshops would need to be held on the issue within twelve months prior to ordinance adoption, and adoption would require a two-thirds vote of the governing body. The act does not define what would constitute extraordinary circumstances, but appears to leave that determination to a super-majority of the governing body.

### Transportation

The transportation fees for most of the updated land use categories are based on a 17-year-old study prepared in 2007 and adopted at only 40% of the maximum amounts. Construction costs have increased significantly since then. According to the ENR Construction Cost Index, a national index based on a 20-city average weighted cost of common labor, structural steel, Portland cement, and lumber, increased by 72% between March 2007 and March 2024. It is therefore not surprising that fees are increasing significantly for most land uses. The fees are likely not going up more because the updated fees are calibrated to reflect travel on the major road system within the city limits. The fees are going down or increasing by a much lower percentage for some uses due to changes in trip generation rates or other factors, as described in the Executive Summary.

The general office fee is increasing the most and would be at 54.4% of its maximum fee at the end of a four-year phase-in. Because of the need to have the fees be proportional to the impact of each development, the fees that are going down would need to go down even more to be proportional with the other fees in the final year of the required four-year phasing period.

A rough estimate of the annual revenue under three scenarios is presented in Table 8 on the following page. Data on the detailed land uses that have been permitted in recent years is not available. The generalized estimates presented in this analysis simply take the current mix of all land uses in the city (number of units by type and square feet of development), apply the current and updated fees per unit, and reduce them proportionately to match average revenue over the last four years. They are only intended to give a sense of the order-of-magnitude revenue effects of the phased versus updated fees (e.g., are they likely to be higher or lower than current fees and by about how much?).

Current fees generate an average of about \$2.9 million annually. Maintaining the proportionality of impact fees to impact for each land use while phasing in fee increases would reduce the average annual revenue received during the initial four-year phasing period by about 10%, and it would take another six years, for a total of ten years, before the updated fees would generate about 50% more revenue than current fees.

**Table 8. Estimated Annual Transportation Revenue by Phasing Scenario**

| Land Use Type          | Retain<br>Current Fees | Phased 4-Yr<br>Avg Revenue | No<br>Phasing |
|------------------------|------------------------|----------------------------|---------------|
| Single-Family Detached | \$1,431,454            | \$1,223,357                | \$2,248,076   |
| Multi-Family           | \$525,851              | \$313,366                  | \$575,939     |
| General Commercial     | \$657,304              | \$656,805                  | \$1,206,992   |
| Fast Food Restaurant   | \$70,656               | \$30,742                   | \$56,495      |
| General Office         | \$55,779               | \$73,209                   | \$153,762     |
| Medical Office         | \$30,721               | \$215,999                  | \$80,129      |
| Industrial/Warehouse   | \$94,314               | \$43,155                   | \$89,532      |
| Total Annual Revenue   | \$2,866,079            | \$2,556,633                | \$4,410,925   |
| Change from Current    | n/a                    | -11%                       | 54%           |

Source: Total revenue from current fees is average of annual revenue from FY 2019-FY 2023 provided by City Finance Department, December 11, 2023; estimated annual revenue by land use based on the mix of land uses from Table 29 and Table 30 in Appendix A and current, phased, and maximum fees from Table 6.

It is not clear whether the legislature understood the implications of the combination of phasing and proportionality requirements when adopting this amendment to the statute. The bill proposing the phasing requirements was filed in reaction to an impact fee being increased to a higher percentage of the calculated maximum fees. In that particular case, all the current fees were already proportional to the maximum fees. When fees are updated, however, fees for different land uses invariably increase at different rates. If one land use increases significantly more than others, it takes a long time to increase fees for other land uses.

In the case of Zephyrhills' transportation impact fee update, the general office category, which accounts for only about 2% of estimated revenue, is increasing much more than other land uses. The result is that updated fees needed to make them more legally defensible and based on current data, would actually generate less revenue than current fees during the four-year phasing, while requiring another six years of phasing, or a total of ten years from now, before it would generate about 50% more revenue.

In summary, the current transportation impact fees are mostly based on a study that was prepared 17 years ago. Construction costs have increased significantly since then. Yet the phasing requirements would result in less revenue over the next four years and require ten years to fully implement. These would appear to qualify as extraordinary circumstances that would warrant waiving the phasing requirements for the transportation fees.

## Public Safety

The originally-adopted public safety fees covered both fire and police facilities, but were reduced when the City ceased providing fire protection, so that now the fees cover only police protection. These fees are based on a 2004 study that is now 20 years old. The 2004 study that calculated the current police-only fees did not include the cost of all the relevant capital components, omitting land and any equipment other than patrol cars and officer equipment. In addition, capital costs have increased significantly in the last 20 years. For example, take the cost of police buildings. The ENR Building Cost Index, a national index based on a 20-city average weighted cost of construction labor, structural steel, lumber, and Portland cement, has increased by 115% between March 2004 and March 2024. It is not surprising, then, that the current relatively low fees are increasing significantly, especially in percentage terms.

An even bigger factor is the change in methodology. The change in methodology was determined to be necessary to put the fees on a sound foundation. The current police-only public safety fees were calculated on the basis of annual fire calls-for-service for two categories: residential per dwelling unit and nonresidential per 1,000 square feet. This is not an option in this update, because the city no longer provides fire rescue service. The alternative “functional population” approach used in this update is one of the most widely used in impact fee practice in Florida. Functional population represents the number of full-time equivalent people at a land use, based on the observation that demand for public safety facilities tends to be proportional to the number of people present at the site of a land use. The functional population approach requires more than one residential and one nonresidential category, because average household size varies by housing type and nonresidential land uses vary by trip generation rates and other factors.

The combination of updating fees from a 20-year-old study that did not include all the costs of providing police protection and changing the methodology, which required splitting the existing two very broad categories into more detailed categories, results in the commercial fee increasing by over 700%. As noted earlier, all the land use categories need to be assessed at the same percentage of the maximum fees for all land uses in the final year of phasing in order to comply with the proportionality requirement. The commercial fee can only be assessed at 18.0% at the end of the first four-year phase-in period, which means that all six categories must be assessed at that same percentage in the fourth year.

It would require a total of 22 years to get the updated maximum fees fully implemented. A rough estimate of the annual revenue under three scenarios is presented in Table 9. Current fees generate an average of about \$129,000 annually. Complying with the phasing requirements would result in roughly half as much total revenue being collected in the fourth year. Adopting the updated maximum impact fees immediately would yield roughly two-and-a-half times as much revenue. Even though the fees in subsequent years could be increased by 50% every four years, it would take another eight years, for a total of 12 years, before the fees would generate the same amount of revenue as current fees, and then another ten years, for a total of 22 years, for the updated fees to be fully implemented.

**Table 9. Estimated Annual Public Safety Revenue by Phasing Scenario**

| Land Use Type          | Retain<br>Current Fees | 4th Yr. of<br>Phase-in | No<br>Phasing |
|------------------------|------------------------|------------------------|---------------|
| Single-Family Detached | \$71,937               | \$26,622               | \$148,405     |
| Multi-Family           | \$25,753               | \$7,706                | \$42,685      |
| Commercial             | \$14,930               | \$22,441               | \$124,753     |
| Office                 | \$6,992                | \$6,048                | \$33,716      |
| Industrial/Warehouse   | \$9,191                | \$1,241                | \$6,936       |
| Total Annual Revenue   | \$128,803              | \$64,058               | \$356,495     |
| Change from Current    | n/a                    | -50%                   | 177%          |

Source: Total revenue from current fees is average of annual revenue from FY 2019-FY 2023 provided by City Finance Department, December 11, 2023; estimated annual revenue by land use based on the mix of land uses from Table 29 and Table 30 in Appendix A and current, 4<sup>th</sup>-year, and maximum fees from Table 7.

In summary, the statutory limitations on impact fee increases and the statutory proportionality requirement combine to create extraordinary circumstances that make it exceedingly difficult for Zephyrhills to update its public safety impact fees. First, updating the public safety fees that were calculated at relatively low rates 20 years ago results in big increases for most land uses due to significant capital cost increases over the last 20 years. Second, changing the methodology for measuring demand by land use type required adding fee categories, one of which is increasing at a much higher rate than the others. Because the fees for all land uses need to be assessed at the same proportion of the maximum fees in the final year of the first four-year phasing period, this would result in the City receiving about half the revenue it would receive if it kept its current fees for the next four years. It would take a total of 22 years to fully implement the updated fees. These would seem to qualify as extraordinary circumstances by any definition of that term.

### Summary

Based on this analysis of extraordinary circumstances, the City could vary from the phasing requirements for transportation and public safety. The City could adopt the updated fees at the full updated amounts, although it could also adopt them at a percentage less than 100%. It could also adopt them at a percentage less than 100%, and increase the percentage over several years. The most important thing is to assess the fees for all the land use categories at the same percentage of the updated maximum amounts, so that the fees for all land use types are proportional to their impacts on the need for transportation and public safety improvements.

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## LEGAL FRAMEWORK

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to traditional “negotiated” developer exactions, impact fees are charges that are assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are one-time up-front charges, with the payment usually made at the time of building permit issuance. Essentially, impact fees require that each new development project pay its pro-rata share of the cost of new capital facilities required to serve that development.

Since impact fees were pioneered in states like Florida that lacked specific enabling legislation, such fees have generally been legally defended as an exercise of local government’s broad “police power” to regulate land development in order to protect the health, safety and welfare of the community. The Florida courts have developed guidelines for constitutionally-valid impact fees, based on “rational nexus” standards. The standards essentially require that the fees must be proportional to the need for additional infrastructure created by the new development, and must be spent in such a way as to provide that same type of infrastructure to benefit new development. A Florida district court of appeals described the dual rational nexus test in 1983 as follows, and this language was quoted and followed by the Florida Supreme Court in its 1991 St. Johns County decision:

*In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.*

### Florida Statutes

The 2006 Florida Legislature passed Senate Bill 1194, which established certain requirements for impact fees in Florida. It was most recently amended by House Bill 337, which was signed by the governor and became effective on June 4, 2021. In March 2024, the Florida legislature passed HB 479, which made additional amendments to the statute, but it has not yet been signed by the governor. The full text of the act can be found in Appendix D.

Key provisions of the Florida Impact Fee Act include the following requirements:

- (1) Impact fees must be calculated based on the most recent and localized data.
- (2) Administrative charges must not exceed actual costs.
- (3) 90 days’ notice must be provided before a new or increased impact fee goes into effect.
- (4) Financial audits must include certification of compliance with the Act.
- (5) The burden of proof in any impact fee litigation is on the local government.
- (6) Fees cannot be collected prior to the date of issuance of a building permit.

- (7) Developer contributions must be credited at full market value and transferrable within impact fee zones.
- (8) The value of developer credits must be increased by the same percentage when the applicable type of impact fees for which the credit was given is increased.
- (9) Waivers of impact fees for affordable housing projects, as defined in Sec. 420.9071, do not have to be offset with other government revenues.
- (10) Capital facilities must have a minimum life expectancy of five years (although public safety vehicles are not subject to this restriction).
- (11) Public schools are exempted from the payment of impact fees in Section 1013.371(1)(a).
- (12) Impact fees cannot be increased by more than 50% over four years and can only be increased once every four years. Increases up to 50% must be phased in over four years and increases of up to 25% must be phased in over two years, in equal annual increments.
- (13) Local government must comply with annual impact fee reporting requirements.

### Phasing of Fee Increases

The most significant change made in 2021 was the imposition of restrictions on impact fee increases. Any impact fee increase of no more than 25% must be phased in over two years, and any increase between 25-50% over four years. No fee can go up more than 50% over four years. Annual increases during phasing must be in equal amounts. Aside from annual phasing of increases required by the statute, fees can only be increased once every four years. This rules out annual adjustments to account for cost inflation between fee updates.

The Florida statute also requires that impact fees be proportional to the impact of the development on the need for facilities. A strict application of the proportionality principle would seem to require that the updated fee for all land uses would have to be phased-in at the same percentage of the updated fees for all land use categories each year. This is not possible if the fee for each land use must be increased by the same dollar amount each year. The best that can be done is to have all the land uses at the same percentage of the updated fee in the final year of a two-year or four-year phase-in. Fee decreases are not subject to phasing, and should go into effect in the first year.

In this context, the impact fee rate for the land use that is increasing the most determines the percentage of the maximum fees for all land uses in the final year of phasing. For example, suppose one land use category with a current transportation fee of \$100 has an updated maximum fee of \$200 (increasing 100%), while all the other land uses also have a current fee of \$100 but have an updated fee of only \$110 (increasing 10%). At the end of a four-year phase in, the land use with a potential doubling would have increased by \$50, putting it at 75% of its maximum fee, while the fee for all the other land uses would be required to decrease to 75% of their maximum fee of \$110, or \$82.50 – this would be a decrease of \$17.50 or 17.5%. It would take another four-year phase-in to get all the land uses to the full updated fee amounts.

It is not clear whether the legislature fully understood these implications when adopting this amendment to the statute. The bill proposing the phasing requirements was filed in reaction to an impact fee being increased to a higher percentage of the calculated maximum fees. In that case, all the current fees were already proportional to the maximum fees.



The statute allows the phase-in limitations to be exceeded, based on an analysis that “expressly demonstrates the extraordinary circumstances” that require exceeding them. In addition to a written description of the extraordinary circumstances, two public workshops would need to be held on the issue within twelve months prior to ordinance adoption, and adoption would require a two-thirds vote of the governing body. The act does not define what would constitute extraordinary circumstances, but appears to leave that determination to a super-majority of the governing body.

## General Impact Fee Principles

The Florida impact fee act provides relatively little guidance on how impact fees are to be calculated, other than invoking phrases drawn from Florida case law, such as “proportional and reasonably related to” and “have a rational nexus with.” Our understanding of the principles arising from that case law and their application to impact fee calculations are described here. This discussion focuses on when credits should be provided for future revenue that will be generated by or attributable to new development. Under what circumstances revenue credits are warranted is one of the murkiest areas of impact fee law.

Deficiencies. One of the most fundamental principles arising out of case law is that impact fees should not charge new development for a higher level of service than is provided to existing development. While impact fees can be based on a higher level of service than the one existing at the time of the adoption of the fees, two things are required if this is done. First, another source of funding other than impact fees must be identified and committed to fund the capacity deficiency created by the higher level of service. Second, the impact fees must generally be reduced to ensure that new development does not pay twice for the same level of service, once through impact fees and again through general taxes that are used to remedy the capacity deficiency for existing development. In order to avoid these complications, the general practice is to base the impact fees on the existing level of service.

Debt. As noted above, if impact fees are based on a higher-than-existing level of service, the fees should be reduced by a credit that accounts for the contribution of new development toward remedying the existing deficiencies. A similar situation arises when the existing level of service has not been fully paid for. Outstanding debt on existing facilities that are counted in the existing level of service will be retired, in part, by revenues generated from new development. Given that new development will pay impact fees to provide the existing level of service for itself, the fact that new development may also be paying for the facilities that provide that level of service for existing development could amount to paying for more than its proportionate share. Consequently, impact fees should be reduced to account for future payments that will retire outstanding debt on existing facilities.

Grants. New development should not have to pay more than its proportionate share when multiple sources of payment are considered. While the need to provide credits for existing deficiencies and outstanding debt is clear, the issue is less clear when it comes to other types of revenue that may be used to make capacity-expanding capital improvements of the same type being funded by impact fees. One source of such funding is grants from other government entities to whom new development may pay taxes that in turn are used to fund the grants, such as Federal/State gasoline taxes.

Probably the clearest case in which a such a credit is warranted is for other jurisdiction's funding for improvements to County or State/Federal. roads within the jurisdiction, if such roads are included in the road impact fee calculations. That is the case in this study, and such a credit is provided.

The need to provide a revenue credit for grant funding in other circumstances is less clear. The additional funding raises the level of service for the entire community. However, it is generally a relatively predictable source of funding that has helped build the existing level of service. Credit could be provided for such grant funding in this study, but no such grants have been received for parks or public safety in at least the last five years.

Local Funding. The rationale for credits for the historical use of local non-impact fee funding for projects that are impact fee-eligible has not been well-articulated and is not specifically addressed in impact fee case law. Capacity-adding projects that may be funded in the future with non-impact fee dollars will be paid for by both existing and new development, and will increase the overall level of service, benefiting both existing and new development. Providing the credit makes it more difficult to raise the level of service, as some non-impact fee funding is necessary to offset lower impact fee revenues resulting from the credit. Providing a credit for local funding would seem to assume that the local government intends for the funding to subsidize new development's share of the cost to maintain the existing level of service, rather than to increase the level of service for the community as a whole. In the absence of such a declaration of the governing body's intent, no credit appears to be warranted for local funding, and is not included in this study.



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## METHODOLOGY

A wide range of methodologies have been developed to calculate impact fees, consistent with the legal requirements and guidelines described above. Despite variations, there are two primary types of methodologies, which can be referred to as “standards-based” and “plan-based.” Standards-based methodologies use a system-wide level of service standard, such as the system-wide ratio of road capacity to demand, the number of park acres per 1,000 residents, or the existing capital investment per service unit.

Plan-based methodologies are generally based on modeling and geographically-specific level of service standards (e.g., “all road segments and intersections shall function at LOS D or better”), and rely on a facility master plan to create the nexus between the cost of planned improvements and the projected growth over a defined time period. In general, the standards-based approach provides greater flexibility in expenditures (a plan-based approach requires a master plan update when planned projects change). The two approaches are described in more detail below.

### Standards-Based

The “standards-based” methodology uses a generalized level-of-service standard to determine the costs to accommodate new development. This approach does not require that there be a master plan, or even a list of specific planned projects that will be funded with the impact fees.

Most often, the standards-based approach uses the actual level of service (LOS) that exists at the time the study is prepared. This LOS standard can be expressed in terms of a physical ratio (e.g., park acres per 1,000 population), or in dollar terms (e.g., park cost per person). When based on the existing LOS, this approach is sometimes referred to as “incremental expansion.” The basic assumption is that it will be necessary to expand capital facilities proportional to growth. Basing the fees on the existing LOS assumes that there is little or no excess capacity in existing facilities to accommodate future growth. However, a standards-based methodology can also be based on a LOS that is lower or higher than the current existing LOS. When there is a significant amount of excess capacity, a lower-than-existing LOS may be used.

For transportation, the most common standards-based approach is often referred to as the “consumption-based” methodology. This methodology charges a new development the cost required to replace the capacity it will consume in the major roadway system. In other words, if a development will generate 100 vehicle-miles of travel (VMT) per day, it is charged impact fees based the average cost to create 100 vehicle-miles of capacity (VMC). Most well-functioning roadway systems have considerably more than one VMC for each VMT, but at least a portion of this surplus represents excess capacity. While this is the most common standards-based approach for roads, some transportation impact fees use a VMC/VMT ratio higher than 1.0, but less than the existing ratio. This is referred to as the modified consumption-based methodology. The existing ratio is seldom used, because growing communities tend to have major roads in areas that are not fully developed, and as they approach build-out are unlikely to be able to maintain the current ratio.

## Plan-Based

In contrast to standards-based methodologies, which rely on generalized, system-wide LOS standards, plan-based methodologies rely on a specific list of planned improvements. A plan-based methodology basically divides the cost of planned improvements over a fixed time period by the anticipated growth in service units over the same time period. The least defensible of these approaches are those based on a short-term capital improvements plan, because there is not necessarily any strong correlation between short-term planned improvement costs and long-term costs to accommodate new development. Much more defensible are those based on a long-range master plan or build-out plan.

As discussed above, plan-based methodologies seldom account for the cost of existing excess capacity. Instead, they focus solely on future costs to be incurred, and generally exclude any future costs to retire debt on existing capacity.

Regardless of the methodology used, an impact fee calculation must comply with the legal principles established by impact fee case law, as described earlier. The most fundamental principle is that impact fees should only charge new development for the costs attributable to growth, and should not charge for the correction of existing capacity deficiencies. In addition, the fees should be proportional to the impact of the development. Finally, new development should not be required to pay twice for the same improvements through other taxes and fees.

Plan-based approaches are not exempt from the fundamental requirement that the fees do not exceed the existing level of service. For example, a transportation fee based on a master plan that determines the cost to maintain LOS D on all roadways over the next 20 years should identify any existing roadways that currently function at a LOS worse than D and develop a funding plan to remedy the deficiencies. Because new development will generally contribute toward whatever funding source is used for this purpose, it is usually necessary to calculate a revenue credit that accounts for such contribution. Many impact fee studies that use the plan-based approach omit this critical component.

## Recommendation

The consultant's recommendation is to continue to use the standards-based methodology. The plan-based approach requires a current master plan that identifies the improvements that will be needed to serve anticipated development over a long term, such as 20 years. The standards-based approach allows the City to adjust its capital improvements plan to respond to changing development patterns without triggering the need for an impact fee and master plan update.

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## LAND USE CATEGORIES

This chapter discusses the land use categories to be used in the updated impact fee schedules for transportation, parks, and public safety facilities. The definitions of the land use categories to be included in the service unit demand schedules and the impact fee schedules have important implications for the fees assessed on different land uses and the ease or difficulty of impact fee administration. Definitions of the proposed land use categories are provided at the end of this chapter.

### Transportation

The current transportation impact fee schedule has seven residential and 29 nonresidential land use categories. This is not uncommon, because published national trip generation rates available from the Institute of Transportation Engineers (ITE) have long been available for hundreds of use categories. However, the fact that trip generation rates are available for so many land uses does not mean a large number must be included in the fee schedule. An alternative approach is to simplify the fee schedule by eliminating many of the uses and replacing them with a fewer number of broader, more generalized categories. Many communities are now moving in this direction.

There are several advantages to this approach: (1) it may better reflect the long-term use of the development; (2) it will make it easier to classify proposed development; and (3) there will be fewer changes of use or independent fee calculation studies. The primary motivation for including many nonresidential categories is to have the fees more accurately reflect the impact of the development. While this may be true for the initial occupant of the structure, many nonresidential buildings can accommodate a variety of more specialized uses that can change over time. A broader category may be more reflective of the long-term impacts of the development, while reducing the need to assess fees for future changes of use and incentivizing the reuse of existing buildings. Paradoxically, having more land use categories often makes it more difficult to classify proposed development projects. The descriptions of land uses in the ITE manual are often vague, requiring judgements to be made to distinguish between, for example, a quality or high turnover restaurant.

This study recommends reducing the number of land uses in the transportation fee schedule from 36 to nine – single-family detached, multi-family, general commercial, fast food restaurant, convenience store with gas, general office, medical office, industrial/warehouse, and public/institutional. These are discussed below.

Single-Family Detached. This category will be retained, and will be defined to include a mobile home not located in a mobile home park.

Multi-Family. The other five residential uses would be included in the multi-family category. The trip generation rate for this category is based on low-rise multi-family, which is slightly lower than for single-family attached (townhome). ITE does not provide a trip rate for age-restricted multi-family, and condominium is an ownership type, not a dwelling type. A mobile home park is also included in this category because it has a very similar trip generation rate (the multi-family rate is slightly lower). Recreational vehicle parks are also classified here because they are likely to have impacts similar to mobile home parks.

General Commercial. Most commercial uses occur within shopping centers, and trip generation rates for shopping centers reflects a mix of uses. The ITE *Trip Generation Manual* notes that some of the centers in its surveys include “non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs and recreational facilities.” It also notes that some of the centers surveyed include outparcels, which often contain service stations, drive-in banks and fast-food restaurants. The proposed approach is to utilize the shopping center rate for most commercial uses, which avoids charging a higher fee for the same use if it is located outside a shopping center.

The current fee schedule includes six shopping center categories ranging from up to 50,000 square feet to 800,000 square feet or more. The most recent ITE manual has three size categories, ranging from up to 40,000 square feet to more than 150,000 square feet. This study uses the largest size category, which has the lowest shopping center trip generation rate. It also has a lower trip generation rate than all the other current retail uses that are included in this category that have rates per 1,000 square feet. The category also includes hotel and motel uses, for which the ITE manual only provides trip rates per room. However, a rough calculation suggests that a hotel rate per 1,000 square feet would be similar to a retail/commercial rate per 1,000 square feet.<sup>1</sup>

Fast food restaurants and convenience stores with gas sales are excluded from the general commercial category used for transportation, but are included in the broader commercial category for the public safety fees.

General Office. The current general office building category is retained in this update. Hospital is included in this category because it has a very similar trip rate.

Medical Office. The current medical office building category is retained in this update.

Industrial/Warehouse. The current ordinance includes four land uses that are proposed to be included in a single category: general light industrial, manufacturing, warehousing, and mini-warehouse. Warehouse and mini-warehouse uses account for about a third of the total industrial/warehouse square footage in Zephyrhills. The mini-warehouse trip rate is slightly lower than warehouse, and is the lowest of the four uses. To ensure that no land use is overcharged, the fees are based on the mini-warehouse trip rate.

Public/Institutional. This category encompasses a variety of governmental, quasi-public, and institutional uses, including schools, day care centers, nursing homes, churches, libraries, and fire and police stations. The current fee schedule lists only one such use: nursing homes. The fees are based on the trip rate for nursing homes.

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<sup>1</sup> Assuming an average hotel room size of 300 square feet, and increasing that by 50% to account for walkways, common space, and maintenance space, suggests a trip rate of 8.9 daily trips per 1,000 sq. ft. A shopping center generates about 8.8 new trips after adjusting for pass-by trips.

The current and proposed land use categories for transportation impact fees are summarized in Figure 1 below.

**Figure 1. Current and Proposed Transportation Categories**

| Current Categories                           | Unit          | Proposed Categories  | Unit          | Updated Fee Basis       |
|----------------------------------------------|---------------|----------------------|---------------|-------------------------|
| Single Family Residential                    | Dwelling      | Single-Family Det.*  | Dwelling      | Single-Family Det.      |
| Multi-Family Residential (Apartment)         | Dwelling      | Multi-Family         | Dwelling**    | Multi-Family (Low-Rise) |
| Age Restricted Multi-Family                  | Dwelling      |                      |               |                         |
| Congregate Care Facility (Attached)          | Dwelling      |                      |               |                         |
| Low-Rise Condominium/Town-home               | Dwelling      |                      |               |                         |
| Mobile Home Park                             | Space         |                      |               |                         |
| Recreational Vehicle Park                    | Space         | General Commercial   | 1,000 sq. ft. | Shop Ctr >150k sf       |
| Hotel                                        | Room          |                      |               |                         |
| Motel                                        | Room          |                      |               |                         |
| Shopping Center under 50,000 sq. ft.         | 1,000 sq. ft. |                      |               |                         |
| Shopping Center 50,001 to 200,000 sq. ft.    | 1,000 sq. ft. |                      |               |                         |
| Shopping Center 200,001 to 400,000 sq. ft.   | 1,000 sq. ft. |                      |               |                         |
| Shopping Center 400,001 to 600,000 sq. ft.   | 1,000 sq. ft. |                      |               |                         |
| Shopping Center 600,001 to 800,000 sq. ft.   | 1,000 sq. ft. |                      |               |                         |
| Shopping Center greater than 800,000 sq. ft. | 1,000 sq. ft. |                      |               |                         |
| Specialty Retail                             | 1,000 sq. ft. |                      |               |                         |
| Variety Stores (small box stores)            | 1,000 sq. ft. |                      |               |                         |
| Movie Theater                                | Screen        |                      |               |                         |
| Supermarket                                  | 1,000 sq. ft. |                      |               |                         |
| Pharmacy Drug Store w/ Drive Thru            | 1,000 sq. ft. |                      |               |                         |
| Drive-In Bank                                | 1,000 sq. ft. |                      |               |                         |
| Quality Restaurant                           | 1,000 sq. ft. | Fast-Food Restaurant | 1,000 sq. ft. | Fast-Food Rest.         |
| Sit-Down Restaurant (High-Turnover)          | 1,000 sq. ft. |                      |               |                         |
| Gasoline/Service Station                     | Pump          |                      |               |                         |
| Fast-Food/Drive-Through Window               | 1,000 sq. ft. | Conv. Market w/Gas   | Pump          | Conv. Market            |
| Convenience Market with Gas Pumps            | 1,000 sq. ft. | General Office       | 1,000 sq. ft. | General Office          |
| Gasoline/Service Station w/Conv. Market      | Pump          |                      |               |                         |
| Gas/Serv. Station w/Conv. Market & Car Wash  | Pump          |                      |               |                         |
| Medical-Dental Office Building               | 1,000 sq. ft. | Medical Office       | 1,000 sq. ft. | Medical Office          |
| Hospital                                     | 1,000 sq. ft. |                      |               |                         |
| General Light Industrial                     | 1,000 sq. ft. |                      |               |                         |
| Manufacturing                                | 1,000 sq. ft. | Industrial/Warehouse | 1,000 sq. ft. | Mini-Warehouse          |
| Warehousing                                  | 1,000 sq. ft. |                      |               |                         |
| Mini-Warehouse                               | 1,000 sq. ft. |                      |               |                         |
| Nursing Home                                 | Bed           | Public/Institutional | 1,000 sq. ft. | Nursing Home            |

\* includes mobile home not located in a mobile home park

\*\* or a space in a mobile home/RV park

## Parks

The three categories in the current park impact fee schedule are proposed to be consolidated into two: single-family detached and multi-family. Townhomes, which are currently in a joint single-family detached/townhouse category, will now be included with other multi-family units. As with the transportation use categories, mobile homes are essentially split between the other two, with mobile homes outside of a mobile home park treated the same as single-family, and a space in a mobile home park subject to the multi-family fee.

**Figure 2. Current and Proposed Park Categories**

| Current Categories     | Unit     | Proposed Categories | Unit       | Updated Fee Basis  |
|------------------------|----------|---------------------|------------|--------------------|
| Single Family/Townhome | Dwelling | Single-Family Det.* | Dwelling   | Single-Family Det. |
| Mobile Home            | Dwelling |                     |            |                    |
| Multiple Family        | Dwelling | Multi-Family        | Dwelling** | Multi-Family       |

\* includes mobile home not located in a mobile home park

\*\* or a space in a mobile home/RV park

## Public Safety

The current public safety impact fee schedule contains only two categories: residential and nonresidential. The recommended switch from calls-for-service to functional population requires more use categories, because a component of the functional population calculation for nonresidential uses is trip generation, which differs by land use. Consequently, the transportation categories are used for public safety as well, with the exception that fast food restaurant and convenience store are not broken out separately from other commercial uses and medical office is included in the broader office category. This difference is due to the fact that the other inputs into the functional population formula are not available for these more specialized uses.

**Figure 3. Current and Proposed Public Safety Categories**

| Current Categories | Unit          | Proposed Categories  | Unit          | Updated Fee Basis            |
|--------------------|---------------|----------------------|---------------|------------------------------|
| Residential        | Dwelling      | Single-Family Det.*  | Dwelling      | same as Transportation       |
|                    |               | Multi-Family         | Dwelling**    | same as Transportation       |
|                    |               | Commercial           | 1,000 sq. ft. | inc. fast food & conv. store |
| Nonresidential     | 1,000 sq. ft. | Office               | 1,000 sq. ft. | includes medical office      |
|                    |               | Industrial/Warehouse | 1,000 sq. ft. | same as Transportation       |
|                    |               | Public/Institutional | 1,000 sq. ft. | same as Transportation       |

\* includes mobile home not located in a mobile home park

\*\* or a space in a mobile home/RV park

## Definitions

Definitions for the land use categories used in this study are provided below. These definitions are intended to assist City staff in classifying proposed developments and assessing appropriate impact fees. If these definitions are adopted by ordinance or resolution, they should be accompanied by a disclaimer that they only apply to interpretation of the impact fee schedules.

**Single-Family Detached** means a building containing only one dwelling unit, including a mobile home not located in a mobile home park.

**Multi-Family** means a building containing two or more dwelling units. It includes duplexes, apartments, residential condominiums, townhouses, and timeshares. The fee per dwelling unit for this category also applies per space for new mobile home and recreational vehicle parks.

**Mobile Home/RV Park** means a parcel (or portion thereof) or abutting parcels of land designed, used or intended to be used to accommodate two or more occupied mobile homes or recreational vehicles, with necessary utilities, vehicular pathways, and mobile home/RV pads or spaces.

**Commercial** means an integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the public of goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure, or the provision of services not located within an office building. This category includes but is not limited to all uses located in shopping centers and the following typical types of free-standing uses: Amusement park, bank, book store, camera shop, car sales, car wash, convenience store, department store, discount store, florist shop, gas station, health or fitness club, hotel, laundromat, laundry or dry cleaning, lawn and garden supply store, marina, massage establishment, motel, movie theater, music store, newsstand, racetrack, recreation facility (commercial), repair shop, restaurant, service station, specialty retail shop, used merchandise store, variety store, and vehicle and equipment rental.

**General Commercial** means the same as commercial, except that it excludes fast food restaurant and convenience store with gas pumps.

**Fast Food Restaurant** means an establishment that sells meals prepared on site, and provides drive-through or drive-in service.

**Convenience Store with Gas Pumps** means an establishment offering the sale of motor fuels and convenience items to motorists.

**Office** means a building exclusively containing establishments providing executive, management, administrative, financial, medical or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or childcare facilities. It may be the upper floors of a multi-story office building, excluding ground floor retail uses. Typical uses include hospitals; offices for medical services, real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to a different primary use of the site.

**General Office** means the same as office, except that it excludes medical office.



**Medical Office** means a building used exclusively for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients) by health professionals, and which may include ancillary services for medical office workers or a medical laboratory to the extent necessary to carry out diagnostic services for the patients.

**Industrial/Warehouse** means any of the following:

Industrial - a facility primarily intended for the production or assembly of goods, processing of foods, mining of raw materials, or similar activities. Typical uses include factories, welding shops, wholesale bakeries, bottling plants, and utility plants.

Warehouse - an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations and major mail processing centers.

Mini-warehouse - an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

**Public/Institutional** means a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary or secondary schools, day care centers, nursing homes, churches, prisons, city halls, courthouses, post offices, jails, libraries, fire stations, museums, military bases, airports, bus stations, parks and playgrounds.



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## TRANSPORTATION

This chapter calculates updated transportation impact fees based on current data and costs. In an attempt to make the fee calculations easier to follow, numbers in a table that are inputs into another table are highlighted in red.

### Major Roadway System

The transportation impact fees are designed to recover the costs of design, right-of-way and construction for capacity improvements to the major roadway system necessitated by growth. For the purposes of this update, the major road system is defined as roads within the city limits that are classified as arterials or collectors. Pasco County does not collect transportation impact fees from development in the City's jurisdiction, so there is no double-charging for County roads. State highways are also included. County and State roads are major components of the city's major roadway network. Even though these facilities are not the primary responsibility of the City, it will need to provide funding for components of the improvements that will be needed to accommodate traffic growth, given the shrinking availability of State and Federal funding, and credit is provided for anticipated funding based on the Pasco County 2045 long-range transportation plan. For U.S. 301 (Gall Road), however, significant amounts of State and Federal funding are programmed for improvements, and the City is unlikely to bear much of the cost of improvements. Gall Road also carries a high percentage of through traffic that is unrelated to development in Zephyrhills. While County and State roads in the city also carry some through traffic, development in the City also generates through trips in other jurisdictions.

A detailed inventory of the major roadway system in Zephyrhills is provided in Table 10 on the following page. It shows the street name, segment description, functional classification, jurisdictional ownership, segment length in miles, average daily volume, maximum capacity at Level of Service D, daily vehicle-miles of travel, and daily vehicle-miles of capacity.

**Table 10. Existing Major Roadway System**

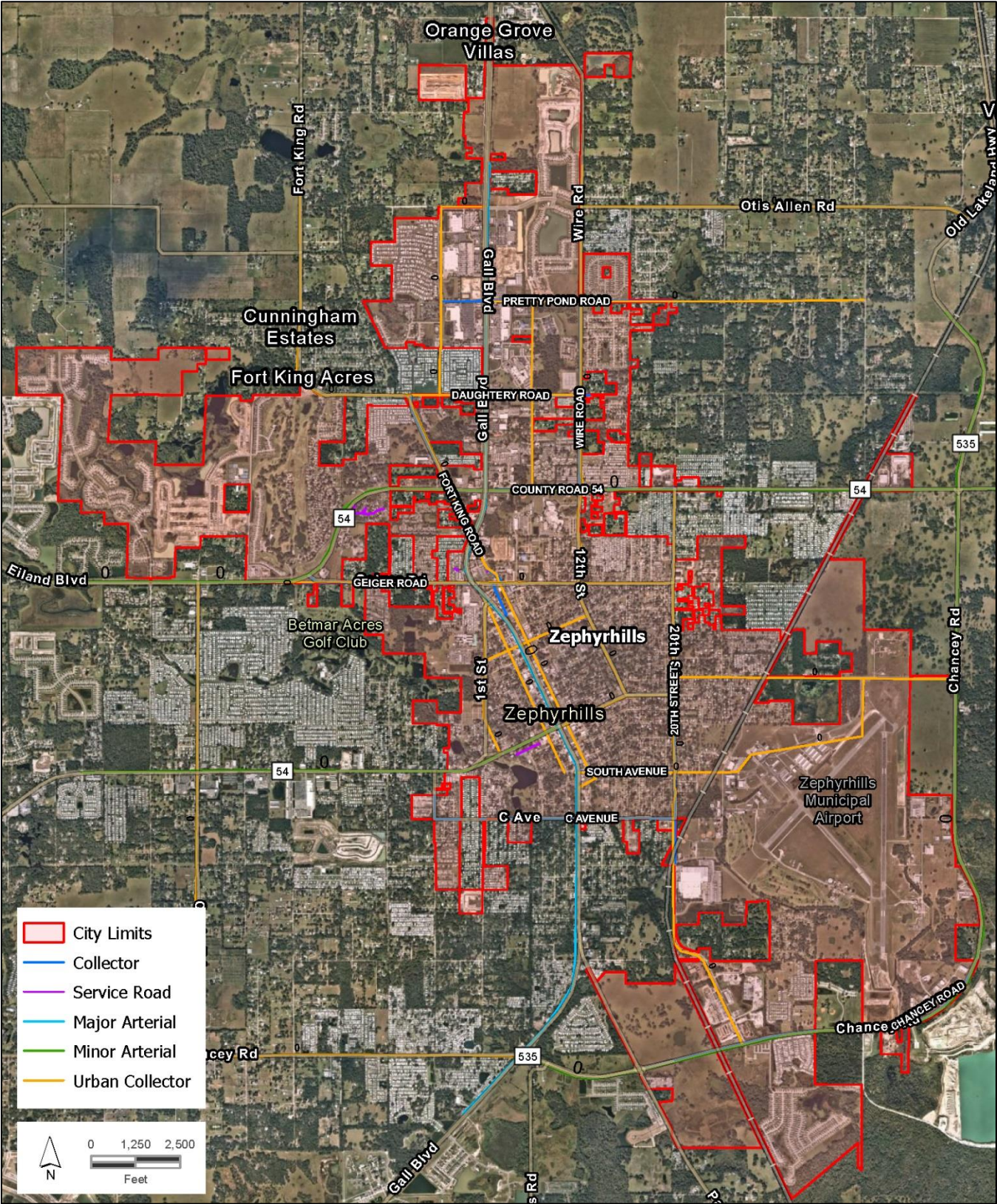
| Street Name            | Segment                     | Func. Class | Miles | Lanes | ADT    | VMT     | LOS D Cap. | VMC     |
|------------------------|-----------------------------|-------------|-------|-------|--------|---------|------------|---------|
| <b>City Roads</b>      |                             |             |       |       |        |         |            |         |
| 6th Avenue             | 20th St - E city limit      | Collector   | 1.21  | 2     | 4,200  | 5,082   | 13,000     | 15,730  |
| 6th Street             | Gall Blvd - South Ave       | Collector   | 1.04  | 2     | 4,700  | 4,888   | 13,000     | 13,520  |
| 6th Street             | South Ave - C Ave           | Collector   | 0.25  | 2     | 1,500  | 375     | 13,000     | 3,250   |
| 7th Street             | North Blvd - Gall Blvd      | Collector   | 1.21  | 2     | 4,200  | 5,082   | 13,000     | 15,730  |
| Daugherty Rd           | Gall Blvd - Wire Rd         | Collector   | 0.49  | 2     | 4,200  | 2,058   | 13,000     | 6,370   |
| Dairy Road             | CR 54 - Pretty Pond Rd      | Collector   | 1.00  | 2     | 6,800  | 6,800   | 13,000     | 13,000  |
| Dairy Road             | Pretty Pond - Kossik Rd     | Collector   | 0.55  | 2     | 6,800  | 3,740   | 13,000     | 7,150   |
| Green Slope Dr         | Pretty Pond - Daugherty Rd  | Collector   | 1.00  | 2     | 4,200  | 4,200   | 13,000     | 13,000  |
| Kossik Rd              | Green Slope Dr -Gall Blvd   | Collector   | 0.25  | 4     | 4,000  | 1,000   | 32,490     | 8,123   |
| Kossik Rd              | Gall Blvd - Zephyr Lakes Dr | Collector   | 0.37  | 4     | 4,000  | 1,480   | 32,490     | 12,021  |
| Pretty Pond Rd         | Green Slope Dr -Gall Blvd   | Collector   | 0.19  | 2     | 2,100  | 399     | 13,000     | 2,470   |
| Pretty Pond Rd         | Gall Blvd - Dairy Rd        | Collector   | 0.25  | 2     | 2,100  | 525     | 13,000     | 3,250   |
| Simons Rd              | Eiland Blvd - Fort King Rd  | Collector   | 1.33  | 2     | 2,000  | 2,660   | 13,000     | 17,290  |
| South Avenue           | Gall Blvd - 6th Ave         | Collector   | 1.76  | 2     | 4,200  | 7,392   | 13,000     | 22,880  |
| Subtotal, City Roads   |                             |             | 10.90 |       |        | 45,681  |            | 153,784 |
| <b>County Roads</b>    |                             |             |       |       |        |         |            |         |
| 12th Street            | CR 54 - SR 54               | Collector   | 1.15  | 2     | 5,100  | 5,865   | 13,000     | 14,950  |
| 20th Street            | s/of Henry Dr - C Ave       | Collector   | 1.49  | 2     | 5,100  | 7,599   | 13,000     | 19,370  |
| 20th Street            | C Ave - city limit          | Collector   | 0.15  | 2     | 5,100  | 765     | 13,000     | 1,950   |
| 20th Street            | city limit - Chauncey Rd    | Collector   | 0.91  | 2     | 5,100  | 4,641   | 13,000     | 11,830  |
| C Avenue               | Court St - Gall Blvd        | Collector   | 0.77  | 2     | 1,325  | 1,020   | 13,000     | 10,010  |
| C Avenue               | Gall Blvd - 20th St         | Collector   | 0.52  | 2     | 900    | 468     | 13,000     | 6,760   |
| Chancey Rd (Co 535)    | SR 39 - E city limit        | Collector   | 0.97  | 2     | 11,000 | 10,670  | 13,000     | 12,610  |
| Chancey Rd (Co 535)    | Yonkers Blvd - city limit   | Collector   | 1.02  | 2     | 11,000 | 11,220  | 13,000     | 13,260  |
| CR 54 (Eiland Blvd)    | Simons Rd - Gall Blvd       | Arterial    | 2.17  | 2     | 18,000 | 39,060  | 15,800     | 34,286  |
| CR 54                  | Gall Blvd - 23rd St         | Collector   | 1.26  | 2     | 11,900 | 14,994  | 13,000     | 16,380  |
| Court Street           | C Avenue - N to city limit  | Collector   | 0.15  | 2     | 2,100  | 315     | 13,000     | 1,950   |
| Daugherty Road         | Fort King Rd - Gall Blvd    | Collector   | 0.49  | 2     | 4,200  | 2,058   | 13,000     | 6,370   |
| Fort King (CR 41)      | Gall Blvd - Daugherty Rd    | Collector   | 0.83  | 2     | 10,200 | 8,466   | 13,000     | 10,790  |
| Geiger Road            | Eiland Blvd - Gall Blvd     | Collector   | 0.88  | 2     | 4,500  | 3,960   | 13,000     | 11,440  |
| North Avenue           | Gall Blvd - 20th St         | Collector   | 1.06  | 2     | 8,400  | 8,904   | 13,000     | 13,780  |
| Pretty Pond Road       | Dairy Rd - 20th St          | Collector   | 0.52  | 2     | 2,100  | 1,092   | 13,000     | 6,760   |
| Wire Road              | CR 54 - Pretty Pond Rd      | Collector   | 1.00  | 2     | 7,800  | 7,800   | 13,000     | 13,000  |
| Subtotal, County Roads |                             |             | 15.34 |       |        | 128,897 |            | 205,496 |
| <b>State Roads</b>     |                             |             |       |       |        |         |            |         |
| SR 39                  | US 301 - s/of Chauncey Rd   | Arterial    | 0.74  | 2     | 7,300  | 5,402   | 15,800     | 11,692  |
| SR 39                  | city limit - S city limit   | Arterial    | 0.15  | 2     | 14,500 | 2,175   | 15,800     | 2,370   |
| SR 54                  | Court St - Gall Blvd        | Arterial    | 0.71  | 2     | 11,100 | 7,881   | 15,800     | 11,218  |
| SR 54                  | Gall Blvd - 20th St         | Collector   | 0.64  | 2     | 11,100 | 7,104   | 15,800     | 10,112  |
| Subtotal, State Roads  |                             |             | 2.24  |       |        | 22,562  |            | 35,392  |
| Grand Total            |                             |             | 28.48 |       |        | 197,140 |            | 394,672 |

Source: Functional classification map from City of Zephyrhills, August 17, 2023, length and number of lanes from Google Maps; average daily trips (ADT) are 2022 counts from Florida Dept. of Transportation (FDOT) on-line traffic count website, 2023; vehicle-miles of travel (VMT) is product of miles and ADT; capacities are based on FDOT, *Quality/Level of Service Handbook*, January 2023 (arterial is 90% of LOS D maximum volume for State--signalized urban roadways based on adjustment factor for non-State-signalized roads; and collector is 80% of urban arterial based on the adjustment factor for a 2-lane undivided road with no exclusive left turn lanes); vehicle-miles of capacity (VMC) is product of miles and capacity.

The network of major roads in Zephyrhills is illustrated in Figure 4 on the following page.



Figure 4. Map of Existing Major Roads





## Level of Service

The methodology used in this study is the standards-based approach known as “consumption-based.” The consumption-based approach uses a system-wide ratio of capacity to demand (vehicle-miles of capacity to vehicle-miles of travel, or VMC/VTM). A VMC/VTM ratio of one-to-one is the level of service used in the consumption based approach. However, the City has a current level of service significantly higher than that. This study uses a modified consumption-based approach, based on a level of service of 1.50, which is midway between the typical one-to-one ratio and the existing 2.00 ratio.

Total demand and capacity from the major roadway inventory is summarized in Table 11, which demonstrates that the existing major roadway system currently has a level of service well in excess of the recommended level of service. Because the updated fees are based on a level of service that is lower than the recommended level of service, there are no existing deficiencies in the context of the modified consumption-based methodology.

**Table 11. Current Major Roadway System Level of Service**

|                                       |         |
|---------------------------------------|---------|
| Daily Vehicle-Miles of Capacity (VMC) | 394,672 |
| ÷ Daily Vehicle-Miles of Travel (VMT) | 197,140 |
| Existing VMC/VMT Ratio                | 2.00    |
| Recommended VMC/VMT Ratio             | 1.50    |

Source: Existing VMC and VMT from Table 10.

## Service Units

Service units create the link between demand (traffic generated by new development) and supply (roadway capacity). An appropriate service unit basis for transportation impact fees is vehicle-miles. Vehicle-miles is a combination of the number of vehicles traveling during a given time period and the distance (in miles) that those vehicles travel.

The two time periods most often used in traffic analysis are the 24-hour day (average daily trips or ADT) and the single hour of the day with the highest traffic volume (peak hour trips or PHT). Average daily trips are used in this study.

On the demand side, this update uses average daily trip generation, new trip factors (which account for pass-by and diverted trips), and average trip lengths. The product of these three factors is the average daily vehicle-miles of travel (VMT) associated with a unit of development for various land use types. The service unit on the supply side is average daily vehicle-miles of capacity (VMC). VMC is calculated as the product of the length and capacity of each roadway. System-wide VMC is the sum of the VMC for all major roadways. Capacity is measured in terms of the generalized maximum daily volume that can be accommodated on the roadway at Level of Service “D.”

## Travel Demand Schedule

The travel demand generated by specific land use types is a product of three factors: 1) trip generation, 2) percent new trips and 3) average trip length. The first two factors are well documented in the professional literature. In contrast, trip lengths are much more likely to vary between communities, depending on the geographic size and shape of the community and its major roadway system.

### Trip Generation

Trip generation rates represent trip ends, or driveway crossings. A one-way trip from home to work counts as one trip end for the residence and one trip end for the workplace, for a total of two trip ends. To avoid over-counting, all trip rates have been divided by two. This splits the travel demand equally between the origin and destination of the trip, and avoids double-charging. The trip generation rates are based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*.

### New Trip Factor

Trip rates also need to be adjusted by a "new trip factor" to exclude pass-by and diverted trips. This adjustment is intended to reduce the possibility of over-counting travel induced by the new development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A pass-by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-linked trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The reductions for pass-by and diverted trips utilized in this study were drawn from the ITE handbook and Florida origin and destination studies.

### Average Trip Length

The average trip length is the most difficult travel demand factor to determine. In the context of a road impact fee using a consumption-based methodology, the relevant input is the average length of a trip on the major roadway system. This will vary between jurisdictions based on their size and configuration. The starting point is state-wide data on average trip lengths for specific land uses and trip purposes. The Florida data is summarized in Table 12.

**Table 12. Average Trip Length by Trip Purpose, Florida**

| Trip Purpose                   | Vehicle Miles          | Trips                 | Miles/<br>Trip |
|--------------------------------|------------------------|-----------------------|----------------|
| To/From Work                   | 38,504,318,620         | 3,502,175,095         | 10.99          |
| Shopping                       | 34,919,451,374         | 3,996,794,701         | 8.74           |
| School/Church                  | 12,178,353,884         | 2,024,255,349         | 6.02           |
| Medical/Dental                 | 3,987,609,784          | 554,716,116           | 7.19           |
| Other Family/Personal Business | 25,612,073,608         | 3,865,452,931         | 6.63           |
| Other Social/Recreational      | 33,417,943,045         | 4,080,428,940         | 8.19           |
| Work-Related Business          | 2,516,394,053          | 206,835,371           | 12.17          |
| Visit Friends/Relatives        | 18,518,385,558         | 1,111,173,099         | 16.67          |
| Other                          | 7,543,076,032          | 995,075,954           | 7.58           |
| <b>Total Trips</b>             | <b>177,197,605,958</b> | <b>20,336,907,557</b> | <b>8.71</b>    |

Source: Federal Highway Administration, *National Household Travel Survey* data for Florida, 2017.

While Florida average trip lengths provide reasonable estimates of relative magnitudes associated with different land use types, the actual distances are likely to be unrepresentative of travel on the City's major roadway system. An adjustment factor can be derived by dividing the VMT actually observed on the major roadway system by the VMT that would be expected using state-wide average trip lengths.

The first step in developing the adjustment factor is to estimate the total VMT that would be expected on the major roadway system based on state and national travel demand characteristics. Existing land uses are multiplied by trip generation rates, percent new trips and average trip lengths and summed to estimate total VMT. As shown in Table 13, existing land uses within the city, using state and national trip data, would be expected to generate 700,171 VMT per day.

**Table 13. Expected Vehicle-Miles of Travel**

| Land Use                | ITE Code | Unit          | Existing Units | Trip Rate | % New Trips | Avg. Trip Miles | Expected VMT   |
|-------------------------|----------|---------------|----------------|-----------|-------------|-----------------|----------------|
| Single-Family Detached* | 210      | Dwelling      | 7,665          | 4.71      | 100%        | 8.71            | 314,450        |
| Multi-Family            | 220      | Dwelling      | 2,744          | 3.37      | 100%        | 8.71            | 80,544         |
| General Commercial      | 820      | 1,000 sq. ft. | 2,428          | 18.50     | 43%         | 8.74            | 168,811        |
| Fast Food Restaurant    | 934      | 1,000 sq. ft. | 51             | 233.74    | 30%         | 2.21            | 7,903          |
| General Office          | 710      | 1,000 sq. ft. | 600            | 5.42      | 92%         | 7.19            | 21,511         |
| Medical Office          | 720      | 1,000 sq. ft. | 561            | 18.00     | 86%         | 7.19            | 62,440         |
| Industrial/Warehouse    | 151      | 1,000 sq. ft. | 1,526          | 0.72      | 92%         | 10.99           | 11,109         |
| Public/Institutional    | 620      | 1,000 sq. ft. | 1,850          | 3.37      | 89%         | 6.02            | 33,403         |
| <b>Total</b>            |          |               |                |           |             |                 | <b>700,171</b> |

\* existing units includes mobile homes, due to lack of data on number in mobile home parks

Source: Existing city-wide units from Table 29 and Table 30 in Appendix A; trip rates and percent new trips from Table 15; average trip length in miles from Table 12 (fast food restaurant from Table 15); expected VMT is product of existing units, trip rate, % new trips, and average trip length.

The final step in developing the local adjustment factor is to compare the expected VMT using Florida and national trip characteristics to actual daily VMT on the major roadway system, as shown in Table 14. Expected VMT based on existing land uses and travel demand characteristics significantly over-estimates VMT actually observed on the city's existing major roadway system. This is not surprising, because the major roadway system does not account for travel on local streets or roads outside the city limits. Consequently, the travel demand based on state-wide and national data will be adjusted downward by multiplying by the local adjustment factor of 0.282, as calculated in Table 14.

**Table 14. Local Travel Demand Adjustment Factor**

|                                                |              |
|------------------------------------------------|--------------|
| Actual Daily Vehicle-Miles of Travel (VMT)     | 197,140      |
| ÷ Expected Daily Vehicle-Miles of Travel (VMT) | 700,171      |
| <b>Ratio of Actual to Expected VMT</b>         | <b>0.282</b> |

Source: Actual VMT from Table 11; expected VMT from Table 13.

### Travel Demand Summary

The result of combining trip generation rates, new trip factors, average trip lengths and the local adjustment factor is a travel demand schedule that establishes the vehicle-miles of travel (VMT) generated on the major roadway system during the average weekday by various land use types per unit of development. The recommended travel demand schedule is presented in Table 15.

**Table 15. Travel Demand by Land Use**

| Land Use Type              | ITE Code | Unit          | Trip Rate | Percent New | Avg. Trip Miles | Adjust. Factor | VMT/ Unit |
|----------------------------|----------|---------------|-----------|-------------|-----------------|----------------|-----------|
| Single-Family Detached     | 210      | Dwelling      | 4.71      | 100%        | 8.71            | 0.282          | 11.57     |
| Multi-Family               | 220      | Dwelling      | 3.37      | 100%        | 8.71            | 0.282          | 8.28      |
| General Commercial         | 820      | 1,000 sq. ft. | 18.50     | 43%         | 8.74            | 0.282          | 19.61     |
| Fast Food Restaurant       | 934      | 1,000 sq. ft. | 233.74    | 30%         | 2.21            | 0.282          | 43.70     |
| Conv. Store with Gas Pumps | 945      | Fuel Pos.     | 132.56    | 12%         | 1.90            | 0.282          | 8.52      |
| General Office             | 710      | 1,000 sq. ft. | 5.42      | 92%         | 7.19            | 0.282          | 10.11     |
| Medical Office             | 720      | 1,000 sq. ft. | 18.00     | 86%         | 7.19            | 0.282          | 31.39     |
| Industrial/Warehouse       | 151      | 1,000 sq. ft. | 0.72      | 92%         | 10.99           | 0.282          | 2.05      |
| Public/Institutional       | 620      | 1,000 sq. ft. | 3.37      | 89%         | 6.02            | 0.282          | 5.09      |

Source: Trip rates are ½ of average daily trip ends on a weekday from Institute for Transportation Engineers (ITE), *Trip Generation Manual*, 11th edition, 2021; percent new trips for general commercial from ITE *Trip Generation Handbook* 3<sup>rd</sup> edition, 2017 for shopping center, percent new trips for other nonresidential and average trip lengths for fast food restaurants and convenience stores from a summary of Florida origin and destination studies presented in Tindale Oliver, *Volusia County Impact Fee Study*, July 2022, Appendix C; average trip length in miles from Table 12 for the following trip purposes: residential is average of all local trips, general commercial is shopping, office is medical/dental, industrial/warehouse is home to work, and public/institutional is school/church; local adjustment factor from Table 14; daily VMT is product of trip rate, percent new trips, average trip length, and the local adjustment factor.

### Cost per Service Unit

Expanding the capacity of the major roadway system is primarily accomplished by widening existing roadway cross-sections to accommodate additional through lanes and by building new roads. The transportation impact fee is designed to cover the cost of adding capacity to the roadway system. All of the normal components of a roadway expansion project are eligible for impact fee funding, including engineering and design, right-of-way acquisition, construction of new lanes, reconstruction of existing lanes and relocation of utilities where necessary as part of a widening project, and installation of sidewalks, street lighting and landscaping as part of an improvement project. Intersection improvements, signalization and timing, and similar types of improvements also expand roadway capacity and are eligible improvements, but the vehicle-miles of travel added would be much more difficult to quantify.

The cost to add roadway capacity to the major roadway system is estimated based on three new 2-lane collector road projects, two of which have been completed and one (the South Avenue extension) that is in the design and permitting stage. The average cost of these projects per vehicle-mile of capacity (VMC) added is shown in Table 16 on the following page. Because the modified consumption-based methodology justifies more than a one-to-one ratio of capacity to demand, the cost per VMC is multiplied by 1.50 to determine the cost of \$510 per VMT.

**Table 16. Transportation Cost per Vehicle-Mile**

| Project                                 | Construction Cost | ROW Cost    | Total Cost  | Miles | Cost/Mile    |
|-----------------------------------------|-------------------|-------------|-------------|-------|--------------|
| Simons Rd                               | \$4,843,408       | \$1,291,575 | \$6,134,983 | 1.33  | \$4,612,769  |
| Dairy Rd, Pretty Pond-Kossik Rd         | \$1,120,824       | \$298,886   | \$1,419,710 | 0.55  | \$2,581,291  |
| South Ave Extension                     | \$1,500,000       | \$400,000   | \$1,900,000 | 0.26  | \$7,307,692  |
| Total                                   | \$7,464,232       | \$1,990,461 | \$9,454,693 | 2.14  | \$4,418,081  |
| ÷ Capacity at LOS D                     |                   |             |             |       | 13,000       |
| Cost per Vehicle-Mile of Capacity (VMC) |                   |             |             |       | \$340        |
| x VMC/VMT Ratio                         |                   |             |             |       | 1.50         |
| Cost per VMT                            |                   |             |             |       | <b>\$510</b> |

Source: Projects, costs, and miles from City of Zephyrhills, August 9, 2023 (right-of-way costs estimated for Simons Road and Dairy Road based on 26.67% of construction costs for South Avenue extension; capacity of two-lane collector from Florida Dept. of Transportation, *Quality/Level of Service Handbook*, January 2023; VMC/VMT ratio from Table 11.

### Net Cost per Service Unit

As described in the Legal Framework chapter, impact fees will be reduced for new development's contribution toward funding existing deficiencies, retiring outstanding debt for existing facilities that are included in the existing level of service on which the fees are based, and County, State, and Federal funding. The updated transportation impact fees are based on a level of service that is actually lower than the existing LOS, so no deficiency credit is warranted. The City does not have any outstanding debt attributable to transportation improvements.

Some County and State/Federal funding is programmed for the improvement of road capacity for only one of the city's major roads over the next 20 years, namely for the widening of County Road 54/Eiland Boulevard between Fort King Road and Gall Boulevard. At this rate of funding, new development would be expected to generate a net present value of \$17 per VMT over the long-term, approximated as the next 20 years. The credit calculations for programmed outside funding are summarized in Table 17.

**Table 17. Transportation Funding Credit**

| Project Location                           | Type       | Amount      |
|--------------------------------------------|------------|-------------|
| Eiland Blvd (CR 54), Ft. King Rd-Gall Blvd | Widen 2-4D | \$4,667,586 |
| Total Non-City Funding, FY 2025-2045       |            | \$4,667,586 |
| ÷ Number of Years                          |            | 20          |
| Annual Non-City Funding                    |            | \$233,379   |
| ÷ Existing VMT                             |            | 197,140     |
| Annual Non-City Funding per VMT            |            | \$1.18      |
| x Net Present Value (20 years)             |            | 14.74       |
| Non-City Funding Credit per VMT            |            | <b>\$17</b> |

Source: Pasco County Metropolitan Planning Organization, *Mobility 2045 Long Range Transportation Plan*, 2020; existing VMT from Table 11; net present value factor based on discount rate of 3.10%, which was the average national yield on AAA 20-year municipal bonds from fmsbonds.com on January 11, 2024.



The net cost per service unit is the cost per vehicle-mile of travel (VMT) less the funding credit per VMT. It amounts to \$493 per VMT, as shown in Table 18.

**Table 18. Transportation Net Cost per Service Unit**

|                                       |              |
|---------------------------------------|--------------|
| Cost per Vehicle Mile of Travel (VMT) | \$510        |
| – Non-City Funding Credit per VMT     | -\$17        |
| <b>Net Cost per VMT</b>               | <b>\$493</b> |

Source: Cost per VMT from Table 16; funding credit from Table 17.

## Net Cost Schedule

The transportation impact fees are based on the daily vehicle-miles of travel (VMT) on the major roadway system generated by a development. The VMT per development unit is multiplied by the net cost per VMT to determine the maximum fee per unit. The updated transportation impact fees are presented in Table 19. A comparison of current and updated fees is provided in the Executive Summary.

**Table 19. Transportation Net Cost Schedule**

| Land Use Type              | Unit          | VMT/<br>Unit | Net<br>Cost/<br>VMT | Net<br>Cost/<br>Unit |
|----------------------------|---------------|--------------|---------------------|----------------------|
| Single-Family Detached     | Dwelling      | 11.57        | \$493               | \$5,704              |
| Multi-Family               | Dwelling      | 8.28         | \$493               | \$4,082              |
| General Commercial         | 1,000 sq. ft. | 19.61        | \$493               | \$9,668              |
| Fast Food Restaurant       | 1,000 sq. ft. | 43.70        | \$493               | \$21,544             |
| Conv. Store with Gas Pumps | Fuel Pos.     | 8.52         | \$493               | \$4,200              |
| General Office             | 1,000 sq. ft. | 10.11        | \$493               | \$4,984              |
| Medical Office             | 1,000 sq. ft. | 31.39        | \$493               | \$15,475             |
| Industrial/Warehouse       | 1,000 sq. ft. | 2.05         | \$493               | \$1,011              |
| Public/Institutional       | 1,000 sq. ft. | 5.09         | \$493               | \$2,509              |

Source: VMT per unit from Table 15; net cost per VMT from Table 18; net cost/unit is product of VMT/unit and net cost/VMT.

# PARKS

Zephyrhills provides a number of parks and recreational facilities for the enjoyment of city residents and visitors. The locations of existing parks and currently undeveloped parkland are illustrated in Figure 5 on the following page. This chapter updates the cost attributable to new residential development to maintain the City’s current park level of service. In an attempt to make the fee calculations easier to follow, numbers in a table that are inputs into another table are highlighted in red.

## Service Units

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for park facilities. This unit of measurement is called a “service unit.” The most obvious and commonly-used measure of demand for park facilities is residential population. This can be expressed either in terms of average household size (persons per occupied unit/household) or persons per unit (person per unit, including currently vacant units).

This report uses a relative measure based on average household size called the “equivalent dwelling unit” or EDU. One EDU represents the impact of a typical single-family detached dwelling. Other types of units each represent a fraction of an EDU, based on their relative number of persons per unit. The number of EDUs by housing type are calculated in Table 20.

**Table 20. Park Service Units per Dwelling Unit**

| Housing Type           | Average HH Size | EDUs/ Unit |
|------------------------|-----------------|------------|
| Single-Family Detached | 2.27            | 1.00       |
| Multi-Family           | 1.81            | 0.80       |

Source: Average household size from Table 31 in Appendix B; EDUs per unit is ratio of average household size by housing type to average household size of single-family detached unit.

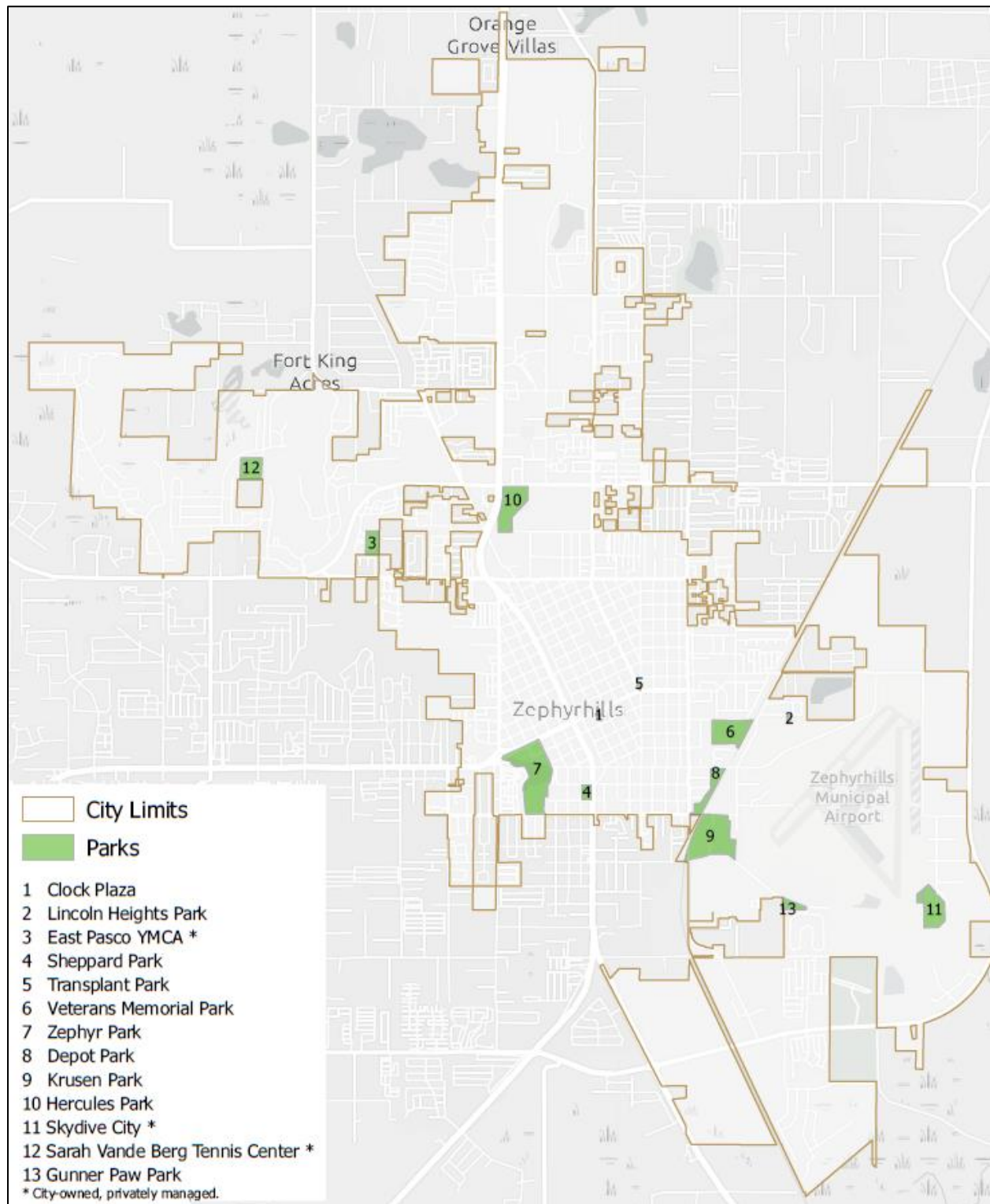
In order to determine the existing level of service, it is necessary to estimate the total number of service units in the city. The total EDUs are developed by multiplying the number of existing dwelling units of each housing type by the appropriate EDUs per unit, and summing the results for all housing types. As shown in Table 21, there are an estimated 9,860 existing park service units (EDUs) in the city.

**Table 21. Existing Park Service Units**

| Housing Type           | Existing Units | EDUs/ Unit | Existing EDUs |
|------------------------|----------------|------------|---------------|
| Single-Family Detached | 7,665          | 1.00       | 7,665         |
| Multi-Family           | 2,744          | 0.80       | 2,195         |
| Total                  |                |            | 9,860         |

Source: Existing units from Table 29 in Appendix A; EDUs per unit from Table 20.

Figure 5. Park Locations



## Cost per Service Unit

This study bases the park impact fee on the existing level of service, and measures that level of service in terms of the ratio of the total replacement value of existing facilities to existing residential development. Dividing the total cost of existing park land, improvements, and vehicles/equipment by the number of park service units results in a cost of \$880 per equivalent dwelling unit (EDU) to maintain the current park level of service, as shown in Table 22.

**Table 22. Park Cost per Service Unit**

| Park Facility                         | Address            | Acres  | Land Value  | Imp. Value  | Total Value  |
|---------------------------------------|--------------------|--------|-------------|-------------|--------------|
| Clock Plaza                           | 8th St at 5th Ave  | 0.50   | \$10,455    | \$200,645   | \$211,100    |
| Depot Park                            | 39110 South Ave    | 4.00   | \$83,640    | \$881,393   | \$965,033    |
| Gunner Paw Park                       | 39536 Alston Ave   | 5.66   | \$118,351   | \$64,826    | \$183,177    |
| Hercules Park                         | 38110 CR 54        | 11.92  | \$249,247   | \$0         | \$249,247    |
| Krusen Park                           | Krusen Field Rd    | 33.00  | \$690,030   | \$1,820,998 | \$2,511,028  |
| Lincoln Heights Park                  | Lincoln Ave        | 0.50   | \$10,455    | \$46,262    | \$56,717     |
| Shepard Park                          | U.S. 301 and A Ave | 2.00   | \$41,820    | \$620,674   | \$662,494    |
| Transplant Park                       | 5th Ave at 12th St | 0.20   | \$4,182     | \$0         | \$4,182      |
| Veterans's Memorial Park              | 3rd Ave            | 10.00  | \$209,100   | \$0         | \$209,100    |
| Zephyr Park                           | 38116 5th Ave      | 34.00  | \$710,940   | \$1,983,967 | \$2,694,907  |
| Subtotal, Parks                       |                    | 101.78 | \$2,128,220 | \$5,618,765 | \$7,746,985  |
| Subtotal, Park Vehicles and Equipment |                    |        |             |             | \$931,254    |
| Total Park Facility Replacement Value |                    |        |             |             | \$8,678,239  |
| ÷ Existing Park EDUs                  |                    |        |             |             | 9,860        |
| Cost per Park Service Unit            |                    |        |             |             | <b>\$880</b> |

*Source:* Park description and acres from City of Zephyrhills, November 28, 2023; land value based on average market value of vacant residential land in the city (\$20,910) from Pasco County Property Assessor records for 2023; improvement and vehicle/equipment values are original costs from the City's fixed asset records adjusted by the change in the Consumer Price Index from November of acquisition year to November 2023; existing park service units (EDUs) from Table 21.

## Net Cost per Service Unit

As described in the Legal Framework chapter, impact fees should be reduced to account for new development's contribution toward the cost of remedying existing deficiencies, retiring outstanding debt for existing facilities that are included in the existing level of service on which the fees are based, and State/Federal grants. The park fees calculated in this study are based on the existing level of service, so there are no deficiencies. The City does not have any outstanding debt on existing facilities, nor any outstanding payments for capital leases on park vehicles or other equipment. The City has not received any grants for park land, improvements, or non-replacement vehicles or equipment over the last five years. Consequently, no credits are warranted, and the net cost per service unit is the same as the cost per service unit calculated in the table above.

Net Cost Schedule

The maximum park impact fees that can be adopted by the City based on this study are derived by multiplying the number of service units (EDUs) associated with each dwelling unit type by the net cost per EDU. The updated maximum park fees are shown in Table 23. For a comparison with current fees, see the Executive Summary.

Table 23. Park Net Cost Schedule

| Housing Type       | Unit     | EDUs<br>Unit | Net Cost/<br>EDU | Net Cost/<br>Unit |
|--------------------|----------|--------------|------------------|-------------------|
| Single-Family Det. | Dwelling | 1.00         | \$880            | \$880             |
| Multi-Family       | Dwelling | 0.80         | \$880            | \$704             |

Source: EDUs per unit from Table 20; net cost is cost per EDU from Table 22.

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## PUBLIC SAFETY

The City's public safety impact fee originally included both police and fire facilities, based on a 2004 study. When the City ceased providing fire protection, the fees were adjusted so that they now only include the cost of police protection. This chapter calculates updated public safety impact fees that could be assessed on new residential and nonresidential development in the city. In an attempt to make the fee calculations easier to follow, numbers in a table that are inputs into another table are highlighted in red.

### Service Units

In impact fee analysis, disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for new facilities. This unit of measurement is called a "service unit." There are two generally-accepted ways to measure the demand for police: calls-for-service and functional population.

The current public safety fees use calls-for-service as the service unit. For reasons discussed in Appendix C, this study recommends using functional population. The main advantage of functional population is that the land use multipliers are more stable than calls-for-service, and are less likely to change dramatically between periodic impact fee updates.

Functional population by land use for Zephyrhills is calculated in Appendix C. The functional population multipliers by land use and total functional population are summarized in Table 24.

**Table 24. Functional Population Multipliers**

| Land Use Type        | Unit          | Existing Units | Func. Pop./ Unit | Functional Population |
|----------------------|---------------|----------------|------------------|-----------------------|
| Single-Family Det.   | Dwelling      | 7,665          | 1.02             | 7,818                 |
| Multi-Family         | Dwelling      | 2,744          | 0.82             | 2,250                 |
| Commercial           | 1,000 sq. ft. | 2,479          | 2.65             | 6,569                 |
| Office               | 1,000 sq. ft. | 1,161          | 1.53             | 1,776                 |
| Industrial/Warehouse | 1,000 sq. ft. | 1,526          | 0.24             | 366                   |
| Public/Institutional | 1,000 sq. ft. | 1,850          | 0.74             | 1,369                 |
| Total                |               |                |                  | 20,148                |

Source: Existing units from Table 29 (residential) and Table 30 (nonresidential) in Appendix A; functional population per unit from Table 34 (residential) and Table 35 (nonresidential) in Appendix C; functional population is existing units times functional population per unit.

### Cost per Service Unit

The public safety impact fee is based on the existing level of service. The level of service used in developing the impact fees in this study is the ratio of the replacement value of existing facilities and equipment to the total service units in the city.

The current replacement cost of public safety buildings and land totals \$5.62 million, as shown in Table 25 below.

**Table 25. Public Safety Facility Cost**

| Facility                                  | Address     | Units<br>(sq. ft./ac.) | Unit<br>Cost | Replacement<br>Value |
|-------------------------------------------|-------------|------------------------|--------------|----------------------|
| Police Station Building (sq. ft.)         | 6118 8th St | 15,946                 | \$326        | \$5,198,396          |
| Police Station Land (acres)               | 6118 8th St | 3.52                   | \$118,370    | \$416,662            |
| Total Building and Land Replacement Value |             |                        |              | <b>\$5,615,058</b>   |

*Source:* Building square feet and acres from Zephyrhills Police Department, September 14, 2023; building cost per square foot based on 2018 cost of City Hall construction; cost per acre is average market value of vacant commercial parcels of two to five acres in the city from Pasco County Property Assessor records for 2023; replacement value is quantity times unit cost.

Public safety vehicles consist of police patrol and administrative vehicles. The replacement value of the current vehicle fleet is based on unit cost of recent purchases and totals \$2.75 million, as shown in Table 26.

**Table 26. Public Safety Vehicle Cost**

| Vehicle Type            | Units | Unit Cost | Total Cost         |
|-------------------------|-------|-----------|--------------------|
| Patrol Vehicles         | 40    | \$61,220  | \$2,448,800        |
| Administrative Vehicles | 6     | \$50,328  | \$301,968          |
| Vehicle Total           | 46    |           | <b>\$2,750,768</b> |

*Source:* Zephyrhills Police Department, September 1, 2023.

The cost per service unit is determined by dividing the replacement cost of existing police facilities, land, and vehicles and equipment by the total number of service units in the city. As shown in Table 27, dividing the total replacement cost by the existing service units (functional population) yields a cost of \$514 per functional population.

**Table 27. Public Safety Cost per Service Unit**

|                                |              |
|--------------------------------|--------------|
| Buildings and Land Value       | \$5,615,058  |
| Vehicle Value                  | \$2,750,768  |
| Equipment Value                | \$1,996,161  |
| Total Police Replacement Value | \$10,361,987 |
| ÷ Police Service Units         | 20,148       |
| Police Cost per Service Unit   | <b>\$514</b> |

*Source:* Building and land cost from Table 25; vehicle cost from Table 26; equipment cost is original cost from the City's fixed asset records adjusted by the change in the Consumer Price Index from November of acquisition year to November 2023; existing service units from Table 24.

## Net Cost per Service Unit

As described in the Legal Framework chapter, impact fees should be reduced to account for new development's contribution toward the cost of remedying existing deficiencies, retiring outstanding debt for existing facilities that are included in the existing level of service on which the fees are based, and State/Federal grants. The public safety fees calculated in this study are based on the existing level of service, so there are no deficiencies. The City does not have any outstanding debt on existing facilities, nor any outstanding payments for capital leases on police vehicles or other equipment. The City has not received any grants for public safety land, improvements, or non-replacement vehicles or equipment over the last five years. Consequently, no credits are warranted, and the net cost per service unit is the same as the cost per service unit calculated in the previous table.

## Net Cost Schedule

The updated maximum public safety impact fees that can be adopted by the City based on this study are derived by multiplying the service units (functional population) associated with each land use type by the net cost per service unit, as shown in Table 28. A comparison with the current fees can be found in the Executive Summary.

**Table 28. Public Safety Net Cost Schedule**

| Land Use type        | Unit          | Func. Pop./<br>Unit | Net Cost/<br>Func. Pop. | Net Cost/<br>Unit |
|----------------------|---------------|---------------------|-------------------------|-------------------|
| Single-Family Det.   | Dwelling      | 1.02                | \$514                   | \$524             |
| Multi-Family         | Dwelling      | 0.82                | \$514                   | \$421             |
| Commercial           | 1,000 sq. ft. | 2.65                | \$514                   | \$1,362           |
| Office               | 1,000 sq. ft. | 1.53                | \$514                   | \$786             |
| Industrial/Warehouse | 1,000 sq. ft. | 0.24                | \$514                   | \$123             |
| Public/Institutional | 1,000 sq. ft. | 0.74                | \$514                   | \$380             |

*Source:* Functional population per unit from Table 24; net cost per functional population is the same as the cost per functional population from Table 27.



## APPENDIX A: EXISTING LAND USE

This appendix estimates existing land uses in the city. The amount of existing residential and nonresidential development is an important input into an impact fee analysis, because it is critical to determining the existing levels of service for the various types of facilities.

### Residential

The most reliable estimates of existing residential development can be developed from Census data and building permit records. The estimates are derived by adding the number of building permits issued in the last three years to the 2020 census counts.

The most recent and reliable estimate of the number of housing units in the city is the 2020 U.S. Census 100% enumeration. The distribution of those units by housing type is estimated from the American Community Survey (ACS) conducted by the Census Bureau. Combining the 2020 housing unit estimates with the new units permitted in the last three years yields the estimates of current housing units by type presented in Table 29.

**Table 29. Existing Housing Units by Type, 2023**

| Housing Type            | Share of Housing | Est. 2020 Units by Type | 2020-22 Permits | Est. 2023 Units |
|-------------------------|------------------|-------------------------|-----------------|-----------------|
| Single-Family Detached* | 74.9%            | 6,742                   | 923             | 7,665           |
| Multi-Family            | 25.1%            | 2,260                   | 484             | 2,744           |
| Total                   | 100.0%           | 9,002                   | 1,407           | 10,409          |

\* includes mobile homes (which account for roughly 7% of combined category)

Source: Housing type distribution in the city from U.S. Census, American Community Survey 2017-2021 5% sample tabular data; total 2020 units from 2020 decennial census, 2020 units by type based on 2017-2021 distribution; new units permitted in 2020-2022 calendar years from City of Zephyrhills, September 5, 2023; estimated 2023 units is sum of 2020 units and units permitted over last three years.

### Nonresidential

Estimates of existing nonresidential building floor area, in square feet, were derived from current Pasco County Property Assessor records for the four land use categories, as summarized in Table 30.

**Table 30. Existing Nonresidential Building Square Feet**

| Land Use Type                | Square Ft. | Sq. Ft. (000s) |
|------------------------------|------------|----------------|
| Retail/Commercial            | 2,428,157  | 2,428          |
| Restaurant, Fast Food        | 50,580     | 51             |
| Office, General              | 599,746    | 600            |
| Office, Medical              | 561,135    | 561            |
| Industrial/Warehouse         | 1,526,265  | 1,526          |
| Public/Institutional         | 1,849,807  | 1,850          |
| Total Nonresidential Sq. Ft. | 7,015,690  | 7,016          |

Source: Pasco County Property Assessor records, October 25, 2023.

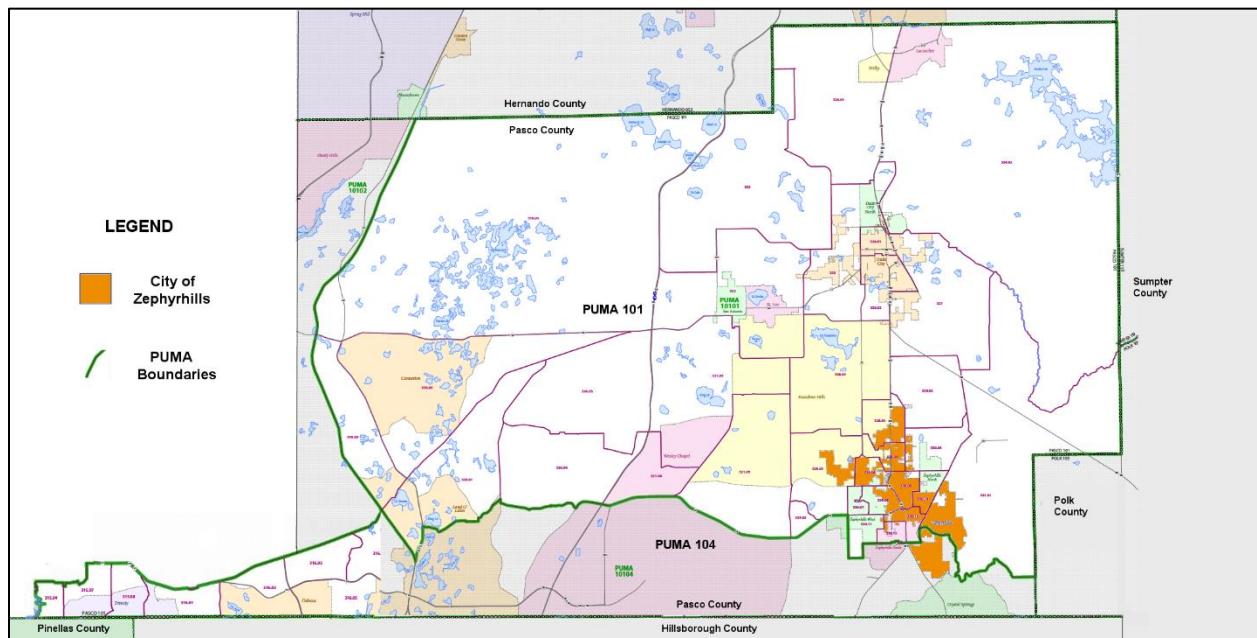
## APPENDIX B: RESIDENTIAL OCCUPANCY

The average number of persons residing in different types of housing units is a key input into impact fee analysis, because the impact on parks and public safety facilities is directly related to the number of people that reside in them. This can be measured for different housing types in terms of either average household size (persons per occupied unit) or persons per unit (including vacant units).

For small cities like Zephyrhills, the most local and recent data available for determining average residential occupancies are limited to the 2020 decennial census 100% enumeration and a 5% sample derived from annual 1% samples collected in 2017 through 2021. However, the 2020 census 100% data does not include any breakdown by housing type, while the 5% sample data for the city has a sample size that is too small to be statistically reliable for a ratio of persons to units by housing type, where the margins of error for each are compounded.

To get a sufficiently large sample size, it is necessary to use a larger geographic area. The Census Bureau calls these areas, which have more than 100,00 residents, Public Use Microdata Areas (PUMAs). Pasco County is divided into four PUMAs, and Zephyrhills straddles two of them – Florida PUMAs 101 and 104 (see map in Figure 6). This study uses these two areas for determining the relative relationship between single-family and multi-family occupancies, because they provide the most localized data available for this purpose.

**Figure 6. U.S. Census Florida Public Use Microdata Areas (PUMAs) 101 and 104**



The regional sample data can be used to estimate how single-family and multi-family occupancies compare. In the 2020 decennial census 100% counts, the average household size in Zephyrhills (2.21) is about 8% lower than the regional sample (2.40). Adjusting the average household sizes by housing type by this calibration factor results in the estimates for the city presented in Table 31.

**Table 31. Average Household Size by Housing Type**

| Housing Type       | Regional 2017-2021 Sample Data |                |                 | Calibration Factor | City Average HH Size | Ratio to Single-Family Unit |
|--------------------|--------------------------------|----------------|-----------------|--------------------|----------------------|-----------------------------|
|                    | Household Population           | Occupied Units | Average HH Size |                    |                      |                             |
| Single-Family Det. | 245,787                        | 99,360         | 2.47            | 92.08%             | 2.27                 | 1.000                       |
| Multi-Family       | 35,695                         | 18,113         | 1.97            | 92.08%             | 1.81                 | 0.797                       |
| All Units          | 281,482                        | 117,473        | 2.40            | 92.08%             | 2.21                 | n/a                         |

Source: Regional 5% sample microdata from U.S. Census Bureau American Community Survey for 2017-2021; total city average household size for all units from 2020 census 100% enumeration; calibration factor is ratio of city to regional average household size for all units; city average household size by housing type is product of regional average household size and calibration factor.

A similar approach is used in Table 32 to estimate persons per unit by housing type for the City of Zephyrhills.

**Table 32. Persons per Unit by Housing Type**

| Housing Type       | Regional 2017-2021 Sample Data |             |               | Calibration Factor | City Persons/ Unit | Ratio to Single-Family Unit |
|--------------------|--------------------------------|-------------|---------------|--------------------|--------------------|-----------------------------|
|                    | Household Population           | Total Units | Persons/ Unit |                    |                    |                             |
| Single-Family Det. | 245,787                        | 103,243     | 2.38          | 83.41%             | 2.19               | 1.000                       |
| Multi-Family       | 35,695                         | 19,649      | 1.82          | 83.41%             | 1.68               | 0.767                       |
| All units          | 281,482                        | 122,892     | 2.29          | 83.41%             | 1.91               | n/a                         |

Source: Regional 5% sample microdata from U.S. Census Bureau American Community Survey for 2017-2021; total city persons per unit for all units from 2020 census 100% enumeration; calibration factor is ratio of city to regional persons per unit for all units; city average household size by housing type is product of regional persons per unit and calibration factor.

The final column in the two tables above show the ratios of multi-family to single-family residential occupancies. Multi-family units tend to have 79.7% of the average household size of single-family units, and 76.7% as many persons per unit. The two ratios differ by only about three percent.

In this study, the service unit for park impact fees is the equivalent dwelling unit, or EDU. An EDU is defined as one single-family detached residential occupancy, with other housing types expressed as the ratio to single-family occupancy. As noted above, the two measures of occupancy are very similar, and will result in similar fees. Average household size is more stable over time, because it is not affected by fluctuations in vacancy rates, seasonally and over time. For this reason, this study uses average household size for calculating the park service units.

In this study, the service unit for public safety impact fees is functional population, which represents the number of people at a land use during a typical weekday. The functional population methodology assumes that all nonresidential buildings are occupied, so it is necessary to use average household size in order to be consistent. Average household size is therefore recommended for both parks and public safety impact fee calculations.

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## APPENDIX C: FUNCTIONAL POPULATION

There are two generally-accepted ways to measure the demand for public safety facilities: “calls-for-service” and “functional population.” Calls for service are emergency responses to the site of a land use. Functional population represents the number of full-time equivalent people at a land use, based on the observation that demand for public safety facilities tends to be proportional to the number of people present at the site of a land use.

Calls-for-service is not as precise a measure of demand as it might appear. The land use categories used for recording responses are not precisely defined and may not be fully consistent with how the impact fee categories are defined. In addition, calls per unit of development for various land use types are subject to rather extreme fluctuations over time. The lack of stability in call rates over time is even worse for smaller jurisdictions like Zephyrhills.

This study uses functional population as the demand unit for public safety services. This is a more generalized approach than calls-for-service, but as discussed above that does not necessarily make it any less accurate. The main advantage of functional population is that the land use multipliers are more stable over time than calls-for-service, and for that reason the fees are less likely to change dramatically by land use between periodic impact fee study updates.

### Residential

For residential land uses, functional population is based on the average number of persons in the dwelling unit and the percentage of residents time that is spent at home. These factors are discussed below.

#### Average Household Size

The number of persons in a dwelling unit can be measured in two ways: average household size (household population divided by occupied units) or persons per unit (household population divided by total units). Because the methodology for determining nonresidential functional population does not account for vacant buildings, residential functional population should also be based on the assumption of full occupancy for all buildings for consistency. For this reason, average household size is the most appropriate. Average household sizes for Zephyrhills are calculated in Appendix B.

#### Time Spent at Home

The next step is to determine the percentage of time people spend at their place of residence versus away from home. In 2021, the U.S. Bureau of Labor Statistics interviewed one person each from 9,600 randomly-selected households to determine how people spent their time during a recent day. Survey respondents were limited to persons aged 15 or older in the civilian population. The survey determined the average number of waking hours spent on various types of activities. While it did not itemize where the activities occurred, reasonable assumptions have been made about which activities were more likely to take place at the place of residence or away from home.

The results, summarized in Table 33, indicate that people spend an average of 45% of waking hours each day at their place of residence.

**Table 33. Time Usage Survey Data**

| Primary Activity                               | Waking Hrs.<br>per Day | At<br>Home  | Away        |
|------------------------------------------------|------------------------|-------------|-------------|
| Personal care activities (other than sleeping) | 0.76                   | 0.76        | –           |
| Eating and drinking*                           | 1.14                   | 0.86        | 0.28        |
| Household activities                           | 1.80                   | 1.80        | –           |
| Purchasing goods and services                  | 0.65                   | –           | 0.65        |
| Caring for and helping household members       | 0.48                   | 0.48        | –           |
| Caring for and helping non-household members   | 0.18                   | –           | 0.18        |
| Working and work-related activities            | 4.45                   | –           | 4.45        |
| Educational activities                         | 0.51                   | –           | 0.51        |
| Organizational, civic and religious activities | 0.17                   | –           | 0.17        |
| Watching television                            | 2.57                   | 2.57        | –           |
| Other leisure and sports                       | 2.16                   | –           | 2.16        |
| Telephone, mail and email                      | 0.22                   | 0.22        | –           |
| Other activities                               | 0.20                   | 0.20        | –           |
| <b>Total Waking Hours</b>                      | <b>15.29</b>           | <b>6.89</b> | <b>8.40</b> |
| <b>Percent of Time</b>                         | <b>100%</b>            | <b>45%</b>  | <b>55%</b>  |

\* assumed 3/4 of meals eaten at home

Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *American Time Use Survey*, Table 2: Time spent in primary activities per weekday, civilian population 15 years or older, 2021 annual averages, June 23, 2022.

## Summary

Functional population per dwelling unit by housing type is calculated by multiplying average household size by the percentage of waking hours spent at home. The results are shown in Table 34.

**Table 34. Functional Population per Unit by Housing Type**

| Housing Type           | Unit     | Average<br>HH Size | % of Waking<br>Hours at Home | Func. Pop.<br>per Unit |
|------------------------|----------|--------------------|------------------------------|------------------------|
| Single-Family Detached | Dwelling | 2.27               | 0.45                         | 1.02                   |
| Multi-Family           | Dwelling | 1.81               | 0.45                         | 0.82                   |

Source: Average household size from Table 31; percentage of waking hours spent at home from Table 33.

## Nonresidential

The functional population methodology for nonresidential uses starts with trip generation rates. The number of daily trips is multiplied by the average vehicle occupancy to determine the total number of persons going to the site each day. The number of employees is estimated from average employee densities. Non-employees are the remaining persons going to the site. Employees are estimated to spend eight hours per day at their place of employment, and visitors are estimated to spend one hour per visit. Functional population per 1,000 square feet is derived by dividing the total number of hours spent by employees and visitors during a weekday by 24 hours. The formula used to derive the nonresidential functional population estimates is summarized in Figure 7.

**Figure 7. Nonresidential Functional Population Formula**

$$\text{FUNCPOP/UNIT} = (\text{employee hours/1000 sf} + \text{visitor hours/1000 sf}) \div 16 \text{ hours/day}$$

Where:

$$\text{Employee hours/1000 sf} = \text{employees/1000 sf} \times 8 \text{ hours/day}$$

$$\text{Visitor hours/1000 sf} = \text{visitors/1000 sf} \times 1 \text{ hour/visit}$$

$$\text{Visitors/1000 sf} = \text{weekday ADT/1000 sf} \times \text{avg. vehicle occupancy} - \text{employees/1000 sf}$$

$$\text{Weekday ADT/1000 sf} = \text{one-way avg. daily trips (total trip ends} \div 2)$$

Using the formula above and trip generation rates from the *Trip Generation Manual*, vehicle occupancy rates from the *National Household Travel Survey* and employee densities from the U.S. Department of Energy, nonresidential functional population estimates per 1,000 square feet of gross floor area are calculated. Table 35 presents the results of these calculations for the nonresidential land use categories.

**Table 35. Nonresidential Functional Population per Unit by Land Use**

| Land Use Type        | Unit          | Trip Rate | Persons/ Trip | Workers/ Unit | Visitors/ Unit | Functional Pop./Unit |
|----------------------|---------------|-----------|---------------|---------------|----------------|----------------------|
| Commercial           | 1,000 sq. ft. | 18.50     | 1.98          | 0.82          | 35.81          | 2.65                 |
| Office               | 1,000 sq. ft. | 5.42      | 1.96          | 1.97          | 8.65           | 1.53                 |
| Industrial/Warehouse | 1,000 sq. ft. | 0.72      | 1.30          | 0.41          | 0.53           | 0.24                 |
| Public/Institutional | 1,000 sq. ft. | 3.37      | 2.76          | 0.36          | 8.94           | 0.74                 |

*Source:* Trip rates are ½ of average daily trip ends on a weekday from Institute for Transportation Engineers (ITE), *Trip Generation Manual*, 11th edition, 2021 for shopping center, general office, mini-warehouse, and nursing home; persons/trip is average vehicle occupancy from Federal Highway Administration, *National Household Travel Survey*, 2017 by trip purpose for shopping, medical/dental, to from work, and school/church; employees/unit from U.S. Department of Energy, *Commercial Buildings Energy Consumption Survey*, 2018; visitors/unit is trips times persons/trip minus employees/unit; functional population/unit calculated based on formula from Figure 7.



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## APPENDIX D: FLORIDA IMPACT FEE ACT

The 2006 Florida Legislature passed Senate Bill 1194, which established certain requirements for impact fees in Florida. It was most recently amended by House Bill 337, which was signed by the governor and became effective on June 4, 2021. The current Florida Impact Fee Act reads as follows (substantive changes made by HB 337 are indicated by underline/strike-out). Subsequent amendments to the impact fee act were passed by the legislature in HB 479 on March 4, 2024, and will take effect on October 1, 2024. Although this bill has not yet been signed by the governor, these likely changes are highlighted in red.

### 163.31801 Impact fees; short title; intent; minimum requirements, audits; challenges. --

- (1) This section may be cited as the "Florida Impact Fee Act."
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.
- (3) For purposes of this section, the term:
  - (a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).<sup>2</sup>
  - (b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.<sup>3</sup>
- (4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:
  - (a) Ensure that the calculation of the impact fee is based on a study using the most recent and localized data available within 4 years of the current impact fee update. The new study must be adopted by the local government within 12 months of the initiation of the new impact fee study if the local government increases the impact fee.
  - (b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.
  - (c) Limit administrative charges for the collection of impact fees to actual costs.
  - (d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

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<sup>2</sup> 191.009(4) ... As used in this subsection, "new facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment. ...

<sup>3</sup> 163.3164(39) ... "Public facilities" means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities. ...

- (e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.
  - (f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
  - (g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.
  - (h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.
  - (i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.
- (5) (a) Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district that requires any improvement or contribution must credit against the collection of the impact fee any contribution, whether identified in a development order, proportionate share agreement, or ~~other any~~ form of exaction, related to public ~~education~~ facilities, including monetary contributions, land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any ~~education-based~~ impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.
- (b) If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).
- (6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.
- (a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.
  - (b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
  - (c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.
  - (d) An impact fee increase may not exceed 50 percent of the current impact fee rate.
  - (e) An impact fee may not be increased more than once every 4 years.
  - (f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.
  - (g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:
    - 1. A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.



2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

(h) This subsection operates retroactively to January 1, 2021.

(7) If an impact fee is increased, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. ~~This subsection shall operate prospectively and not retrospectively.~~ If a local government adopts an alternative transportation system pursuant to s. 163.3180(5)(i), the holder of any transportation or road impact fee credits granted under s. 163.3180 or s. 380.06 or otherwise that were in existence before the adoption of the alternative transportation system is entitled to the full benefit of the intensity and density prepaid by the credit balance as of the date the alternative transportation system was first established.

(8) A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.

(9) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(10) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after the effective date of this act.

(11) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(12) This section does not apply to water and sewer connection fees.

(13) In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district, or special district must report all of the following information on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.

(b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.

(c) The amount assessed for each purpose and for each type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

(e) Each exception and waiver provided for construction or development of housing that is affordable.

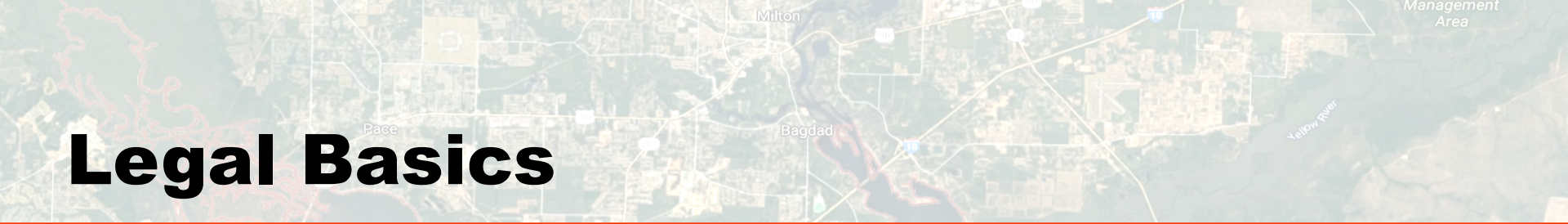


# **Impact Fee Study for Roads, Parks, and Public Safety**

City of Zephyrhills, Florida  
Public Hearing

July 8, 2024





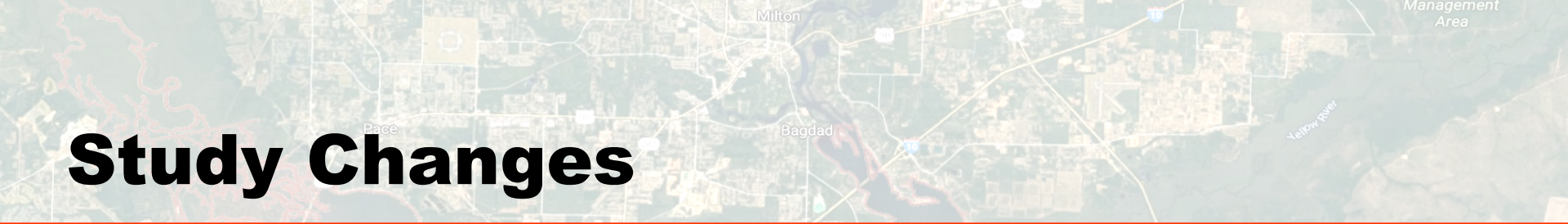
# Legal Basics

- An impact fee is designed to cover the cost to maintain the existing level of service for a shared set of capital facilities
- It must be calculated in compliance with Florida statutes and case law to be proportionate to the impact of the development, address the need created by the development, and provide a benefit to the development



# City's Impact Fee History

- Transportation fees adopted in 2008 at 40%
  - 31 categories in fee schedule based on 2007 study
  - 5 new commercial categories added in 2015 at 60%
    - including convenience store with gas pumps
- Park fees adopted in 2004 at 100%
  - Three land use categories in fee schedule
    - Single-family, multi-family, and mobile home
- Public safety fees adopted in 2005 at 100%
  - Originally fire and police in 2004 study, now police only
  - Two land use categories in fee schedule
    - Residential and nonresidential



# Study Changes

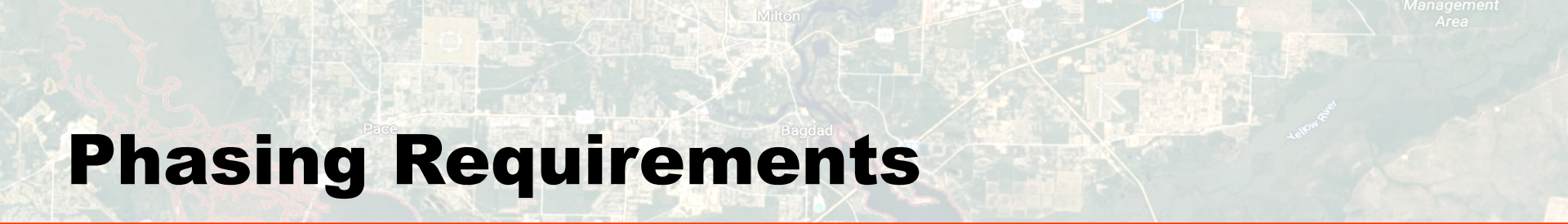
## ■ Changes from original studies

- ❑ Updated transportation fees based on local travel and cost data, not county-wide or subarea data
- ❑ Updated public safety fees use different methodology
  - “functional population” versus fire calls-for-service

## ■ Changes to land use categories

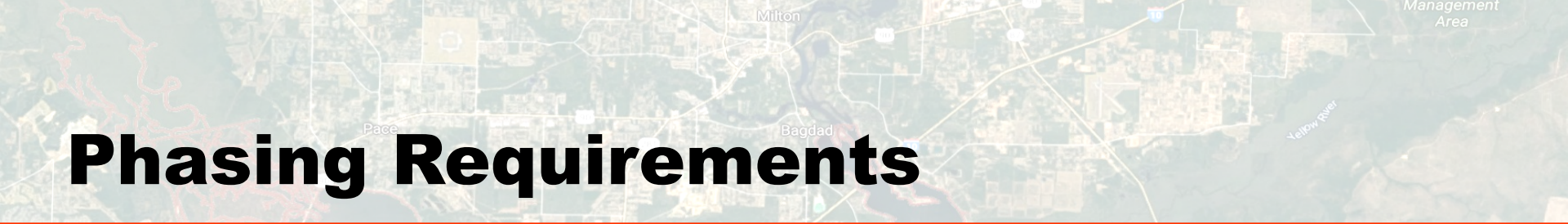
- ❑ Simplification of transportation land uses
- ❑ Park land uses basically unchanged
- ❑ Expansion of public safety categories to mirror transportation





# Phasing Requirements

- 2021 limitations on impact fee increases
  - ❑ Any increase of up to 25% must be phased in over 2 years
  - ❑ Any increase of up to 50% must be phased in over 4 years
  - ❑ Fees may not be increased more often than once in 4 years
  - ❑ Phased increases must be in equal annual amounts
  
- Proportionality Requirement
  - ❑ Fees must be proportional to the impact of the land use
  - ❑ All fees must be the same % of updated fee
  - ❑ Fee that is increasing the most will be at lowest percent
  - ❑ All other land uses must be at same % at end of phasing



# Phasing Requirements

- Extraordinary circumstances option
  - ❑ Needs analysis must be prepared that demonstrates the extraordinary circumstances
  - ❑ Two publicly-noticed workshops must be held on the analysis
  - ❑ Ordinance adopting fee increases that vary from phasing requirements must be adopted by a two-thirds majority of the governing body

# Current and Updated Impact Fees

| Land Use Type           | Unit          | Transportation | Parks | Public Safety | Total    |
|-------------------------|---------------|----------------|-------|---------------|----------|
| <b>Updated Fees</b>     |               |                |       |               |          |
| Single-Family Detached  | Dwelling      | \$5,704        | \$880 | \$524         | \$7,108  |
| Multi-Family            | Dwelling      | \$4,082        | \$704 | \$421         | \$5,207  |
| Commercial              | 1,000 sq. ft. | \$9,668        | n/a   | \$1,362       | \$11,030 |
| Fast Food Restaurant    | 1,000 sq. ft. | \$21,544       | n/a   | \$1,362       | \$22,906 |
| Conv. Store w/Gas Pumps | Fuel Pos.     | \$4,200        | n/a   | n/a           | n/a      |
| Office                  | 1,000 sq. ft. | \$4,984        | n/a   | \$786         | \$5,770  |
| Medical Office          | 1,000 sq. ft. | \$15,475       | n/a   | \$786         | \$16,261 |
| Industrial/Warehouse    | 1,000 sq. ft. | \$1,011        | n/a   | \$123         | \$1,134  |
| Public/Institutional    | 1,000 sq. ft. | \$2,509        | n/a   | \$380         | \$2,889  |
| <b>Percent Change</b>   |               |                |       |               |          |
| Single-Family Detached  | Dwelling      | 57%            | 14%   | 106%          | 53%      |
| Multi-Family            | Dwelling      | 10%            | 6%    | 66%           | 12%      |
| Commercial              | 1,000 sq. ft. | 84%            | n/a   | 736%          | 103%     |
| Fast Food Restaurant    | 1,000 sq. ft. | -20%           | n/a   | 736%          | -15%     |
| Conv. Store w/Gas Pumps | Fuel Pos.     | -33%           | n/a   | n/a           | n/a      |
| Office                  | 1,000 sq. ft. | 176%           | n/a   | 382%          | 193%     |
| Medical Office          | 1,000 sq. ft. | 161%           | n/a   | 382%          | 167%     |
| Industrial/Warehouse    | 1,000 sq. ft. | -5%            | n/a   | -25%          | -8%      |
| Public/Institutional    | 1,000 sq. ft. | 109%           | n/a   | 133%          | 112%     |



# Annual Revenue from Phasing

## Transportation

| Land Use Type          | Retain<br>Current Fees | Phased 4-Yr<br>Avg Revenue | No<br>Phasing |
|------------------------|------------------------|----------------------------|---------------|
| Single-Family Detached | \$1,431,454            | \$1,223,357                | \$2,248,076   |
| Multi-Family           | \$525,851              | \$313,366                  | \$575,939     |
| General Commercial     | \$657,304              | \$656,805                  | \$1,206,992   |
| Fast Food Restaurant   | \$70,656               | \$30,742                   | \$56,495      |
| General Office         | \$55,779               | \$73,209                   | \$153,762     |
| Medical Office         | \$30,721               | \$215,999                  | \$80,129      |
| Industrial/Warehouse   | \$94,314               | \$43,155                   | \$89,532      |
| Total Annual Revenue   | \$2,866,079            | \$2,556,633                | \$4,410,925   |
| Change from Current    | n/a                    | -11%                       | 54%           |

## Public Safety

| Land Use Type          | Retain<br>Current Fees | 4th Yr. of<br>Phase-in | No<br>Phasing |
|------------------------|------------------------|------------------------|---------------|
| Single-Family Detached | \$71,937               | \$26,622               | \$148,405     |
| Multi-Family           | \$25,753               | \$7,706                | \$42,685      |
| Commercial             | \$14,930               | \$22,441               | \$124,753     |
| Office                 | \$6,992                | \$6,048                | \$33,716      |
| Industrial/Warehouse   | \$9,191                | \$1,241                | \$6,936       |
| Total Annual Revenue   | \$128,803              | \$64,058               | \$356,495     |
| Change from Current    | n/a                    | -50%                   | 177%          |



# Extraordinary Circumstances – Transportation

- Fees have not been updated in:
  - 17 years for 8 updated land uses adopted at 40% of 2007 study
  - 9 years for 1 updated land use adopted at 60% of 2015 study
- Construction cost have increased significantly
- Updated fees are based on local data and are proportional to impact
- Phasing over next 4 years would reduce fee revenue by roughly 10%; it would take ten years of phasing to fully implement updated fees



# Extraordinary Circumstances – Public Safety

- Fees have not been updated in 20 years
- Methodology has been changed because fire call data is no longer relevant
  - causes retail/commercial fees to increase dramatically compared to the current fee for all nonresidential
- Phasing over next 4 years would reduce fee revenue by roughly 50%
  - it would take 22 years of phasing to fully implement updated fees



# Implementation Options

- Without extraordinary circumstances
  - ❑ Adopt 2-year phasing schedule for parks
  - ❑ Adopt 4-year phasing schedules for trans. and public safety
  
- With extraordinary circumstances
  - ❑ Adopt 2-year phasing schedule for parks
  - ❑ Adopt trans. and public safety fees at 100%
  - ❑ Adopt trans. and public safety fees at less than 100%
  - ❑ Adopt trans. and public safety fees at less than 100% initially, and increase percentage over several years



# Comparative Jurisdictions

| Land Use Type                                                             | Unit          | Roads    | Parks   | Library | Fire  | Police  | Total    |
|---------------------------------------------------------------------------|---------------|----------|---------|---------|-------|---------|----------|
| <b>Pasco County (Transportation Fees in Suburban Unincorporated Area)</b> |               |          |         |         |       |         |          |
| Single-Family Det.                                                        | Dwelling      | \$9,646  | \$3,450 | \$145   | \$421 |         | \$13,662 |
| Multi-Family                                                              | Dwelling      | \$8,372  | \$3,450 | \$97    | \$421 |         | \$12,340 |
| Retail/Commercial                                                         | 1,000 sq. ft. | \$10,557 |         |         | \$548 |         | \$11,105 |
| Office                                                                    | 1,000 sq. ft. | \$0      |         |         | \$548 |         | \$548    |
| Industrial/Warehouse                                                      | 1,000 sq. ft. | \$0      |         |         | \$548 |         | \$548    |
| <b>Dade City</b>                                                          |               |          |         |         |       |         |          |
| Single-Family Det.                                                        | Dwelling      | \$3,228  |         |         | \$421 | \$449   | \$4,098  |
| Multi-Family                                                              | Dwelling      | \$2,255  |         |         | \$421 | \$324   | \$3,000  |
| Retail/Commercial                                                         | 1,000 sq. ft. | n/a      |         |         | \$548 | \$463   | n/a      |
| Office                                                                    | 1,000 sq. ft. | n/a      |         |         | \$548 | \$220   | n/a      |
| Warehouse                                                                 | 1,000 sq. ft. | n/a      |         |         | \$548 | \$45    | n/a      |
| <b>Plant City</b>                                                         |               |          |         |         |       |         |          |
| Single-Family Det.                                                        | Dwelling      | \$4,383  | \$1,666 | \$403   | \$507 | \$1,148 | \$8,107  |
| Multi-Family                                                              | Dwelling      | \$2,954  | \$1,256 | \$304   | \$383 | \$867   | \$5,764  |
| Retail/Commercial                                                         | 1,000 sq. ft. | \$6,007  |         |         | \$862 | \$1,829 | \$8,698  |
| Office                                                                    | 1,000 sq. ft. | \$4,309  |         |         | \$285 | \$605   | \$5,199  |
| Warehouse                                                                 | 1,000 sq. ft. | \$611    |         |         | \$35  | \$74    | \$720    |
| <b>Zephyrhills (proposed)</b>                                             |               |          |         |         |       |         |          |
| Single-Family Det.                                                        | Dwelling      | \$5,704  | \$880   |         |       | \$524   | \$7,108  |
| Multi-Family                                                              | Dwelling      | \$4,082  | \$704   |         |       | \$421   | \$5,207  |
| Retail/Commercial                                                         | 1,000 sq. ft. | \$9,668  |         |         |       | \$1,362 | \$11,030 |
| Office                                                                    | 1,000 sq. ft. | \$4,984  |         |         |       | \$786   | \$5,770  |
| Warehouse                                                                 | 1,000 sq. ft. | \$1,011  |         |         |       | \$123   | \$1,134  |

# Transportation Fee Comparisons

| Development     | Current Fee<br>Land Use | Proposed Fee<br>Land Use | Current<br>Fee | Proposed<br>Fee | Fee<br>Change | %<br>Diff, |
|-----------------|-------------------------|--------------------------|----------------|-----------------|---------------|------------|
| Tina & Joes     | Quality Rest.           | Gen. Comm.               | \$21,792       | \$21,898        | \$106         | 0%         |
| Golden Corral   | High-Turn. Rest.        | Gen. Comm.               | \$105,894      | \$76,493        | -\$29,401     | -28%       |
| Chik Fil-A      | Fast Food Rest.         | Fast Food Rest.          | \$133,615      | \$106,837       | -\$26,779     | -20%       |
| WaWa            | Conv. Store w/Gas       | Conv. Store w/Gas        | \$99,632       | \$67,200        | -\$32,432     | -33%       |
| Florida Medical | Medical Office          | Medical Office           | \$95,153       | \$248,188       | \$153,035     | 161%       |
| Roadstar Motel  | Motel                   | Gen. Comm.               | \$77,792       | \$204,188       | \$126,396     | 162%       |

## PLANNING DIRECTOR'S REPORT 3.1

ANX 16-22 – Black Marlin Capital LLC Annexation, Future Land Use Map Amendment and Rezoning

### **Issue:**

Annexation of 4.155 acres (located off Geiger Road across from Wedgwood Manor), and an assignment of R-3 (Medium Density Residential) zoning designation and future land use of RS (Residential Suburban) for a proposed single-family attached townhome community.

### **Background:**

Please note: After careful consideration of the adjacent neighbors and concerned residents in attendance at the Planning Commission on June 18, 2024, at the request of the applicant to lower the potential density, Staff re-evaluated the analysis. Staff finds that the zoning designation of R-3, Medium Density Residential and RS, Residential Suburban for the Future Land Use is appropriate and reflective of the adjacent land use development patterns. (The original application requested a Zoning designation of R-4 and a Future Land Use designation of Residential Urban (RU)). Further elaboration is contained in the attached Staff report.

The Planning Department has coordinated with several residents regarding general questions on the proposed use - including affordable housing, water issues, and the condition of Geiger Road. This project is not proposed as an “affordable housing project”, and according to the Utilities Department, the City has sufficient water under the existing WUP (Water Use Permit) to service the development. This application was presented to the City prior to the ongoing moratorium on development in place since June 2023, and was factored into the requested consumptive use increase WUP with the SWFWMD (Southwest Florida Water Management District) as such. Per the JPA (Joint Planning Area) agreement, the City has coordinated with the County, and it has no objections or comments; but Staff is further coordinating with the County for improvements to Geiger Road. Staff has received assurances from the County that improvements are planned and in-process for the next fiscal year 2025. Please see analysis and policy review for further discussion, as well as attached emails from a Senior County Engineer. Finally, the intersection of US 301 and Geiger Rd. is on the newly approved 'Hot Spot' Map. The City is in the process of evaluating the intersections and budgeting/coordinating with the appropriate agencies for improvements to those areas.

*Additionally, see the important conditions of approval that Staff and the Planning Commission recommend.*

### **Attachment(s):**

1. ANX 16-22 Staff Report for Black Marlin Townhomes July 8 2024 Final\_1

2. ANX 16-22 Attachments for Black Marlin Annexation Rezone FLUMA July 8 2024

**Fiscal Impact:**

Vacant and unimproved land is proposed to be developed as single family attached residential dwellings, thus increasing the amount of tax generated for the entirety of the property.

**Staff Recommendation:**

Approval with Conditions - Please see Staff report.



# Staff Report Memorandum

**To:** City Council and Honorable Mayor  
**From:** Rod Corriveau, AICP – Principal Planner  
**RE:** ANX 16-22 – Black Marlin Capital LLC Annexation, Land Use Map Amendment, and Rezoning  
**Date:** July 8, 2024

## I. BACKGROUND & INFORMATION

### A. History | Application Summary

This Annexation, Future Land Use Map Amendment (FLUMA), and Rezoning Petition was presented to the City by Leonard H. Johnson of Johnson, Pope, Bokor, Ruppel & Burns, LLP

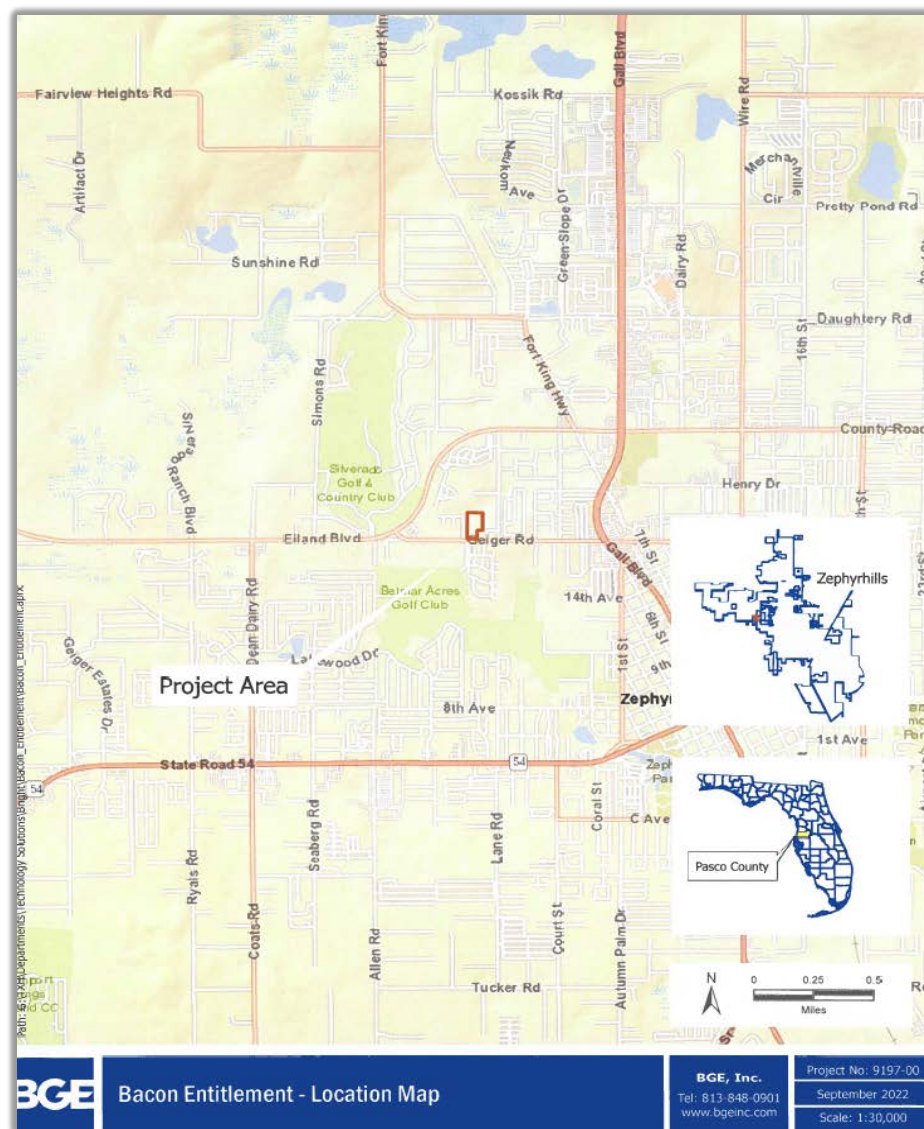


Figure 1 – Location Map

Courtesy of BGE, Inc.

on behalf of the property owner, Black Marlin Capital LLC. The subject site is 4.155 acres more or less (mol) and located on Geiger Road immediately north of the Wedgewood Manor subdivision or approximately 1,500 feet from the Eiland Blvd./Geiger Road intersection. See Figure 1 – Location Map and Figure 2 – Aerial Map.<sup>1</sup>



Figure 2 – Aerial Map

*Courtesy of BGE, Inc.*

<sup>1</sup> 'Figures' contained herein are attached in original format as presented to the City, please see "attachments".



Please note: After careful consideration of the adjacent neighbors and concerned residents in attendance at the Planning Commission on June 18, 2024, at the request of the applicant, Staff re-evaluated the analysis and original petition for a zoning designation of R-4 and a future land use designation of RU (residential urban), and the density of the abutting residential development. After the request and re-review, Staff agrees and finds that the zoning designation of R-3, Medium Density Residential and RS, Residential Suburban for the Future Land Use appropriate and reflective of the adjacent land use development patterns. Further elaboration is contained herein.

Additionally, the Planning Department has coordinated with several residents regarding general questions on the proposed use - including affordable housing, water usage, the density, and the condition of Geiger Road. This project is not proposed as an “affordable housing project”, and according to the Utilities Department, the City has sufficient water under the existing WUP (Water Use Permit) to service the development. This application was presented to the City prior to the ongoing moratorium on development in place since June of 2023, and was factored into the requested consumptive use increase WUP with the SWFWMD (Southwest Florida Water Management District) as such. Per the JPA (Joint Planning Area) agreement, the City has coordinated with the County, and it has no objections or comments<sup>2</sup>; but Staff is further coordinating with the County for improvements to Geiger Road. Staff has received assurances from the County that improvements are planned and in-process for the next fiscal year 2025. Please see analysis and policy review for further discussion.

Finally, the intersection of US 301 and Geiger Rd. is on the newly approved 'Hot Spot' Map. The City is in the process of evaluating the intersections and budgeting/ordinating with the appropriate agencies for improvements to those areas.

#### **Site Information**

|                                  |                                                                                 |
|----------------------------------|---------------------------------------------------------------------------------|
| <u>Applicant   Owner:</u>        | Black Marlin Capital LLC                                                        |
| <u>Location:</u>                 | North side of Geiger Road 1,500 feet east of Eiland Blvd.                       |
| <u>Parcel ID Number(s):</u>      | 03-26-21-0010-11700-0020                                                        |
| <u>Acreage:</u>                  | 4.155 Acres                                                                     |
| <u>Existing Land Use:</u>        | Vacant                                                                          |
| <u>Existing Future Land Use:</u> | County RES-9                                                                    |
| <u>Proposed Future Land Use:</u> | RS (Residential Suburban)                                                       |
| <u>Existing Zoning:</u>          | County R-1MH and RMH                                                            |
| <u>Proposed Zoning:</u>          | R-3 (Med. Density Residential – up to 7.5 DU per acre - single family attached) |
| <u>Potential DU</u>              | 31                                                                              |

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<sup>2</sup> According to Jeffrey R. Jenkins, MPA, AICP in a letter dated February 8<sup>th</sup>, 2023 to Todd Vandenberg.

## **II. Detailed Project Description:**

This application identifies Parcel ID Number 03-26-21-0010-11700-0020 and does not have an assigned address with the Pasco County property appraiser. There is only one (1) Parcel ID Number subject to review with this application.

As previously discussed, the subject property is generally located on the north side of Geiger Road approximately 1,500 feet from the Eiland Blvd. and Geiger Road intersection. The subject parcel in this three-part application under review includes approximately 4.155 acres and is rectangular in shape, with the exception of a parcel (separate from this petition) consisting of a single-family home on the subject parcel's southeastern border. Please see Figure 3 – Proposed Property Annexation Area Map for a survey of the subject property.

All applicable sections of the LDC pertaining to landscape and tree preservation and tree removal guidelines shall be followed. The subject property is heavily wooded and at the time of development a tree survey shall be submitted with a corresponding tree preservation plan. Any remaining caliper inches, after replanting the required minimum 3 inch caliper trees shall be calculated and a tree mitigation fund payment shall be paid in full prior to issuance of site permits. Please note, as a condition of approval, Staff recommends that at the Site Development Plan review stage, the applicant (or his or her designee), project arborist, and Staff shall walk the property and identify trees to be saved (with the aid of a completed arborist report). Per LDC Section 7.06.04, Tree Removal Guidelines, a maximum number of trees (to be determined by a tree survey and based upon the number of trees per acre above 6" in caliper) shall be allowed to be removed.

The Zephyrhills future land use map indicates the area to the north and northwest of the subject as PUD (the Silver Oaks planned unit development and Recreation and Open Space (the East Pasco YMCA); the area to the south of the subject parcel is RU, or residential urban and is developed as the Wedgewood Manor at a density of approximately six (6) units per acre. Remaining County properties include medium density residential and high density residential developed as several mobile home parks and subdivisions (with a density average of six (6) units per acre). Additionally, there are several larger vacant parcels yet to be developed along with larger-lot single family residential uses in the vicinity. Because of the convenient and central location, Staff anticipates this area of Zephyrhills to experience additional small to medium-scale residential infill development over the coming years.

## **III. Proposed Development:**

The applicant plans to develop the parcel for a single-family townhome subdivision with 20-foot wide lots. No other information is available at this time.

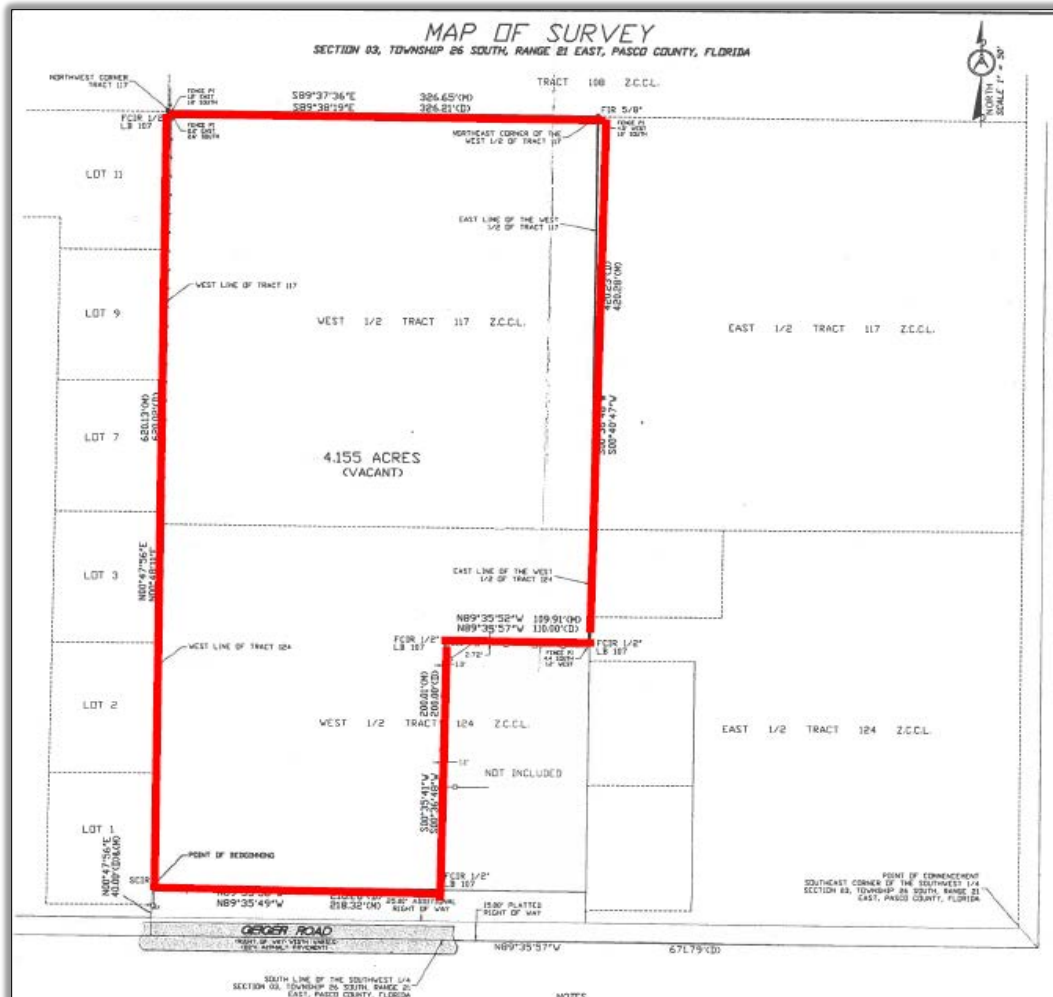


Figure 3 – Proposed Property Annexation Area Map

Courtesy of Northstar Surveying and Mapping, INC.

## IV. DATA & ANALYSIS REVIEW

### A. Character Analysis

North & Northwest –Larger-lot single-family parcels, mixed commercial and residential uses such as the Silver Oaks planned unit development, the East Pasco YMCA and various office and commercial uses along Abbott Station Drive.

West – Single-family residential community

East – Green Hills Estate medium density mobile home park. The development consists of approximately 118 units on 20 acres, which is approximately **6 dwelling units per acre.**

South – Residential uses such as Wedgewood Manor and larger-lot single family residential. Wedgewood consists of approximately 121 units on 20 acres, which is **approximately 6 dwelling units per acre.**

## **B. Compatibility Analysis/Annexation:**

**Annexation:** The proposed annexation portion of the three-pronged petition meets the following criteria set forth under State Statutes, and complies with the Joint Planning Area agreement between the County of Pasco and City of Zephyrhills (Please see Figure 3 – Proposed Properties Annexation Area Map):

State Statutes Chapter - 171.043 Character of the area to be annexed. A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

1. The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
2. Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:
  - (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
  - (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or
  - (c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.
3. In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:
  - (a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or
  - (b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The subject property is contiguous with properties that are already located within the city limits. Furthermore, the subject property is generally located within or close to the actual City, and/or developed in an urban/suburban land use pattern. An annexation at this location is reasonable and meets the legal requirements for inclusion into the City boundary as well as the guidelines as prescribed above. Geiger Road should be reviewed for improvements as previously discussed, and as discussed in the transportation section of this report. Furthermore, the annexation of the

property into the City should be conditioned upon such improvements (based upon the anticipated use as discussed below).

### **Compatibility:**

The parcel is surrounded by a variety of residential uses. The proposed residential use with 31 townhomes is generally just slightly higher than the existing development patterns in the area (around 7 DU per acre), please refer to Figure 7 – Proposed Site Plan (for illustrative purposes only) for a preliminary bubble plan. The development will utilize existing infrastructure, provide additional housing opportunities into the City of Zephyrhills, and blend with existing development in the vicinity. This development is considered appropriate for a continuation of single-family residential development already established in this area, although at a higher density than existing development.

The subject property will be served by the City of Zephyrhills Police Department. The Police Station is located at 6118 8th Street which is a distance of approximately one mile from the subject property.

Residents in the proposed development will be served primarily by the Advent Health Zephyrhills Hospital, located at 7050 Gall Boulevard. The location of Advent Health Zephyrhills Hospital is approximately one mile from the proposed townhome community.

### **Future Land Use Map (FLUMA) Amendment**

A comprehensive plan amendment is also included in this three-part application process. Upon approval, this request will assign the tract into the Residential Suburban (RS) future land use category for the City of Zephyrhills. The RS classification purpose is to recognize properties that are appropriate to be developed in a suburban, medium-density manner. It also recognizes that such areas are well-suited for residential uses typical of suburban, non-intensive qualities. The density range in RS is 2.5 to 7.5 dwelling units per gross acre.

- (a) The subject property (4.155 acres) qualifies as a small-scale plan amendment;
- (b) The request is to change the subject property's future land use designation from RES-9 to RS (Residential Suburban) is consistent with the abutting properties, which are:
  - I. North/Northwest - various low density residential land use assigned properties in the County;
  - II. East - Mobile Home, Estate Residential, and various low density residential land use assigned properties in the County;
  - III. South – Residential Urban, Estate Residential, and various low density residential land use assigned properties in the County.
  - IV. West – Various low density residential land use assigned properties in the County.
- (c) The proposed change is consistent with existing growth patterns and therefore R-3 medium density residential would be an appropriate zoning designation;
- (d) According to the Utilities Department, water and waste water capacity is available for the proposed petition, and this application was received prior to the current moratorium on residential development within the City.



(e) Transportation:



Figure 4 – Transportation Map

*Courtesy of BGE, Inc.*

The subject parcel abuts Geiger Road and a County ROW use permit will be required at the time of site plan review and approval. Geiger Road is currently in a state of extreme deterioration. Staff, elected officials, and City administration have worked with the County, MPO (Metropolitan Planning Organization) and the FDOT (Florida Department of Transportation) and their infrastructure consultants over the past year in an effort to determine the best course of action to substantially improve the roadway.

At the time of writing, indications have been given to Staff by the County that Geiger Road will be substantially improved through a FDR (Full-Depth Reclamation) and potentially a signalized mid-block cross-walk. Furthermore, Staff has received assurances from the developer that they are committed to the installation of a sidewalk along the north side of the roadway. Staff has been hesitant to move this petition forward until assurances from the County that the improvements are planned and funded. To repeat, at the time of writing, Staff has been assured of the above-

mentioned roadway improvements. Please see Image 1 – Geiger Road at Linwood Lane for a recent photograph of the roadway and existing conditions. Please note this is the general vicinity of the proposed annexation (at the left of the road in the foreground).

In an email dated May 22, 2024 from Senior Engineer at the Department of Public Works, Pasco County, Chris Hanning, P.E. stated “...Our plan right now is to perform Full-Depth Reclamation (FDR) of the roadway to provide a stable base, then resurface with new asphalt. We normally FDR a width of the travel lanes (24’ total for Geiger), but plan to FDR an extra foot on both sides (26’ total) to provide a base for the Safety Edge. However, we have not yet received a firm “yes” from the contractor regarding use of the SE attachment. I know things are up in the air right now regarding details of the project, but we are working to get them settled”. Please see the full email



Image 1 – Geiger Road at Linwood Lane

Courtesy of Google Images, 2024



attached to this Staff report. The proposed townhome subdivision is projected to have a de minimus traffic impact. In an email received by Staff on May 23, 2024, Basit Ali of Kimley Horn and Associates wrote "...the [originally anticipated] 36 townhomes will generate 18 PM peak hour trips (10 in, 8 out) on Geiger Road, which is a 2-lane roadway. Even if we assume all 10 incoming trips to make a left turn into the project, a left-turn lane will not be warranted as we need a minimum of 20 left turns to warrant a left-turn lane. Similarly, we need 50 right turns to warrant a right-turn lane and based on the 10 incoming trips, a right-turn lane is not warranted." As a reminder the City recently updated its de minimus threshold, as well as other traffic impact regulation in coordination with the assistance of its traffic consultant Kimley Horn and Associates and the County. See Figure 4- Transportation Map.



Figure 5 – Proposed FLU Map

Courtesy of BGE, Inc.





Figure 6 – Proposed Zoning Map

*Courtesy of BGE, Inc.*

# 1. Rezoning

- (a) The request is to change the subject property’s zoning classification from County R-1MH and RMH to R-3 (up to 7.5 dwelling units per acre);

(b) The requested zoning designation is inconsistent with the development patterns and zoning designations of the area and surrounding properties. The surrounding properties are:

- I. North & Northwest –Larger-lot single-family parcels, mixed commercial and residential uses such as the Silver Oaks planned unit development, the East Pasco YMCA and various office and commercial uses along Abbott Station Drive.
- II. West – Low density single-family residential lots.
- III. East – Various low density residential and mobile home rv designations in the County, and the Green Hills Estate medium density mobile home park. The development consists of approximately 118 units on 20 acres, which is approximately 6 dwelling units per acre.
- IV. South – Residential uses such as Wedgewood Manor and larger-lot single family residential. Wedgewood consists of approximately 121 units on 20 acres, which is approximately 6 dwelling units per acre.

(c) The subject petition and subsequent development will not exhibit premature development based on the development patterns in the general vicinity and utility infrastructure availability and the R-3 zoning designation is appropriate as it is more reflective of the currently developed 6 units per acre abutting developments.

Therefore, the lower density may be warranted to make the project more compatible/consistent with the existing growth and development of the area. The project, proposed at 31, will not create premature development. The proposed development is located around a variety of developed uses that provide functional, convenient, and necessary infrastructure. There are numerous residential uses within close proximity, as well as health care, commercial retail, educational facilities, worship opportunities, and, within a short commute, governmental offices and an airport. It is Staff's understanding that the developer will blend the project with the established residential development pattern within the immediate area and will complement the existing neighborhoods (however, as previously stated, the higher density may be inappropriate). Staff will enforce all applicable land development regulations and Comp Plan provisions to ensure compliance while providing for a development that is sympathetic and respectful to the adjacent residential uses. See Figure 6 – Proposed Zoning Map.

### C. Natural & Historic Resources Analysis<sup>3</sup>

The following site characteristics are provided by BGE and are attached to this report:

1. Soil Types – Various well-drained soils (Pomona, Tavares and Sparr, Zero to 5 percent) that are generally well-suited for development, see attached soils map.
2. Flood Plain – The subject property is located in Flood Zone “X” and is outside the 100-year flood zone. There is no identified apparent flood related threat.

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<sup>3</sup> Please see attached corresponding map series provided by the applicant and produced by BGE, Inc. At the time of development, more-refined analyses shall be required according to the LDC and any other permitting requirements.

3. Wetlands | Water Bodies –No wetlands.
4. Historic | Archaeological Resources – The subject property is located outside of the Zephyrhills Historic District and is not projected to impact any identified historic resources. If archaeological resources are found onsite during development, notification should be made to the Florida Department of Historical Resources.
5. Natural Resources – There appears to be no biological hotspots on the subject property. If species are found, such as gopher tortoises, proper permits shall be obtained prior to construction activities, as well as a full report and mitigation and/or relocation plan shall be submitted to the City if such activities are found on site.
6. Basins of Special Concern – The property is within the Basins of Special Concern. Therefore, at the time of site plan review the project shall demonstrate conformance with the City’s regulations that require additional stormwater retention.

#### **D. Public Services Analysis | Impact**

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POLICE         | Projected general police service demand is within the City’s existing service capabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| FIRE           | It is anticipated that the projected general fire service demand is within the County’s existing service capabilities. The City is currently coordinating with the County.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| WATER          | Adequate supply, per Utilities Department. There is an 8’ water main on the south side of Geiger Road that would necessitate a wet-tap and directional drill under the roadway. <sup>4</sup> The project should be conditioned with the applicant notification that water may or may not be available at the time the project is complete, see Staff recommendation below.                                                                                                                                                                                                                                                                    |
| SEWER          | Anticipated minimal impact according to the Utilities Department. This development would necessitate the installation of a lift station, and the closest manhole is in the Wedgewood subdivision. This also requires a directional bore under the roadway. <sup>5</sup>                                                                                                                                                                                                                                                                                                                                                                       |
| SANITATION     | Future development will be required to utilize City Sanitation services. The City partners with Pasco County for use of their landfill site. Anticipated impact is minimal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| TRANSPORTATION | The proposal does not require a formal traffic impact study because it meets the City’s de-minimus threshold. A substandard roadway analysis may be required as condition of annexation based upon the anticipated uses. Geiger Road (from Eiland Blvd. to US 301) has been identified as a priority for multi-modal improvements AND roadway resurfacing by the Pasco County Metropolitan Planning Organization (MPO). Staff is coordinating with County Staff and Leadership to ensure the proper improvements are made to the roadway to ensure the health, safety, and well-being for drivers, pedestrians, and bikers along the roadway. |
| SCHOOL         | Three elementary school students, two middle school students, and two high school students for a total of seven students. <sup>6</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

<sup>4</sup> Email received June 19, 2023 from Utilities Director John Bostic.

<sup>5</sup> Email received June 19, 2023 from Utilities Director John Bostic.

<sup>6</sup> See attached Pasco County Schools “School Impact Analysis”.

## E. Comp Plan and LDC Analysis and Verified Applicant Response

### **Implementation**

#### **POLICY**

**Objective LU-1-1:** *The City shall continue to enforce land development regulations to ensure orderly development, that at a minimum, contain provisions which:*

- a. regulate the subdivision of land;*
- b. regulate signage;*
- c. provide for drainage and storm water management;*
- d. provide requirements for the provision of open space, and safe and convenient on site traffic flow and parking requirements;*
- e. coordinate future land uses with soil conditions, topography, and availability of facilities and services;*
- f. ensure that development orders and permits are issued only when it is documented that such development is consistent with the adopted level of service standards and that facilities and services are available concurrent with the impacts of development;*
- g. protect the limited amount of wetlands and other environmentally sensitive natural resources;*
- h. protect the potable well fields by designating appropriate activities and land uses*
- i. within well-head protection areas and environmentally sensitive land;*
- j. provision of mixed land use designations....*
- k. discourage the proliferation of urban sprawl.*

The proposed Black Marlin residential project shall comply with each of the above criteria. The owners/contractors shall submit all plans to the appropriate governmental agency for review and comment. The proposed project shall comply with all applicable regulations and requirements as required by the reviewing agencies, departments, and adopted codes, ordinances, and regulations as required by city, county, and state regulations. Any revision or amendments necessary shall be positively acted upon to assure compliance in each instance. Please note the above-mentioned Impact and Analysis regarding the condition of Geiger Road. Staff is processing applications for approximately 300 housing units (inclusive of application contained herein) across three separate applications. The impacts of the anticipated development shall be reviewed with a global emphasis and communicated as such with Pasco County, the ultimate authority for the roadway (and the FDOT for the intersection of Gall and Geiger (which is on the City's newly approved 'Hot Spots Map')). Staff is currently coordinating with the County for proper (if needed) ROW dedications, studies, and appropriate impact fees.

## **1. COMPLIANCE ANALYSIS**

### **PROJECT DESCRIPTION**

Once Parcel is included within this three-fold application process. Parcel 03-26-21-0010-11700-0020 is located within unincorporated Pasco County, and is proposed for annexation into the City of Zephyrhills ("City").

This three-part concurrent application will provide for annexation into the City, a comprehensive plan amendment, and a rezoning. The subject property is undeveloped and heavily wooded.



## **PROPOSED DEVELOPMENT**

The proposed development requests approval for a 29-unit, single-family townhome subdivision. The lots will be generally 20 feet wide. The development, at the time of an SPRC submission, shall be in conformance with provisions found in Section 2.01.03.06.01 – Townhouses and all other applicable sections of the LDC, including the tree preservation section of the LDC.

As proposed, a three-part concurrent development application requires three actions by the City of Zephyrhills. The first is an annexation for Parcel 03-26-21-0010-111700-0020 along with a Comprehensive Plan amendment and a Rezoning application. A pre-application meeting with the City of Zephyrhills was held on July 27, 2022. Planning Staff included Todd Vandeberg. Project was transferred to Principal Planner Rod Corriveau in May of 2023.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

### **Implementation**

**Goal LU-1:** To achieve an economically and diversified tax base that ensures:

A. The residential I family character of the City of Zephyrhills is maintained and protected while recognizing the economic benefits of a diversified economic base;

The project will complement the residential character of the City of Zephyrhills while providing an additional option for those looking for a home with less maintenance. The proposed development provides further benefit to the City of Zephyrhills by increasing the tax base.

### **Land Development Regulation**

**Objective LU-1-1:** To encourage efficient development in areas which will have the capacity to contribute more to the City in revenue than it will consume in services that meet the above-mentioned goals and consistent with this adopted plan.

**Policy LU-1-1-1:** The City shall continue to enforce land development regulations to ensure orderly development, that at minimum, contain provisions which:

- A. Regulate the subdivision of land;
- B. Regulate signage;
- C. Provide for drainage and stormwater management;
- D. Provide requirements for the provision of open space, and safe convenient on-site traffic flow and parking requirements;
- E. Coordinate future land uses with soils conditions, topography, and availability of facilities and services;
- F. Ensure that development orders and permits are issued only when it is documented that such development is consistent with the adopted level of service standards and that facilities and services are available concurrent with the impacts of development;
- G. Protect the limited amount of wetlands and other environmentally sensitive natural resources;

H. Protect the potable wellfields by designating appropriate activities and land uses within well head protection areas and environmentally sensitive land;

I. Provision of mixed land use designations, such as recreation in residential area; and

J. Discourage the proliferation of urban sprawl.

The project will ensure each of the above items are addressed as part of the construction plans that will be submitted to all applicable government agencies. Urban sprawl will not be created by the proposed development. The proposed development is located on a parcel that is uniquely situated between two subdivisions with relatively high densities. The goal of the developer is to provide a townhome community that will meet the demands of a varied age group, ranging from young adults to senior citizens who are looking for a more maintenance free lifestyle. Open space shall be provided to residents for recreational purposes and gatherings per Section 2.01.03.06.01 – Townhouses.

### Residential Development

**Objective LU-1-2:** The integrity and quality of life will continue to be maintained in existing and future residential neighborhoods.

The project will complement the quality of life within the surrounding communities. The proposed development will not interfere with the integrity of the established neighborhoods if developed at the 7.5 units per acre under the R-3 zoning designation.

**Policy LU-1-2-1:** Residential development shall be consistent with the following residential density categories:



Figure 7 – Proposed Plan (illustrative purposes only, actual unit count will be lower) Courtesy of BGE, Inc.

b. Residential Suburban- 2.5 to 7.5 units/gross acre; the project will contain a max. density of 7.5 dwelling units per acre. Please see Figure 7 – Proposed Site Plan; this is a basic site plan intended for illustrative purposes only. As previously stated, this would be more in line with the existing development patterns of the area after considerations for roads, stormwater retention, bulk regulations, etc. are considered.

**Policy LU-1-2-2:** Existing residential areas shall be protected from incompatible activities. Other land users shall also be protected from the encroachment of incompatible residential activities.

The project is a proposed development that will provide compatibility with the existing residential areas and will serve as a transition between varying residential densities.

**Policy LU-1-2-3:** The location and extent of residential land uses shall be in accordance with the Future Land use Map and the descriptions of types, sizes, and densities of land uses contained in this element.

The project complies with the requirements of the Future Land Use Map, its categories, and the established development pattern of this area. The area being annexed is currently classified as RES-9 by Pasco County. The City's request via the accompanying RS category is compatible.

**Policy LU-1-2-4:** Land development shall take place in a manner that is compatible with the type and scale of surrounding land uses.

The project shall be compatible with the existing future land use categories, surrounding zoning districts and the established development pattern of the area.

#### **CONSISTENCY WITH 171.043, F.S.**

171.043 Character of the area to be annexed. A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

**Subsection 1:** The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

Parcel 03-26-21-0010-11700-0020 is contiguous to the City of Zephyrhills. The abutting parcel to the east is located within the City of Zephyrhills. No portion of the parcel will be included within the boundary of another incorporated municipality upon annexation approval.

**Subsection 2:** Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

- (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
- (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

The project will be developed for urban purposes by providing for a total resident population equal to at least two persons for each acre of land included within its boundaries.

**Subsection 3:** In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The project can be serviced without the extension of water and/or sewer lines through a sparsely developed area.

## **POLICY**

**LU-1-2-3-4:** *Land development shall take place in a manner that is compatible with the type and scale of surrounding land uses.*

The proposed development on the subject property shall be in compliance with the city's Land Development Code. It shall be developed with supporting uses for expanded parking and retention pond associated with the plant modifications. All construction shall comply with current standards in order to take into consideration the company needs and those of the residential properties to the south that will be remaining in unincorporated Pasco County.

## **ARCHAEOLOGICAL AND HISTORICAL RESOURCES**

### **OBJECTIVE**

**LU-1-4:** *The City will develop mechanisms to ensure the protection of archaeological and historical resources.*

The subject property lies outside the historical district and that there are no historical structures or archaeological areas identified within the boundaries of the subject property. The applicant has provided documentation that the Florida Master Site File search for Recorded Cultural and Historic Resources was performed

## NATURAL RESOURCES

### OBJECTIVE

**LU-1-7:** *All development activities shall ensure the protection of natural resources and potable well fields.*

**LU-1-7-1:** *The clearing of trees and wetland vegetation shall be prohibited unless permits are obtained from the property government entities.*

**LU-1-7-2:** *Species of flora and fauna identified as endangered, threatened, or species of special concern, as defined by Federal Law or Florida Statutes, and found to exist in Zephyrhills by the Florida Game Fresh Water Fish commission, shall be protected through compliance with appropriate Federal and State regulations.*

**LU-1-7-3:** *Consider in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land water and other natural resources to meet demands; and the potential for flooding.*

**LU-1-7-4:** *The clearing of trees and wetland vegetation shall be prohibited unless permits are received from appropriate governmental entities.*

**LU-1-7-5:** *The developer/owner of any new development or redevelopment shall be responsible for on-site management of stormwater run-off in a manner so that post-development run-off rates, volumes and pollutant loads do not exceed existing conditions.*

The owner and its contractor shall comply with each of these provisions during the planning, design, engineering, staff review, permitting, construction, and inspection process of the Black Marlin development project. Further research/review and possible mitigation/relocation of any protected fauna species shall be required at the time of site plan review and approval, and prior to commencement of construction. Furthermore, as previously discussed, the subject property is heavily wooded and at the time of development a tree survey shall be submitted with corresponding tree preservation plan. Any remaining caliper inches (trees) shall be calculated and a tree mitigation fund payment shall be paid in full prior to issuance of site permits. Staff encourages the developer to plant additional trees over and above the minimum required rather than payment into the tree mitigation fund. All applicable sections of the LDC pertaining to landscape and tree preservation and tree removal guidelines shall be followed.

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## V. RECOMMENDATION

**Site Plan Review Committee** – The SPRC recommended approval of the annexation, rezoning and Future Land Use Map Amendment at its regularly scheduled meeting on May 28, 2024. The SPRC moved the request forward to the Planning Commission.

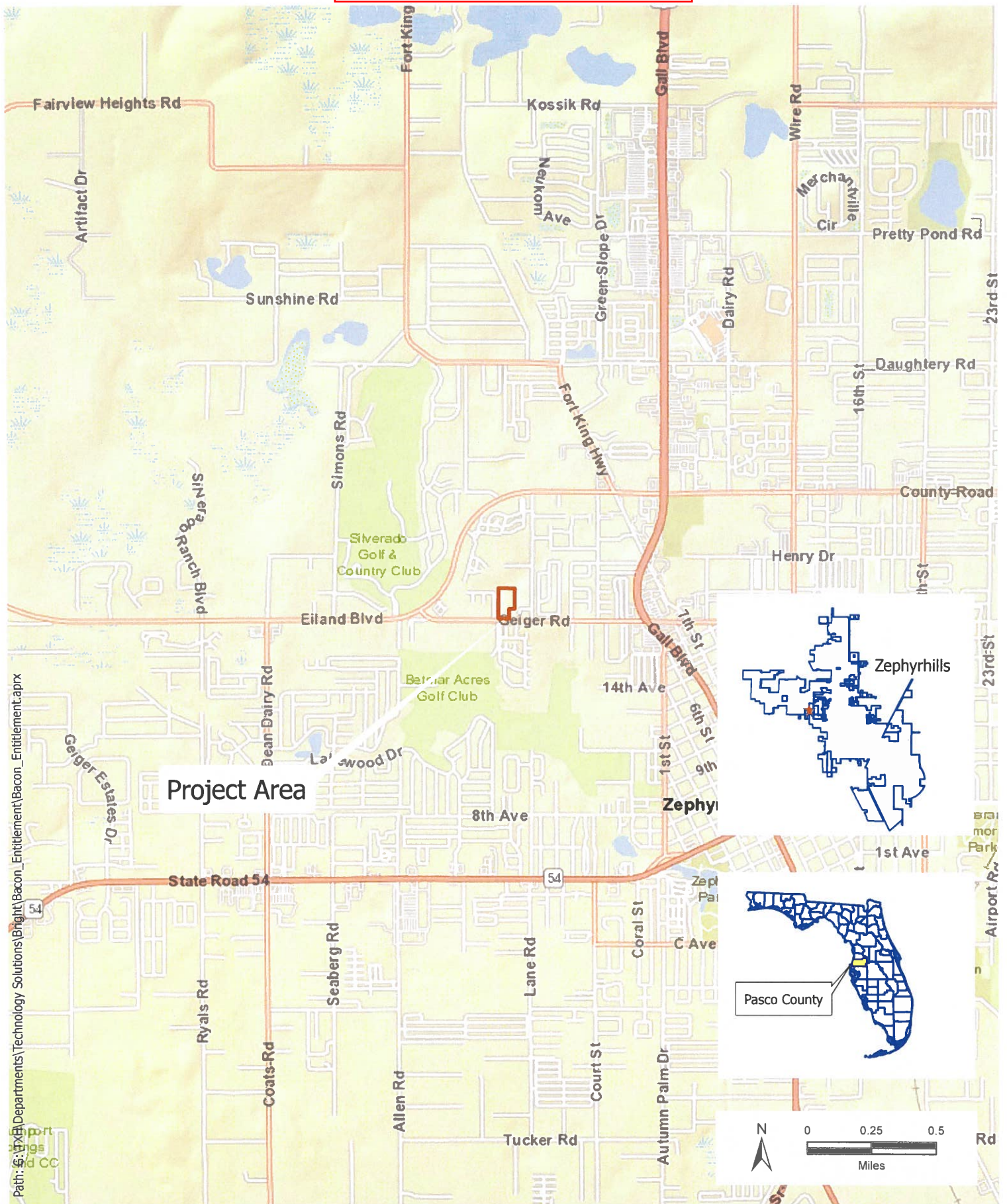
**Planning Commission** - The Planning Commission recommended approval of the annexation, rezoning and Future Land Use Map Amendment at its regularly scheduled meeting on June 18, 2024. The Planning Commission moved the request forward to the City Council for final consideration. Please note it was reviewed at a request for R-4 Zoning, and RU Land Use – it was after this meeting that the applicant requested the petition be amended to the lower density R-3 Zoning and RS Land Use designation.

**Staff** - Based upon the analysis contained herein, along with supporting documentation and community input at the Planning Commission, Staff recommends approval of this petition for annexation into the City, and recommends a zoning designation of R-3 and FLUMA to RS on the basis of the fact that these designations are reflective of the development patterns in the area and consistent with the density of abutting developments. Annexation should be conditioned, at a minimum, upon the following:

1. Applicant is hereby notified that the City makes no guarantee that potable water will be available for any residential project on said lands upon final completion and request for a Certificate of Occupancy (CO).
2. The City shall receive adequate assurances (as determined by the City), that Pasco County shall make significant roadway improvements to Gieger Road, including, but not limited to a Full Depth Reclamation and other safety upgrades as determined by the City and agreed-upon by Pasco County.
3. Applicant/Developer shall install a sidewalk at the discretion and as determined by the City and Pasco County.
4. At the Site Development Plan review stage, the applicant (or his or her designee), project arborist, and Staff shall walk the property and identify trees to be saved (with the aid of a completed arborist report). Per LDC Section 7.06.04, Tree Removal Guidelines, a maximum number of trees (to be determined by a tree survey and based upon the number of trees per acre above 6" in caliper) shall be allowed to be removed.



FIGURE ONE - LOCATION MAP



## Bacon Entitlement - Location Map

BGE, Inc.

Tel: 813-848-0901  
www.bgeinc.com

Project No: 9197-00

September 2022

Scale: 1:30,000



FIGURE TWO - AERIAL MAP



Bacon Entitlement - Aerial

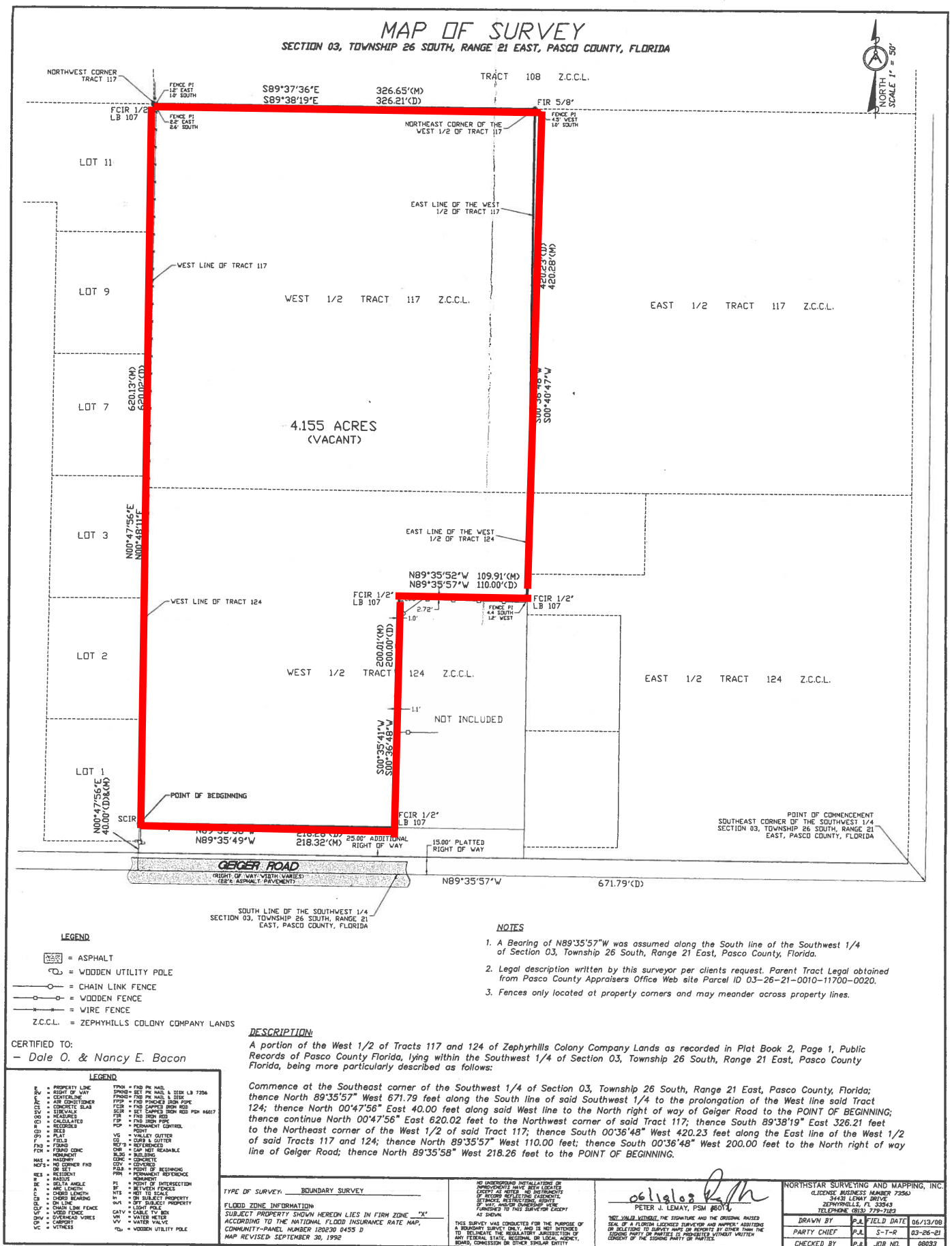
Nearmap  
Nov 14 2021

BGE, Inc.  
Tel: 813-848-0901  
www.bgeinc.com

Project No: 9197-00  
September 2022  
Scale 1: 4,800



### FIGURE THREE - SURVEY



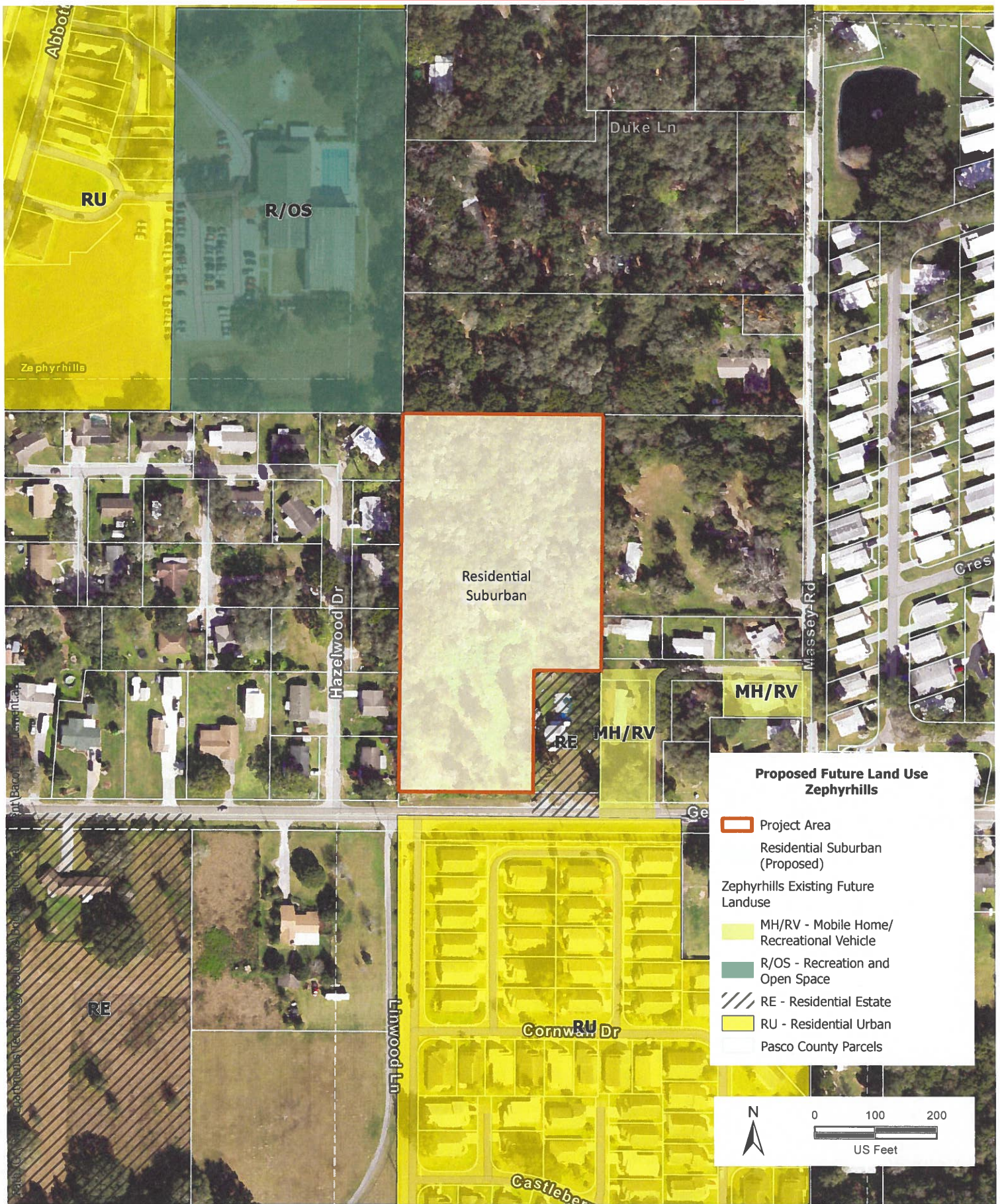


## FIGURE FOUR - TRANSPORTATION MAP





**FIGURE FIVE - PROPOSED FLU MAP**





**FIGURE SIX - PROPOSED ZONING MAP**

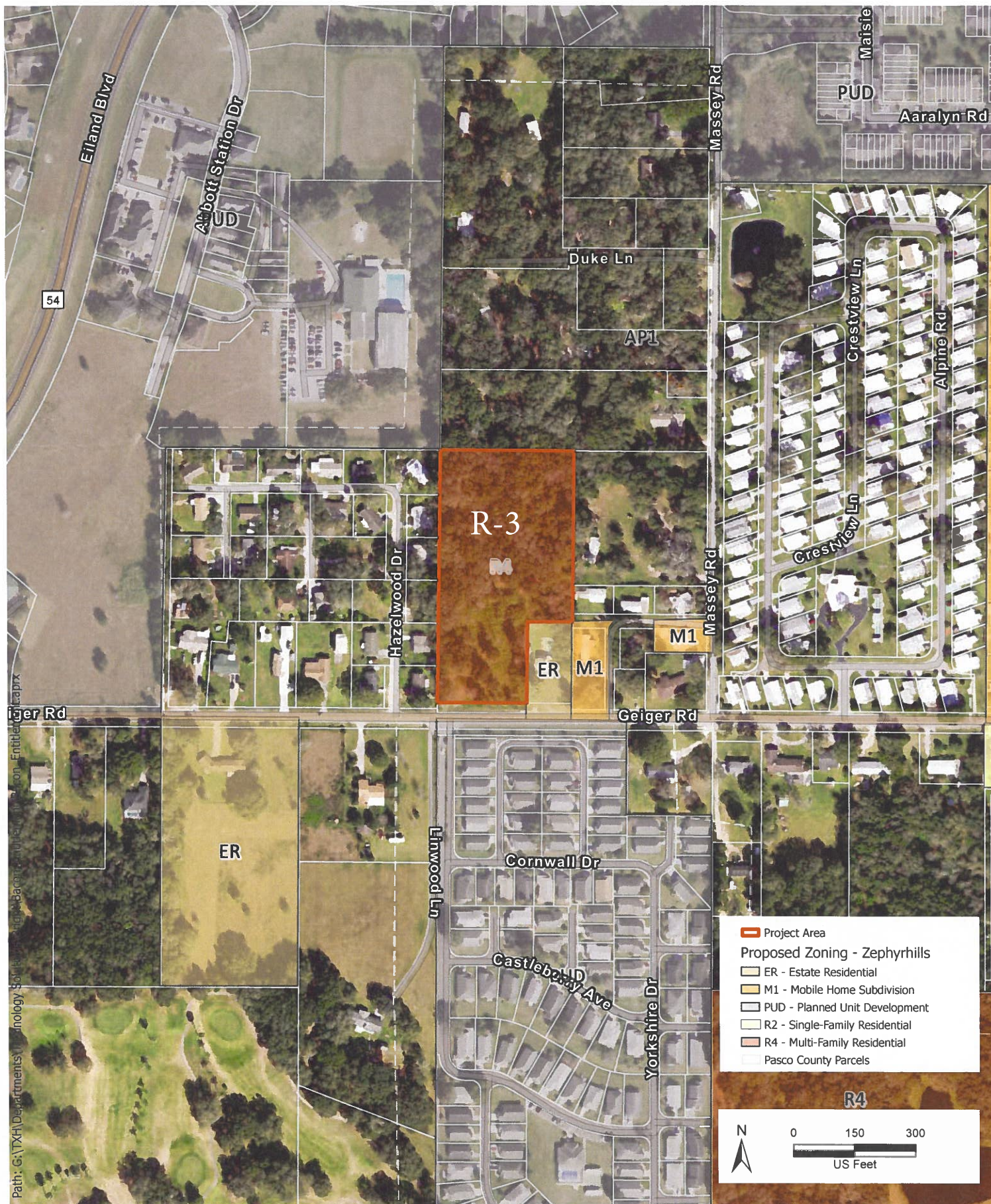




FIGURE SEVEN - PROPOSED SITE PLAN

illustrative only - not actual unit count





# Pasco County Schools

Kurt S. Browning, Superintendent of Schools

7227 Land O' Lakes Boulevard • Land O' Lakes, Florida 34638

## School Impact Analysis

|                                                                                                                                                                                                                             |                                                                 |                          |               |             |                    |               |             |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------|---------------|-------------|--------------------|---------------|-------------|-----------|
| Project Name                                                                                                                                                                                                                | Black Marlin Capital                                            |                          |               |             |                    |               |             | 12-Dec-22 |
| Project Location                                                                                                                                                                                                            | North side of Geiger Road, 0.55 miles west of U. S. Highway 301 |                          |               |             |                    |               |             |           |
| Parcel ID Numbers                                                                                                                                                                                                           | 03-26-21-0010-11700-0020 (4.13 acres)                           |                          |               |             |                    |               |             |           |
| Property Owner/Developer                                                                                                                                                                                                    | Black Marlin Capital                                            |                          |               |             |                    |               |             |           |
| Applicant                                                                                                                                                                                                                   | Leonard H. Johnson                                              |                          |               |             |                    |               |             |           |
| This development will be subject to school impact fees and a school concurrency review. Any project that exceeds the adopted Level of Service will be required to mitigate the impacts that are created by the development. |                                                                 |                          |               |             |                    |               |             |           |
| Proposed Entitlements                                                                                                                                                                                                       |                                                                 |                          |               |             |                    |               |             |           |
| Student Impacts                                                                                                                                                                                                             |                                                                 | Student Generation Rates |               |             | Students Generated |               |             |           |
|                                                                                                                                                                                                                             |                                                                 | Elementary School        | Middle School | High School | Elementary School  | Middle School | High School | Totals    |
| Housing Unit Type                                                                                                                                                                                                           | # Units                                                         |                          |               |             |                    |               |             |           |
| Single Family Detached                                                                                                                                                                                                      | 0                                                               | 0.18                     | 0.095         | 0.123       | 0                  | 0             | 0           | 0         |
| Single Family Attached                                                                                                                                                                                                      | 36                                                              | 0.077                    | 0.037         | 0.047       | 3                  | 2             | 2           | 7         |
| Multi-Family                                                                                                                                                                                                                | 0                                                               | 0.115                    | 0.052         | 0.068       | 0                  | 0             | 0           | 0         |
| Mobile Home                                                                                                                                                                                                                 | 0                                                               | 0.12                     | 0.055         | 0.071       | 0                  | 0             | 0           | 0         |
| Totals                                                                                                                                                                                                                      | 36                                                              |                          |               |             | 3                  | 2             | 2           | 7         |

|                                                                                            |                        |                                   |                            |                                             |                                                      |
|--------------------------------------------------------------------------------------------|------------------------|-----------------------------------|----------------------------|---------------------------------------------|------------------------------------------------------|
| <b>School Impacts*</b>                                                                     | <b>School</b>          | <b>2022-23 Current Enrollment</b> | <b>Percent of Capacity</b> | <b>Enrollment with Proposed Development</b> | <b>Percent of Capacity with Proposed Development</b> |
|                                                                                            | <b>School Capacity</b> |                                   |                            |                                             |                                                      |
| West Zephyrhills Elementary                                                                | 740                    | 567                               | 77%                        | 570                                         | 77%                                                  |
| Raymond B. Stewart Middle                                                                  | 1,107                  | 995                               | 90%                        | 997                                         | 90%                                                  |
| Zephyrhills High School                                                                    | 1,930                  | 1,660                             | 86%                        | 1,662                                       | 86%                                                  |
| *School attendance boundaries are subject to change and could affect schools listed above. |                        |                                   |                            |                                             |                                                      |



**From:** [Panos Kontses](#)  
**To:** [Todd Vandeberg](#)  
**Cc:** [Tania Gorman](#); [Tina Russo](#); [Rodney Corriveau, AICP](#); [William Poe](#); [Nick Uhren](#); [Tracy A. Overturf](#); [Venkat Vattikuti](#); [Christopher Hanning](#)  
**Subject:** RE: CIP Project Map/Geiger Road  
**Date:** Friday, June 7, 2024 10:40:01 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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### **EXTERNAL EMAIL**

Hi Todd,

I just heard today from Tina (MPO). MPO is working with FDOT, our Public Works, and Traffic Ops to move forward the following projects for Geiger Rd:

- MPO is working with our Public works and FDOT for installing a safety edge and the resurfacing/reclamation of the road.
- MPO and FDOT are working with our Traffic Ops and Public Works on installing lane markings, RPMS, and feedback signs.

These projects are independent to the sidewalk project.

Have a great day,

Panos

#### **Panos Kontses, P.E.**

Assistant County Engineer

Public Infrastructure | Transportation Engineering Department

Tel: (727) 834-3604, x1623

[pkontses@mypasco.net](mailto:pkontses@mypasco.net)

---

**From:** Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>

**Sent:** Friday, June 7, 2024 8:57 AM

**To:** Panos Kontses <pkontses@pascocountyfl.net>

**Cc:** Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>; Rodney Corriveau, AICP <RCorriveau@ci.zephyrhills.fl.us>; William Poe <WPoe@ci.zephyrhills.fl.us>

**Subject:** RE: CIP Project Map/Geiger Road

Pantos,

Thank you for your email. Form earlier emails we were hoping that we were working towards trying to get this project funded this coming year. We also had two development projects that we had discussed moving forward based on this information. The condition of this road is in very poor

condition so just wanted to confirm if there is any possibility of this project being able to move forward at a quicker timeline? Thanks,



Todd Vandenberg  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005  
[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us)



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---

**From:** Panos Kontses <[pkontses@pascocountyfl.net](mailto:pkontses@pascocountyfl.net)>  
**Sent:** Thursday, June 6, 2024 2:48 PM  
**To:** Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>  
**Cc:** Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>  
**Subject:** RE: CIP Project Map/Geiger Road

### **EXTERNAL EMAIL**

Hi Todd,  
Our 2025-2029 CIP shows the Geiger Road sidewalk funded for Design in FY 2027 and Construction in FY 2028.  
Let me know if you have any other questions.  
Have a great rest of the day,  
Panos

**Panos Kontses, P.E.**  
Assistant County Engineer  
Public Infrastructure | Transportation Engineering Department  
Tel: (727) 834-3604, x1623  
[pkontses@mypasco.net](mailto:pkontses@mypasco.net)

---

**From:** Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>  
**Sent:** Thursday, June 6, 2024 1:49 PM  
**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>  
**Cc:** Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Panos Kontses <[pkontses@pascocountyfl.net](mailto:pkontses@pascocountyfl.net)>  
**Subject:** RE: CIP Project Map/Geiger Road

Tina.

In reviewing the CIP map is it correct that Geiger Rd will not be done this coming year and pushed to 2028?



Todd Vandeberg  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005  
[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us)



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---

**From:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>

**Sent:** Thursday, June 6, 2024 10:31 AM

**To:** Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>

**Cc:** Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Panos Kontses <[pkontses@pascocountyfl.net](mailto:pkontses@pascocountyfl.net)>

**Subject:** CIP Project Map/Geiger Road

## EXTERNAL EMAIL

Todd,

Based on some of our conversation this morning.

Please see what TED has for Geiger Road in the CIP.

Any coordination for sidewalk/MU path along Geiger will have to done with the Pasco County Transportation Engineering Department (TED).



Tina A. Russo, LCI #395  
Active Transportation Planner,  
Metropolitan Planning Organization  
Planning and Development Department  
Pasco County  
P 727-847-8140 Ext. 8341  
8731 Citizens Drive, Suite 320  
New Port Richey, FL 34654  
[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)  
[www.pascocountyfl.net](http://www.pascocountyfl.net)

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Pasco County Social Media:

**From:** [Panos Kontses](#)  
**To:** [Todd Vandeberg](#)  
**Cc:** [Tania Gorman](#); [Tina Russo](#); [Rodney Corriveau, AICP](#); [William Poe](#); [Nick Uhren](#); [Tracy A. Overturf](#); [Venkat Vattikuti](#); [Christopher Hanning](#)  
**Subject:** RE: CIP Project Map/Geiger Road  
**Date:** Friday, June 7, 2024 10:40:01 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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## **EXTERNAL EMAIL**

Hi Todd,

I just heard today from Tina (MPO). MPO is working with FDOT, our Public Works, and Traffic Ops to move forward the following projects for Geiger Rd:

- MPO is working with our Public works and FDOT for installing a safety edge and the resurfacing/reclamation of the road.
- MPO and FDOT are working with our Traffic Ops and Public Works on installing lane markings, RPMS, and feedback signs.

These projects are independent to the sidewalk project.

Have a great day,

Panos

### **Panos Kontses, P.E.**

Assistant County Engineer

Public Infrastructure | Transportation Engineering Department

Tel: (727) 834-3604, x1623

[pkontses@mypasco.net](mailto:pkontses@mypasco.net)

---

**From:** Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>

**Sent:** Friday, June 7, 2024 8:57 AM

**To:** Panos Kontses <pkontses@pascocountyfl.net>

**Cc:** Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>; Rodney Corriveau, AICP <RCorriveau@ci.zephyrhills.fl.us>; William Poe <WPoe@ci.zephyrhills.fl.us>

**Subject:** RE: CIP Project Map/Geiger Road

Pantos,

Thank you for your email. Form earlier emails we were hoping that we were working towards trying to get this project funded this coming year. We also had two development projects that we had discussed moving forward based on this information. The condition of this road is in very poor



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CUSA18A7





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CUSA18A7

**From:** [Todd Vandenberg](#)  
**To:** [Christopher Hanning](#); [Tina Russo](#); [Shepherd, Melissa](#); [Jeffrey M. Moncalian](#); [Amy D. Davis](#); [Venkat Vattikuti](#); [Jeffrey M. Moncalian](#); [Rodney Corriveau, AICP](#); [Melonie Bahr Monson](#); [William Poe](#)  
**Cc:** [Ainsley Caldwell](#); [Tania Gorman](#); [Elliot E. Shoberg](#)  
**Subject:** RE: Geiger Rd  
**Date:** Thursday, May 23, 2024 8:20:08 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

---

Thanks Chris!



*Todd Vandenberg*  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005  
[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us)



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---

**From:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>  
**Sent:** Wednesday, May 22, 2024 3:08 PM  
**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>; Jeffrey M. Moncalian <[jmoncalian@pascocountyfl.net](mailto:jmoncalian@pascocountyfl.net)>; Amy D. Davis <[adavis@pascocountyfl.net](mailto:adavis@pascocountyfl.net)>; Venkat Vattikuti <[vvattikuti@pascocountyfl.net](mailto:vvattikuti@pascocountyfl.net)>; Jeffrey M. Moncalian <[jmoncalian@pascocountyfl.net](mailto:jmoncalian@pascocountyfl.net)>  
**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>  
**Subject:** RE: Geiger Rd

### **EXTERNAL EMAIL**

Good afternoon Team,

Unfortunately, it is very difficult to nail time a timeline right now. Our general plan is to rehab the major roads (including Geiger) as soon as we can at the start of the fiscal year (October 1). However, it is very dependent on the contractor's schedule. All I can really say right now is it will be sooner in the new fiscal year rather than later.

Our plan right now is to perform Full-Depth Reclamation (FDR) of the roadway to provide a stable base, then resurface with new asphalt. We normally FDR a width of the travel lanes (24' total for Geiger), but plan to FDR an extra foot on both sides (26' total) to provide a base for the Safety Edge. However, we have not yet received a firm "yes" from the contractor regarding use of the SE attachment.

I know things are up in the air right now regarding details of the project, but we are working to get them settled.

Thanks,

**Chris Hanning, P.E.**  
Senior Engineer - Roadway  
Engineering Division  
Department of Public Works  
**Pasco County BOCC**  
P 727.834.3611

---

**From:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>

**Sent:** Tuesday, May 21, 2024 10:02 AM

**To:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>; Jeffrey M. Moncalian <[jmoncalian@pascocountyfl.net](mailto:jmoncalian@pascocountyfl.net)>; Amy D. Davis <[adavis@pascocountyfl.net](mailto:adavis@pascocountyfl.net)>; Venkat Vattikuti <[vvattikuti@pascocountyfl.net](mailto:vvattikuti@pascocountyfl.net)>; Jeffrey M. Moncalian <[jmoncalian@pascocountyfl.net](mailto:jmoncalian@pascocountyfl.net)>

**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>

**Subject:** RE: Geiger Rd

Chris can you help with this question from Todd Vandeberg.

Good morning. We have two petitions that we are processing for future multi-family development on Geiger Rd. Can you please provide a synopsis outlining what the County is in agreement to do and an approximate time table that we can use moving forward with our meetings? Thanks!



*Todd Vandeberg*  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005  
[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us)



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**From:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>

**Sent:** Friday, May 10, 2024 2:30 PM

**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>; Jeffrey M. Moncalian <[jmoncalian@pascocountyfl.net](mailto:jmoncalian@pascocountyfl.net)>; Amy D. Davis <[adavis@pascocountyfl.net](mailto:adavis@pascocountyfl.net)>

**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>

**Subject:** RE: Geiger Rd

Good afternoon Tina and the Team,

Please pardon the delay in responding.

I need to get my “ducks in a row” and speak with my Manager about this before I can give a better answer. Unfortunately, he was on vacation this week. I will talk with him and get back to the group early next week.

Thanks,

**Chris Hanning, P.E.**  
Senior Engineer - Roadway  
Engineering Division  
Department of Public Works  
**Pasco County BOCC**  
P 727.834.3611

---

**From:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>

**Sent:** Wednesday, May 1, 2024 9:41 AM

**To:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>; Jeffrey M. Moncalian <[jmoncalian@pascocountyfl.net](mailto:jmoncalian@pascocountyfl.net)>; Amy D. Davis <[adavis@pascocountyfl.net](mailto:adavis@pascocountyfl.net)>

**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>

**Subject:** RE: Geiger Rd

Good morning Geiger Road champions.

What is needed to move forward with the County and FDOT submit HSIP applications? The county public works need to have a contract with FDOT? The county traffic ops already submits HSIP request and applications.

I will be reaching out to FDOT again about the reimbursement and or the funding needed for the materials needed for the safety edge.

Time is very important for this safety edge and other counter measures that will be installed with the reclamation of the road, taking advantage of the FDOT HSIP program.

Chris and Ainsley how can I assist to move this project forward.

---

**From:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>

**Sent:** Thursday, April 18, 2024 2:17 PM

**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>

**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>

**Subject:** RE: Geiger Rd

Tina,

Unfortunately, my Tuesday afternoon got booked. If Wednesday is no good for the MPO team, I have Thursday open too. Sorry about that...

Thanks,

**Chris Hanning, P.E.**

Senior Engineer - Roadway  
Engineering Division  
Department of Public Works  
**Pasco County BOCC**  
P 727.834.3611

---

**From:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>  
**Sent:** Thursday, April 18, 2024 8:58 AM  
**To:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>  
**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>  
**Subject:** RE: Geiger Rd

Good morning Chris,  
This is great to hear about the safety edge and would greatly appreciate a teams meeting to discuss some options. Tuesday afternoon at 1 or 2 works best for the MPO team.

---

**From:** Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>  
**Sent:** Wednesday, April 17, 2024 11:06 AM  
**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>  
**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>  
**Subject:** RE: Geiger Rd

Good morning Tina,

Please excuse the delay in my reply.

We are talking with our paving contractor now about their ability to accommodate use of the safety edge. I will let you know as soon as we get a response from them.

I would like to meet with the team (Pasco PW, the MPO, and the City of Zephyrhills) to discuss details and expectations of this project. Would next Tuesday or Wednesday afternoon work for an MS Teams meeting? Please let me know your availability.

Thanks,

**Chris Hanning, P.E.**  
Senior Engineer - Roadway  
Engineering Division  
Department of Public Works  
**Pasco County BOCC**  
P 727.834.3611

---

**From:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>  
**Sent:** Thursday, April 11, 2024 4:01 PM  
**To:** Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>  
**Cc:** Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>  
**Subject:** RE: Geiger Rd



Mr. Hanning;

Would the county be interested in submitting an application for some counter measures for the Geiger Rd project. FDOT is willing to help.

---

**From:** Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>

**Sent:** Monday, April 8, 2024 8:51 AM

**To:** Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>; Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>

**Cc:** Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>; Zinn, Michael <[michael.zinn@dot.state.fl.us](mailto:michael.zinn@dot.state.fl.us)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>

**Subject:** RE: Geiger Rd

Morning everyone,

Geiger Road is a County road, so the County would need to submit the HSIP application. We are able to assist the County through the application process.  
Please let us know – we are available to assist.

Thank you,  
Melissa

Johnson, Mirmiran & Thompson, Inc.  
An Employee Owned Company

Melissa Shepherd  
Associate  
Senior Pursuit Coordinator

P. 813-868-6181  
F. 813-314-0345

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Thank You.

---

**From:** Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>

**Sent:** Friday, April 5, 2024 12:46 PM

**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>

**Cc:** Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>;

Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>; Zinn, Michael <[michael.zinn@dot.state.fl.us](mailto:michael.zinn@dot.state.fl.us)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>

**Subject:** [EXTERNAL] RE: Geiger Rd

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Tina,

Thanks again to you and all of the County folks for your continuing support of this project for Geiger Rd!  
Please advise if the County or the City needs to complete the HSIP application and any additional assistance that we can provide.



Todd Vandeberg  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005  
[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us)



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---

**From:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>

**Sent:** Friday, April 5, 2024 8:58 AM

**To:** Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>; Shepherd, Melissa <[MShepherd@jmt.com](mailto:MShepherd@jmt.com)>

**Cc:** Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>; Michael Zinn <[michael.zinn@dot.state.fl.us](mailto:michael.zinn@dot.state.fl.us)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>

**Subject:** RE: Geiger Rd

### **EXTERNAL EMAIL**

Geiger Project Team;

This is my thought based on the draft RSA and working with D7 Safety Team.

First item, the FDR of the roadway itself by the county is a big win.

I would like for the county to use HSIP application for some of the counter measures that were recommended in the draft RSA when the FDT done. . These would include speed feed back signs (permanent), RPMs, safety edge, pavement markings. My concern is with the FDR of the roadway the speed issue may increase.

The survey is needed for the sidewalk location and possible mid block crossings and other recommendations in the draft RSA. The survey is needed for the design of those counter measures for cost and location. This can be performed after the FDR of the roadway. But HSIP is needed for the roadway FDR safety improvements.

I think there is several counter measures that can be initiated with the FDR of the roadway, and is needed due to the speed issue on Geiger already, and most likely will increase with a new road.

Below is the link to the application for HSIP.

[https://forms.office.com/pages/responsepage.aspx?id=Xd4h25y8DEKPP48l-Fta2l6xbpk\\_ytROlxkPww9zqiJUNUgyWDVQTIM5QIMyVhtaWDNWSkk5WjhOOi4u&web=1&wdLOR=c4860F983-F066-46F6-B4B7-3AB94F8530DE](https://forms.office.com/pages/responsepage.aspx?id=Xd4h25y8DEKPP48l-Fta2l6xbpk_ytROlxkPww9zqiJUNUgyWDVQTIM5QIMyVhtaWDNWSkk5WjhOOi4u&web=1&wdLOR=c4860F983-F066-46F6-B4B7-3AB94F8530DE)

Hope this helps,



Tina A. Russo, LCI #395  
Active Transportation Planner,  
Metropolitan Planning Organization  
Planning and Development Department  
Pasco County  
P 727-847-8140 Ext. 8341  
8731 Citizens Drive, Suite 320  
New Port Richey, FL 34654  
[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)  
[www.pascocountyfl.net](http://www.pascocountyfl.net)

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---

**From:** Todd Vandeberg <[TVandeberg@ci.zephyrhills.fl.us](mailto:TVandeberg@ci.zephyrhills.fl.us)>

**Sent:** Thursday, April 4, 2024 3:47 PM

**To:** Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>

**Cc:** Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>;

Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>; Michael Zinn <[michael.zinn@dot.state.fl.us](mailto:michael.zinn@dot.state.fl.us)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>  
**Subject:** RE: Geiger Rd

Thanks County folks – I know we are on a tight time table to get a survey done. Please advise and interested in reviewing the survey for future sidewalk location.



Todd Vandenberg  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005  
[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us)



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---

**From:** Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>  
**Sent:** Thursday, March 28, 2024 12:41 PM  
**To:** Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>  
**Cc:** Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>; Michael Zinn <[michael.zinn@dot.state.fl.us](mailto:michael.zinn@dot.state.fl.us)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>  
**Subject:** Re: Geiger Rd

### EXTERNAL EMAIL

Tina,

I believe a survey/design needs to take place before the safety funds can be used correct?

---

From: Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>  
Sent: Thursday, March 28, 2024 11:49 AM  
To: Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>; Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>  
Cc: Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>; Michael Zinn <[michael.zinn@dot.state.fl.us](mailto:michael.zinn@dot.state.fl.us)>; Duran, Emmeth <[Emmeth.Duran@dot.state.fl.us](mailto:Emmeth.Duran@dot.state.fl.us)>  
Subject: RE: Geiger Rd

Christopher,

We are exploring safety improvements for Geiger Rd.

With the FDR of this roadway can a safety edge be added to the project if we can get FDOT to provide some assistance with equipment?

From: Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)>

Sent: Thursday, March 28, 2024 10:56 AM

To: Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)>; Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)>  
Cc: Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)>; Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)>; Elliot E. Shoberg <[eshoberg@pascocountyfl.net](mailto:eshoberg@pascocountyfl.net)>  
Subject: RE: Geiger Rd

Good morning,

Please pardon the delay with my response.

Currently we have a Full Depth Reclamation (FDR) planned for Geiger Road between Eiland Blvd and North Ave in FY25 (Oct 2024 – Sept 2025).

Since we are a maintenance department, we generally do not widen or shift the roadway alignment when performing pavement treatments like mill & resurface or FDR. However, we may be able to accommodate a small amount of extra work on Geiger, but our contractor will require engineered plans showing new cross sections, alignments, and profiles. Our Pavement Management Team will also need some more details to ensure our contractor has the capabilities and resources to do the widening or realignment. Unfortunately, we do not have any funding or the available in-house resources to prepare plans and obtain a SWFWMD exemption or permit for any new alignments that may be proposed. In addition, the only sidewalk work we perform is replacing existing segments that need repair.

Thank you,

Chris Hanning, P.E.  
Senior Engineer - Roadway  
Engineering Division  
Department of Public Works  
Pasco County BOCC  
P 727.834.3611

From: Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)<<mailto:TVandenberg@ci.zephyrhills.fl.us>>>  
Sent: Wednesday, March 27, 2024 11:32 AM  
To: Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)<<mailto:tgorman@pascocountyfl.net>>>; William Poe <[WPoe@ci.zephyrhills.fl.us](mailto:WPoe@ci.zephyrhills.fl.us)<<mailto:WPoe@ci.zephyrhills.fl.us>>>; Shane LeBlanc <[sleblanc@ci.zephyrhills.fl.us](mailto:sleblanc@ci.zephyrhills.fl.us)<<mailto:sleblanc@ci.zephyrhills.fl.us>>>  
Cc: Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)<<mailto:trusso@pascocountyfl.net>>>; Clayton T. Watkins <[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)<<mailto:cwatkins@pascocountyfl.net>>>; Ainsley Caldwell <[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)<<mailto:acaldwell@pascocountyfl.net>>>; Christopher Hanning <[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)<<mailto:channing@pascocountyfl.net>>>  
Subject: RE: Geiger Rd

Thanks Tania. Look forward to a discussion with Mr. Hanning and will copy our Public Works Director and City Manager.

[B69B5588]<<https://www.ci.zephyrhills.fl.us/>>  
Todd Vandenberg  
Planning Director  
City of Zephyrhills  
5335 8th Street



Zephyrhills, FL, 33542  
PH: 813-780-0006 x3505  
FAX: 813-780-0005

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From: Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)<<mailto:tgorman@pascocountyfl.net>>>

Sent: Tuesday, March 26, 2024 3:26 PM

To: Todd Vandenberg <[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)<<mailto:TVandenberg@ci.zephyrhills.fl.us>>>

Cc: Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)<<mailto:trusso@pascocountyfl.net>>>; Clayton T. Watkins

<[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)<<mailto:cwatkins@pascocountyfl.net>>>; Ainsley Caldwell

<[acaldwell@pascocountyfl.net](mailto:acaldwell@pascocountyfl.net)<<mailto:acaldwell@pascocountyfl.net>>>; Christopher Hanning

<[channing@pascocountyfl.net](mailto:channing@pascocountyfl.net)<<mailto:channing@pascocountyfl.net>>>

Subject: Re: Geiger Rd

EXTERNAL EMAIL

Hello Todd,

For confirmation of the reclamation/rebuild project on Geiger Rd. In FY 25, I've cc Christopher Hanning with Public Works.

Clay,

Will be able to address the engineering requests/concerns (shifting the road) you broached below.

Please let us know at your earliest convenience of next steps!

---

From: Todd Vandenberg

<[TVandenberg@ci.zephyrhills.fl.us](mailto:TVandenberg@ci.zephyrhills.fl.us)<<mailto:TVandenberg@ci.zephyrhills.fl.us>>>

Sent: Tuesday, March 26, 2024 1:47 PM

To: Tania Gorman <[tgorman@pascocountyfl.net](mailto:tgorman@pascocountyfl.net)<<mailto:tgorman@pascocountyfl.net>>>

Cc: Tina Russo <[trusso@pascocountyfl.net](mailto:trusso@pascocountyfl.net)<<mailto:trusso@pascocountyfl.net>>>; Clayton T. Watkins

<[cwatkins@pascocountyfl.net](mailto:cwatkins@pascocountyfl.net)<<mailto:cwatkins@pascocountyfl.net>>>

Subject: Geiger Rd

Tania / Tina,

I wanted to thank you both with your time / effort on investigating "next steps" for Geiger Rd. I talked with the City Manager and Lance Smith and provided an overview and they asked if I could get in writing a summary from the County on where we are at prior to moving forward with the petitions for development on Geiger. My understanding is that we are looking for a reclamation / rebuilding of Geiger Rd and that it looks like it could potentially be scheduled for next fiscal year. I also want to have the discussion with the developer to see if we can get him to assist in the design / engineering of a sidewalk / trail on Geiger from 301 to Eiland Blvd.

I just wanted to make I was correct following our discussions. Lance also asked if the road would have any possibility of being able to be shifted (even a couple feet) to enable a little more space for sidewalk / trail. I did bring up the comments from Tania with concerns discussed about making sure

we are able to line up Geiger with North Avenue. We just wanted to give ourselves any additional space for building this important pedestrian “leg” but we understand if engineering says we can’t shift it. Thanks!

[B69B5588]<<https://www.ci.zephyrhills.fl.us/><<https://www.ci.zephyrhills.fl.us/>>>

Todd Vandenberg

Planning Director

City of Zephyrhills

5335 8th Street

Zephyrhills, FL, 33542

PH: 813-780-0006 x3505

FAX: 813-780-0005

[ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us/)<[http://ci.zephyrhills.fl.us](http://ci.zephyrhills.fl.us/)><<http://ci.zephyrhills.fl.us/><<http://ci.zephyrhills.fl.us/>>>

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[AF41DC82]

<<https://www.instagram.com/cityofzephyrhills/><<https://www.instagram.com/cityofzephyrhills/>>>

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CUSA18A7

## **PLANNING DIRECTOR'S REPORT 3.2**

ANX 15-22 - Providence Village, LLC - Annexation, Future Land Use Map Amendment and Rezoning

**Issue:**

Staff report is attached with the request and data / analysis.

**Background:**

N/A

**Attachment(s):**

1. Providence Village Staff Report
2. Providence Village Power Point
3. 14th Ave Sketch
4. 14th Ave 2nd Sketch

**Fiscal Impact:**

N/A

**Staff Recommendation:**

Staff and Planning Commission recommend approval.

# Staff Report Memorandum

**To:** City Council and Honorable Mayor  
**From:** Todd Vande Berg – Planning Director  
**RE:** ANX15-22– Providence Village, LLC Annexation, Land Use Map Amendment, and Rezoning  
**Date:** July 1, 2024

## I. BACKGROUND & INFORMATION

### A. History | Application Summary

This Annexation, Future Land Use Map Amendment (FLUMA), and Rezoning Petition was presented to the City by Leonard H. Johnson of Johnson, Pope, Bokor, Ruppel & Burns, LLP

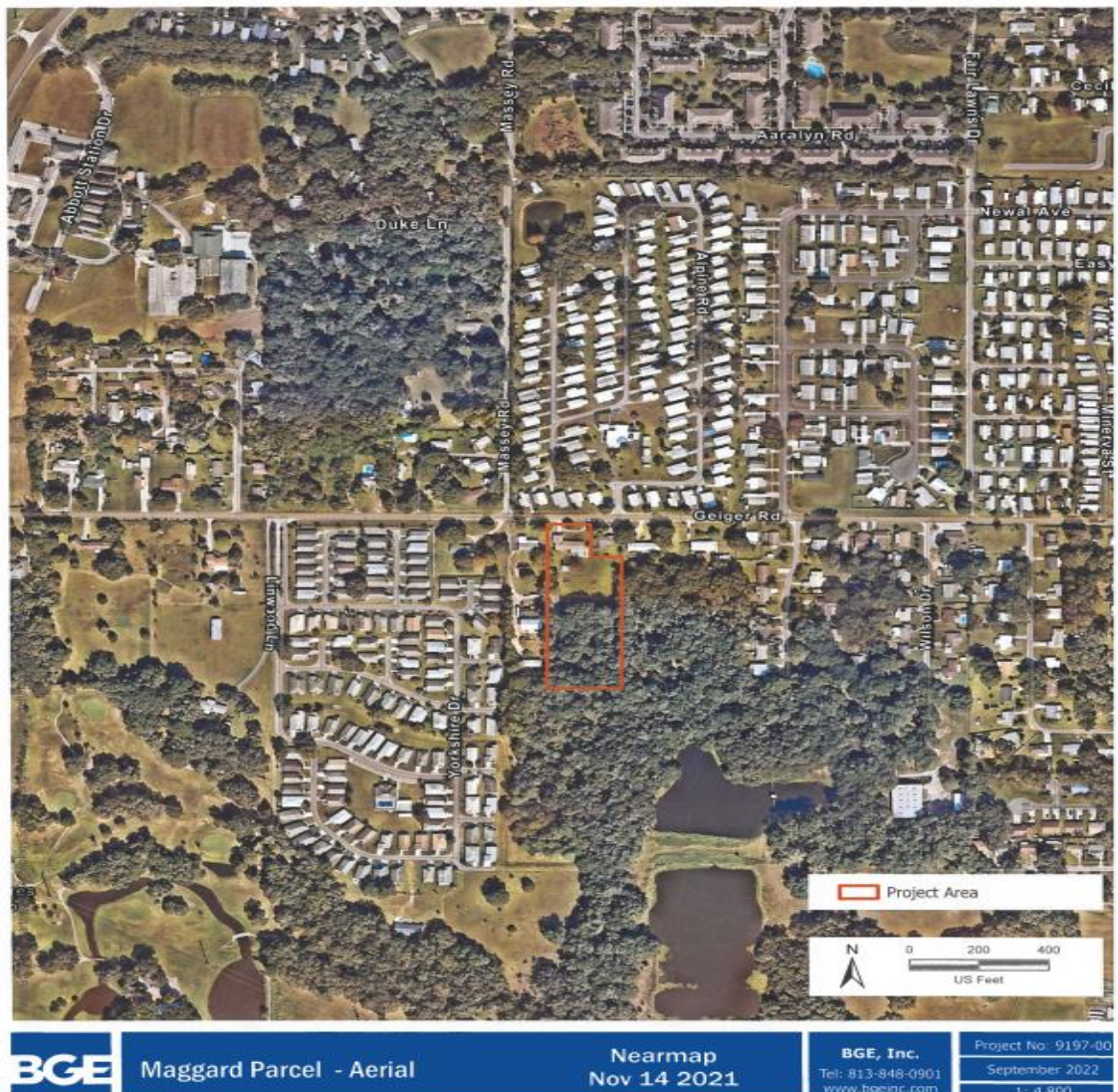


Figure 1 – Location Map



on behalf of the property owner, Black Marlin Capital LLC. The subject site is 3 acres more or less (mol) and located on the south side of Geiger Road east of the Wedgewood Manor subdivision or approximately. See Figure 1 – Location Map and Figure 2 – Aerial Map.<sup>1</sup>



Figure 2 – Aerial Map

Courtesy of BGE, Inc.

<sup>1</sup> 'Figures' contained herein are attached in original format as presented to the City, please see "attachments".



The Planning Department has coordinated with several residents regarding general questions on the proposed use - including affordable housing, water issues, and the condition of Geiger Road. This project is not proposed as an “affordable housing project”, and according to the Utilities Department, the City has sufficient water under the existing WUP (Water Use Permit) to service the development. This application was presented to the City prior to the ongoing moratorium on development in place since June of 2023, and was factored into the requested consumptive use increase WUP with the SWFWMD (Southwest Florida Water Management District) as such. Per the JPA (Joint Planning Area) agreement, the City has coordinated with the County, and it has no objections or comments<sup>2</sup>; but Staff is further coordinating with the County for improvements to Geiger Road. Staff has received assurances from the County that improvements are planned and in-process for the next fiscal year 2025. Please see analysis and policy review for further discussion.

#### **Site Information**

|                                  |                                                   |
|----------------------------------|---------------------------------------------------|
| <u>Applicant   Owner:</u>        | Providence Village, LLC                           |
| <u>Location:</u>                 | South side of Geiger Road east of Wedgewood Manor |
| <u>Parcel ID Number(s):</u>      | 10-26-21-0000-00400-0000                          |
| <u>Acreage:</u>                  | 4.155 Acres                                       |
| <u>Existing Land Use:</u>        | Vacant                                            |
| <u>Existing Future Land Use:</u> | County RES-9                                      |
| <u>Proposed Future Land Use:</u> | RS (Residential Suburban – Max - 7.5 DU’s / ac)   |
| <u>Existing Zoning:</u>          | County R-4                                        |
| <u>Proposed Zoning:</u>          | R-3 (Medium Density Residential)                  |
| <u>DU/ACRE</u>                   | (Conceptual plan – 7.3 units / Ac)                |

## **II. Detailed Project Description:**

This application identifies Parcel ID Number 10-26-21-0000-00400-0000 and as previously discussed, the subject property is generally located on the south side of Geiger Road and east of Wedgewood Manor. The subject parcel in this three-part application under review includes approximately 3 acres (MOL) and is rectangular in shape consisting of a single-family home on the subject parcel. Please see Figure 3 – Proposed Property Annexation Area Map for a survey of the subject property.

- I. All applicable sections of the LDC pertaining to landscape and tree preservation and tree removal guidelines shall be followed. The subject property / adjoining 20 acre parcel to the south is wooded and at the time of development a tree survey shall be submitted with a corresponding tree preservation plan. Any remaining caliper inches, after replanting the required minimum 3 inch caliper trees shall be calculated and a tree mitigation fund payment shall be paid in full prior to issuance of site permits. Please note, as a condition of approval, Staff recommends that at the Site Development Plan review stage, the applicant, project arborist, and Staff shall walk the property and identify trees to be saved. Per Section 7.06.04, Tree Removal Guidelines.

II.

<sup>2</sup> According to Jeffrey R. Jenkins, MPA, AICP in a letter dated February 8<sup>th</sup>, 2023 to Todd Vandenberg.



## IV. DATA & ANALYSIS REVIEW

### A. Character Analysis

North – Mobile Home Subdivision.

West – Single-family residential community & Wedgewood Manor.

East – Single family residential.

South – Undeveloped Land.

### B. Compatibility Analysis/Annexation:

**Annexation:** The proposed annexation portion of the three-pronged petition meets the following criteria set forth under State Statutes, and complies with the Joint Planning Area agreement between the County of Pasco and City of Zephyrhills (Please see Figure 3 – Proposed Properties Annexation Area Map):

State Statutes Chapter - 171.043 Character of the area to be annexed. A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

1. The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
2. Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:
  - (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
  - (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or
  - (c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.
3. In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:
  - (a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

- (b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The subject property is contiguous with properties that are already located within the city limits. Furthermore, the subject property is generally located within or close to the actual City, and/or developed in an urban/suburban land use pattern. An annexation at this location is reasonable and meets the legal requirements for inclusion into the City boundary as well as the guidelines as prescribed above. Geiger Road has been reviewed for improvements as previously discussed, and as discussed in the transportation section of this report. Furthermore, the annexation of the property into the City should be conditioned upon such improvements (based upon the anticipated use as discussed below).

### **Compatibility:**

The parcel is surrounded by a variety of residential uses. The subject parcel and 20 acre parcel to the south are planned for a proposed residential use with townhomes (Conceptual plan reflects a density of 7.3 units / acre) is generally consistent with development patterns or anticipated development patterns in the area, please refer to Figure 7 – Proposed Site Plan (for illustrative purposes only). The development will utilize existing infrastructure, provide additional housing opportunities into the City of Zephyrhills, and blend with existing development in the vicinity. This development is considered appropriate for a continuation of single-family residential development already established in this area.

The subject property will be served by the City of Zephyrhills Police Department. The Police Station is located at 6118 8th Street which is a distance of approximately one mile from the subject property.

Residents in the proposed development will be served primarily by the Advent Health Zephyrhills Hospital, located at 7050 Gall Boulevard. The location of Advent Health Zephyrhills Hospital is approximately one mile from the proposed townhome community.

### **Future Land Use Map (FLUMA) Amendment**

A comprehensive plan amendment is also included in this three-part application process. Upon approval, this request will assign the tract into the Residential Suburban (RS) future land use category for the City of Zephyrhills. The RS classification purpose is to recognize properties that are appropriate to be developed in a suburban, high-density manner. It also recognizes that such areas are well-suited for residential uses typical of suburban, non-intensive qualities. The density range in RU is 7.5 to 20.0 dwelling units per gross acre.

- (a) The subject property (4.155 acres) qualifies as a small-scale plan amendment;
- (b) The request is to change the subject property's future land use designation from RES-9 to RU (Residential Urban) and is consistent with the abutting properties, which are:
  - i. North/Northwest - Residential Urban and Public/Semi-Public;
  - ii. East - Mobile Home, Estate Residential, and various residential land use assigned properties in the County;
  - iii. South – Residential Urban, Estate Residential, and various residential land use assigned properties in the County.
  - iv. West – Residential Urban, and various residential land use assigned properties in the County.



- (c) The proposed change is consistent with the City of Zephyrhills Comprehensive Plan Goals, Objectives, and Policies;
- (d) According to the Utilities Department, water and waste water capacity is available for the proposed petition, and this application was received prior to the current moratorium on residential development within the City.
- (e) Transportation:



Figure 4 – Transportation Map

*Courtesy of BGE, Inc.*

The subject parcel abuts Geiger Road and a County ROW use permit will be required at the time of site plan review and approval. Geiger Road is currently in a state of extreme deterioration. Staff, elected officials, and City administration have worked with the County, MPO (Metropolitan Planning Organization) and the FDOT (Florida Department of Transportation) and their infrastructure consultants over the past year in an effort to determine the best course of action to substantially improve the roadway.



At the time of writing, indications have been given to Staff by the County that Geiger Road will be substantially improved through a FDR (Full-Depth Reclamation) and potentially a signalized mid-block cross-walk. Furthermore, Staff has received assurances from the developer that they are committed to the installation of a sidewalk along the north side of the roadway. Staff has been hesitant to move this petition forward until assurances from the County that the improvements are planned and funded. To repeat, at the time of writing, Staff has been assured of the above-mentioned roadway improvements. Please see Image 1 – Geiger Road at Linwood Lane for a recent photograph of the roadway and existing conditions. Please note this is the general vicinity of the proposed annexation (at the left of the road in the foreground).

In an email dated May 22, 2024 from Senior Engineer at the Department of Public Works, Pasco County, Chris Hanning, P.E. stated “...Our plan right now is to perform Full-Depth Reclamation (FDR) of the roadway to provide a stable base, then resurface with new asphalt. We normally FDR a width of the travel lanes (24’ total for Geiger), but plan to FDR an extra foot on both sides (26’ total) to provide a base for the Safety Edge. However, we have not yet received a firm “yes” from the contractor regarding use of the SE attachment. I know things are up in the air right now regarding details of the project, but we are working to get them settled”. Please see the full email



Image 1 – Geiger Road

Courtesy of Google Images, 2024

attached to this Staff rAs a reminder the City recently updated its de minimus threshold, as well as other traffic impact regulation in coordination with the assistance of its traffic consultant Kimley Horn and Associates and the County. See Figure 4- Transportation Map.



Figure 5 – Proposed FLU Map

*Courtesy of BGE, Inc.*

The proposed future land use map amendment (FLUMA) is consistent with Chapter 163, Part II, FS, the City of Zephyrhills Comprehensive Plan, and the City's Land Development Code. It is also consistent and compatible with the land use/development trends of the area as it provides an essential industrial element. See Figure 5 – Proposed FLU Map.





Figure 6 – Proposed Zoning Map

*Courtesy of BGE, Inc.*

1. Rezoning
  - (a) The request is to change the subject property’s zoning classification from County R-1MH and RMH to R-4 (up to 14 dwelling units per acre);
  - (b) The requested zoning designation is consistent with the development patterns and zoning designations of the area and surrounding properties. The surrounding properties are:
    - i. North/Northwest – Planned Unit Development;

- ii. East - Mobile Home Subdivision, Estate Residential and various residentially zoned properties in the County;
- iii. South – Planned Unit Development, Estate Residential, and various residentially zoned properties in the County; and,
- iv. West – Planned Unit Development, and various residentially zoned properties in the County.

(c) The subject petition and subsequent development will not exhibit premature development based on the development patterns in the general vicinity and utility infrastructure availability.

The proposed zoning is consistent with the City of Zephyrhills Comprehensive Plan, Land Development Code, and City codes and ordinances. It is also compatible/consistent with the growth and development trends of the area. The project, consisting of 36 townhomes, will not create premature development. The proposed development is located around a variety of developed uses that provide functional, convenient, and necessary infrastructure. There are numerous residential uses within close proximity, as well as health care, commercial retail, educational facilities, worship opportunities, and, within a short commute, governmental offices and an airport. It is Staff's understanding that the developer will blend the project with the established residential development pattern within the immediate area and will complement the existing neighborhoods. Staff will enforce all applicable land development regulations and Comp Plan provisions to ensure compliance while providing for a development that is sympathetic and respectful to the adjacent residential uses. See Figure 6 – Proposed Zoning Map.

#### **C. Natural & Historic Resources Analysis<sup>3</sup>**

The following site characteristics are provided by BGE and are attached to this report:

1. Soil Types – Various well-drained soils (Pomona, Tavares and Sparr, Zero to 5 percent) that are generally well-suited for development, see attached soils map.
2. Flood Plain – The subject property is located in Flood Zone “X” and is outside the 100-year flood zone. There is no identified apparent flood related threat.
3. Wetlands | Water Bodies – No wetlands.
4. Historic | Archaeological Resources – The subject property is located outside of the Zephyrhills Historic District and is not projected to impact any identified historic resources. If archaeological resources are found onsite during development, notification should be made to the Florida Department of Historical Resources.
5. Natural Resources – There appears to be no biological hotspots on the subject property. If species are found, such as gopher tortoises, proper permits shall be obtained prior to construction activities, as well as a full report and mitigation and/or relocation plan shall be submitted to the City if such activities are found on site.
6. Basins of Special Concern – The property is within the Basins of Special Concern. Therefore, at the time of site plan review the project shall demonstrate conformance with the City's regulations that require additional stormwater retention.

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<sup>3</sup> Please see attached corresponding map series provided by the applicant and produced by BGE, Inc. At the time of development, more-refined analyses shall be required according to the LDC and any other permitting requirements.

#### D. Public Services Analysis | Impact

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POLICE         | Projected general police service demand is within the City's existing service capabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| FIRE           | It is anticipated that the projected general fire service demand is within the County's existing service capabilities. The City is currently coordinating with the County.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| WATER          | Adequate supply, per Utilities Department. There is an 8' water main on the south side of Geiger Road that would necessitate a wet-tap and directional drill under the roadway. <sup>4</sup> The project should be conditioned with the applicant notification that water may or may not be available at the time the project is complete, see Staff recommendation below.                                                                                                                                                                                                                                                                                                                                                                                                           |
| SEWER          | Anticipated minimal impact according to the Utilities Department. This development would necessitate the installation of a lift station, and the closest manhole is in the Wedgewood subdivision. This also requires a directional bore under the roadway. <sup>5</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| SANITATION     | Future development will be required to utilize City Sanitation services. The City partners with Pasco County for use of their landfill site. Anticipated impact is minimal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| TRANSPORTATION | The proposal does not require a formal traffic impact study because it meets the City's de-minimus threshold. City of Zephyrhills LDC defines de minimum at less than 1,200 average daily trips, the applicant has presented supporting information. A substandard roadway analysis may be required as condition of annexation based upon the anticipated uses. Geiger Road (from Eiland Blvd. to US 301) has been identified as a priority for multi-modal improvements AND roadway resurfacing by the Pasco County Metropolitan Planning Organization (MPO). Staff is coordinating with County Staff and Leadership to ensure the proper improvements are made to the roadway to ensure the health, safety, and well-being for drivers, pedestrians, and bikers along the roadway. |
|                | Three elementary school students, two middle school students, and two high school students for a total of seven students. <sup>6</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

#### E. Comp Plan and LDC Analysis and Verified Applicant Response

The requested annexation, re-zoning, and future land use amendment appears to be consistent with the Goals, Objectives, and Policies of the City of Zephyrhills Comprehensive Plan. A review of the Comprehensive Plan and the Land Development Code has been conducted by the applicant and verified by City Staff. Relevant goals, objectives, and policies are identified below and a brief statement regarding consistency of the proposed amendment has been provided.

#### **Implementation**

#### **POLICY**

---

<sup>4</sup> Email received June 19, 2023 from Utilities Director John Bostic.

<sup>5</sup> Email received June 19, 2023 from Utilities Director John Bostic.

<sup>6</sup> See attached Pasco County Schools "School Impact Analysis".



**Objective LU-1-1:** *The City shall continue to enforce land development regulations to ensure orderly development, that at a minimum, contain provisions which:*

- a. regulate the subdivision of land;*
- b. regulate signage;*
- c. provide for drainage and storm water management;*
- d. provide requirements for the provision of open space, and safe and convenient on site traffic flow and parking requirements;*
- e. coordinate future land uses with soil conditions, topography, and availability of facilities and services;*
- f. ensure that development orders and permits are issued only when it is documented that such development is consistent with the adopted level of service standards and that facilities and services are available concurrent with the impacts of development;*
- g. protect the limited amount of wetlands and other environmentally sensitive natural resources;*
- h. protect the potable well fields by designating appropriate activities and land uses*
- i. within well-head protection areas and environmentally sensitive land;*
- j. provision of mixed land use designations....*
- k. discourage the proliferation of urban sprawl.*

The proposed Providence Village residential project shall comply with each of the above criteria. The owners/contractors shall submit all plans to the appropriate governmental agency for review and comment. The proposed project shall comply with all applicable regulations and requirements as required by the reviewing agencies, departments, and adopted codes, ordinances, and regulations as required by city, county, and state regulations. Any revision or amendments necessary shall be positively acted upon to assure compliance in each instance. Please note the above-mentioned Impact and Analysis regarding the condition of Geiger Road. Staff is processing applications for approximately 300 housing units (inclusive of application contained herein) across three separate applications. The impacts of the anticipated development shall be reviewed with a global emphasis and communicated as such with Pasco County, the ultimate authority for the Roadway. Staff is currently coordinating with the County for proper (if needed) ROW dedications, studies, and appropriate impact fees.

## **1. COMPLIANCE ANALYSIS**

### **PROJECT DESCRIPTION**

The proposed project is a townhome development located in the western portion of the City of Zephyrhills. This three-part concurrent application will provide for annexation into the City, a comprehensive plan amendment, and a rezoning. The subject property is undeveloped and heavily wooded.

### **PROPOSED DEVELOPMENT**

The proposed development will combine the subject 3 acre parcel and the 20 acre parcel to the south for a proposed townhome development. The development, at the time of an SPRC submission, shall be in conformance with provisions found in Section 2.01.03.06.01 – Townhouses and all other applicable sections of the LDC, including the tree preservation section of the LDC.

As proposed, a three-part concurrent development application requires three actions by the City of Zephyrhills. The first is an annexation along with a Comprehensive Plan amendment and a Rezoning application.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

### Implementation

**Goal LU-1:** To achieve an economically and diversified tax base that ensures:

A. The residential I family character of the City of Zephyrhills is maintained and protected while recognizing the economic benefits of a diversified economic base;

The project will complement the residential character of the City of Zephyrhills while providing an additional option for those looking for a home with less maintenance. The proposed development provides further benefit to the City of Zephyrhills by increasing the tax base.

### Land Development Regulation

**Objective LU-1-1:** To encourage efficient development in areas which will have the capacity to contribute more to the City in revenue than it will consume in services that meet the above-mentioned goals and consistent with this adopted plan.

**Policy LU-1-1-1:** The City shall continue to enforce land development regulations to ensure orderly development, that at minimum, contain provisions which:

- A. Regulate the subdivision of land;
- B. Regulate signage;
- C. Provide for drainage and stormwater management;
- D. Provide requirements for the provision of open space, and safe convenient on-site traffic flow and parking requirements;
- E. Coordinate future land uses with soils conditions, topography, and availability of facilities and services;
- F. Ensure that development orders and permits are issued only when it is documented that such development is consistent with the adopted level of service standards and that facilities and services are available concurrent with the impacts of development;
- G. Protect the limited amount of wetlands and other environmentally sensitive natural resources;
- H. Protect the potable wellfields by designating appropriate activities and land uses within well head protection areas and environmentally sensitive land;
- I. Provision of mixed land use designations, such as recreation in residential area; and
- J. Discourage the proliferation of urban sprawl.

The project will ensure each of the above items are addressed as part of the construction plans that will be submitted to all applicable government agencies. Urban sprawl will not be created by the proposed development. The proposed development is located on a parcel that is uniquely situated between two subdivisions with relatively high densities. The goal of the developer is to provide a townhome community that will meet the demands of a varied age group, ranging from young adults to senior citizens who are looking for a more maintenance free lifestyle. Open space shall be provided to residents for recreational purposes and gatherings per Section 2.01.03.06.01 – Townhouses.

## Residential Development

**Objective LU-1-2:** The integrity and quality of life will continue to be maintained in existing and future residential neighborhoods.

The project will complement the quality of life within the surrounding communities. The proposed development will not interfere with the integrity of the established neighborhoods

**Policy LU-1-2-1:** Residential development shall be consistent with the following residential density categories:

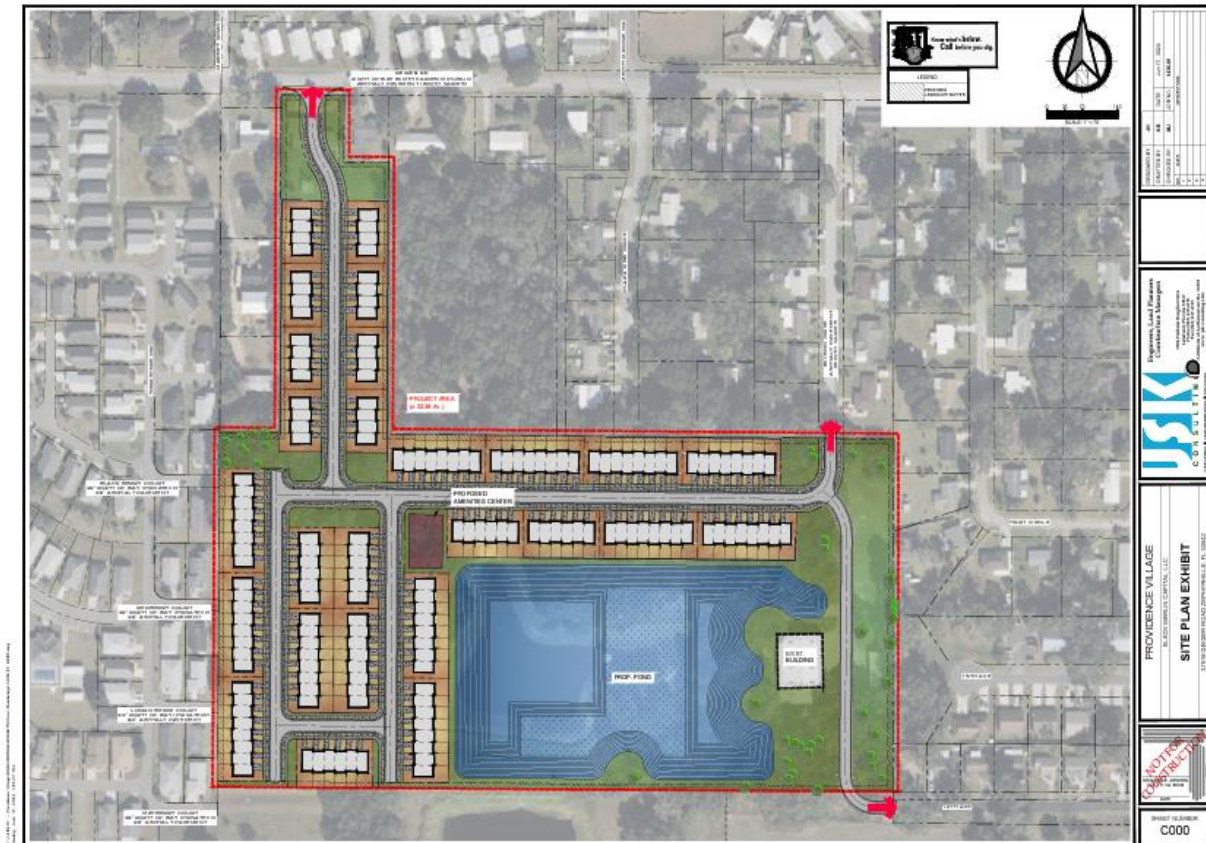


Figure 7 – Proposed Site Plan (illustrative purposes only)

Courtesy of BGE, Inc.

b. Residential Suburban-2.5 to 7.5 units/gross acre. The concept plan reflects a preliminary density of approximately 7.3 units per acre falls within the medium range criteria of the RS Future Land Use category requested in this application. Please see Figure 7 – Proposed Site Plan; this is a basic site plan intended for illustrative purposes only.

**Policy LU-1-2-2:** Existing residential areas shall be protected from incompatible activities. Other land users shall also be protected from the encroachment of incompatible residential activities.

The project is a proposed development that will provide compatibility with the existing residential areas and will serve as a transition between varying residential densities.

**Policy LU-1-2-3:** The location and extent of residential land uses shall be in accordance with the Future Land use Map and the descriptions of types, sizes, and densities of land uses contained in this element.

The project complies with the requirements of the Future Land Use Map, its categories, and the established development pattern of this area. The area being annexed is currently classified as RES-9 by Pasco County. The City's request via the accompanying RU category is compatible.

**Policy LU-1-2-4:** Land development shall take place in a manner that is compatible with the type and scale of surrounding land uses.

The project shall be compatible with the existing future land use categories, surrounding zoning districts and the established development pattern of the area.

#### **CONSISTENCY WITH 171.043, F.S.**

171.043 Character of the area to be annexed. A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

**Subsection 1:** The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

Parcel 03-26-21-0010-11700-0020 is contiguous to the City of Zephyrhills. The abutting parcel to the east is located within the City of Zephyrhills. No portion of the parcel will be included within the boundary of another incorporated municipality upon annexation approval.

**Subsection 2:** Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

- (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
- (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or
- (c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

The project will be developed for urban purposes by providing for a total resident population equal to at least two persons for each acre of land included within its boundaries.

**Subsection 3:** In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

- (a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary

or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The project can be serviced without the extension of water and/or sewer lines through a sparsely developed area.

## **POLICY**

**LU-1-2-3-4:** *Land development shall take place in a manner that is compatible with the type and scale of surrounding land uses.*

The proposed development on the subject property shall be in compliance with the city's Land Development Code. It shall be developed with supporting uses for expanded parking and retention pond associated with the plant modifications. All construction shall comply with current standards in order to take into consideration the company needs and those of the residential properties to the south that will be remaining in unincorporated Pasco County.

## **ARCHAEOLOGICAL AND HISTORICAL RESOURCES**

### **OBJECTIVE**

**LU-1-4:** *The City will develop mechanisms to ensure the protection of archaeological and historical resources.*

The subject property lies outside the historical district and that there are no historical structures or archaeological areas identified within the boundaries of the subject property. The applicant has provided documentation that the Florida Master Site File search for Recorded Cultural and Historic Resources was performed

## **NATURAL RESOURCES**

### **OBJECTIVE**

**LU-1-7:** *All development activities shall ensure the protection of natural resources and potable well fields.*

**LU-1-7-1:** *The clearing of trees and wetland vegetation shall be prohibited unless permits are obtained from the property government entities.*

**LU-1-7-2:** *Species of flora and fauna identified as endangered, threatened, or species of special concern, as defined by Federal Law or Florida Statutes, and found to exist in Zephyrhills by the Florida Game Fresh Water Fish commission, shall be protected through compliance with appropriate Federal and State regulations.*



**LU-1-7-3:** *Consider in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land water and other natural resources to meet demands; and the potential for flooding.*

**LU-1-7-4:** *The clearing of trees and wetland vegetation shall be prohibited unless permits are received from appropriate governmental entities.*

**LU-1-7-5:** *The developer/owner of any new development or redevelopment shall be responsible for on-site management of stormwater run-off in a manner so that post-development run-off rates, volumes and pollutant loads do not exceed existing conditions.*

The owner and its contractor shall comply with each of these provisions during the planning, design, engineering, staff review, permitting, construction, and inspection process of the Black Marlin development project. Further research/review and possible mitigation/relocation of any protected fauna species shall be required at the time of site plan review and approval, and prior to commencement of construction. Furthermore, as previously discussed, the subject property is heavily wooded and at the time of development a tree survey shall be submitted with corresponding tree preservation plan. Any remaining caliper inches (trees) shall be calculated and a tree mitigation fund payment shall be paid in full prior to issuance of site permits. Staff encourages the developer to plant additional trees over and above the minimum required rather than payment into the tree mitigation fund. All applicable sections of the LDC pertaining to landscape and tree preservation and tree removal guidelines shall be followed.

---

## **V. RECOMMENDATION**

**Site Plan Review Committee** – The SPRC recommended approval of the annexation, rezoning and Future Land Use Map Amendment at its regularly scheduled meeting on May 28, 2024. The SPRC moved the request forward to the Planning Commission.

**Planning Commission** - The Planning Commission recommended approval of the annexation, rezoning and Future Land Use Map Amendment at its regularly scheduled meeting on June 18, 2024. The Planning Commission moved the request forward to the City Council for final consideration.

**Staff** - Based upon the analysis contained herein, along with supporting documentation and neighborhood involvement addressing such concerns with the property owner, Staff recommends approval of this petition for annexation, rezoning to R-4 and FLUMA to RU. Annexation should be conditioned upon the following:

1. Applicant is hereby notified that the City makes no guarantee that potable water will be available for any residential project on said lands upon final completion and request for a Certificate of Occupancy (CO).
2. The City shall receive adequate assurances (as determined by the City), that Pasco County shall make significant roadway improvements to Gieger Road, including, but not limited to a Full Depth Reclamation and other safety upgrades as determined by the City and agreed-upon by Pasco County.
3. Applicant/Developer shall install a sidewalk at the discretion and as determined by the City and Pasco County.

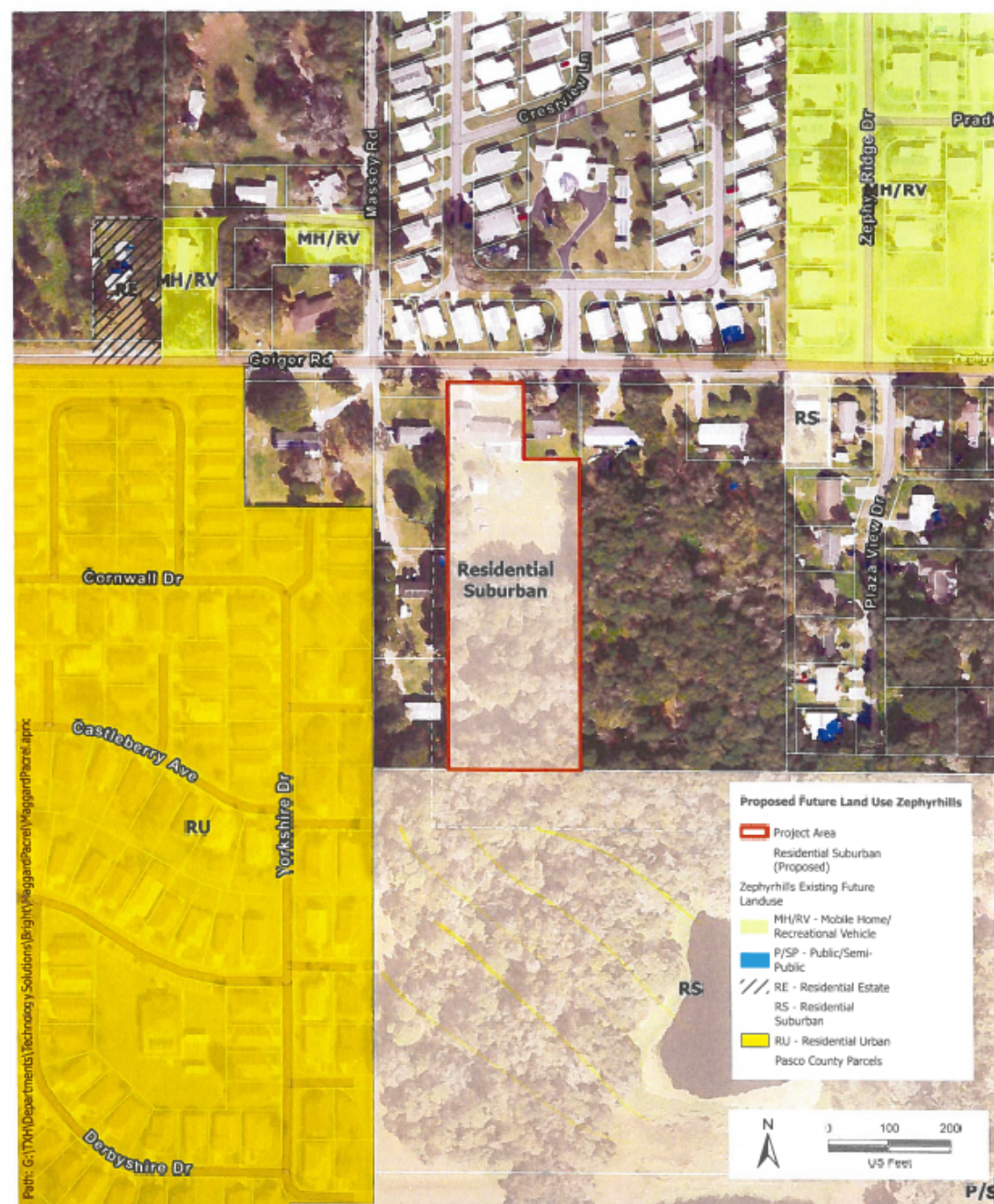
4. At the Site Development Plan review stage, the applicant (or his or her designee), project arborist, and Staff shall walk the property and identify trees to be saved (with the aid of a completed arborist report). Per Section 7.06.04, Tree Removal Guidelines, City Land Development Code.















**811** Know what's below. Call before you dig.

LEGEND

PROPOSED LANDSCAPE BUFFER



| DATE         | DATE         | DATE         | DATE         |
|--------------|--------------|--------------|--------------|
| APR 17, 2024 | APR 17, 2024 | APR 17, 2024 | APR 17, 2024 |
| DATE         | DATE         | DATE         | DATE         |
| DATE         | DATE         | DATE         | DATE         |
| DATE         | DATE         | DATE         | DATE         |
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| DATE         | DATE         | DATE         | DATE         |

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Tel: 813.241.1817  
Fax: 813.241.1818  
www.jskconsulting.com

**PROVIDENCE VILLAGE**

BLACK MARLIN CAPITAL, LLC

**SITE PLAN EXHIBIT**

37514 DESSER ROAD, ZEPHYRUS, FL 33442

**NOT FOR CONSTRUCTION**

DATE

SHEET NUMBER  
**C000**









SCALE 1" = 100'  
0 50' 100' 200'

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | N 89°37'10" W | 14.81'   |

POINT OF REFERENCE  
NORTHEAST CORNER OF SECTION 10,  
TOWNSHIP 26 SOUTH, RANGE 21 EAST

EAST BOUNDARY  
OF SECTION 10-26-21

POINT OF BEGINNING  
NORTHEAST CORNER LOT 33  
ZEPHYRHILLS COLONY COMPANY  
(P.B. 1 PG. 55)

NORTH BOUNDARY LOT 33  
ZEPHYRHILLS COLONY COMPANY  
(P.B. 1 PG. 55)

NORTHWEST CORNER LOT 34  
ZEPHYRHILLS COLONY COMPANY  
(P.B. 1 PG. 55)

SOUTH RIGHT-OF-WAY  
LINE FOR 114TH AVENUE

N 89°37'10" W 658.45'  
S 00°03'38" E 45.37'  
N 00°02'30" W 44.92'

S 89°39'33" E 658.43'  
LOT 34

LOT 33

EAST BOUNDARY LOT 33  
ZEPHYRHILLS COLONY COMPANY  
(P.B. 1 PG. 55)

ZEPHYRHILLS COLONY COMPANY

### DESCRIPTION:

A parcel of land lying within Section 10, Township 26 South, Range 21 East, Pasco County, Florida, being more particularly described as follows:

For a POINT OF REFERENCE commence at the Northeast corner of said Section 10; thence S.00°03'50"E. along the East boundary of said Section 10, a distance of 1,335.32 feet; thence N.89°37'10"W., a distance of 14.81 feet to the Northeast corner of Lot 33 per plat of ZEPHYRHILLS COLONY COMPANY as shown on the map or plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Pasco County, Florida for a POINT OF BEGINNING; thence continue N.89°37'10"W. along the North boundary of said Lot 33, and Lot 34, a distance of 658.45 feet to the Northwest corner of Lot 34 of said plat of ZEPHYRHILLS COLONY COMPANY; thence S.00°03'38"E., a distance of 45.37 feet to the South right-of-way for 114th Avenue; thence S.89°39'33"E., a distance of 658.43 feet to the East boundary of aforementioned Lot 33; thence N.00°02'30"W. along the East boundary of said Lot 33, a distance of 44.92 feet to the POINT OF BEGINNING.  
Containing 0.68 acres, more or less.

### DESCRIPTION AND SKETCH NOT A BOUNDARY SURVEY

Corner Monuments were not set in conjunction with the preparation of this sketch.  
Improvements, if any, have not been located in conjunction with the preparation of this sketch.  
This sketch is for graphic illustration only, and does not represent a field survey.  
Descriptions created per this sketch.

WEST ZEPHYRHILLS ELEMENTARY SCHOOL  
EAST RIGHT-OF-WAY

PREPARED FOR

Coastal Design Consultant, Inc.

JOB NO: 2023-109A01.BG00003 | DRAWN BY: SDV

We hereby certify that the sketch and description shown hereon are true and correct to the best of our knowledge and belief, and were prepared in accordance with the "Standards of Practice" as set forth by the Florida Board of Land Surveyors, Chapter 5J-17, Florida Administrative Code, pursuant to Section 227.027, Florida Statutes.

Daniel C. Johnson  
FLS/PSM License Number 3635  
STATE OF FLORIDA  
Date: 6/17/2024  
Daniel C. Johnson & Associates, Inc.  
For D.C. Johnson, Surveyor  
Not valid without the signature and raised seal of a Florida Licensed Surveyor

**JOHNSON**  
ASSOCIATES

SURVEYING AND MAPPING

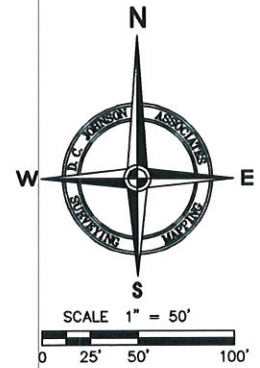
Florida Licensed Business No. LB 4514  
11911 S. Curley St. San Antonio, FL 33576  
(352) 588-2768 survey@dcjohnson.com  
www.dccjohnson.com

## DESCRIPTION:

A parcel of land lying within Section 10, Township 26 South, Range 21 East, Pasco County, Florida, being more particularly described as follows:

For a POINT OF REFERENCE commence at the Northeast corner of said Section 10; thence S.00°03'50"E. along the East boundary of said Section 10, a distance of 1,318.46 feet to the Southeast corner of the Northeast 1/4 of said Section 10; thence N.89°44'02"W. along the South boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 10, a distance of 1,347.22 feet for a POINT OF BEGINNING; thence continue N.89°44'02"W. along said South boundary, a distance of 145.00 feet; thence S.00°18'32"W., a distance of 59.72 feet; thence S.89°41'28"E., a distance of 145.19 feet; thence N.00°07'09"E., a distance of 59.83 feet to the POINT OF BEGINNING.

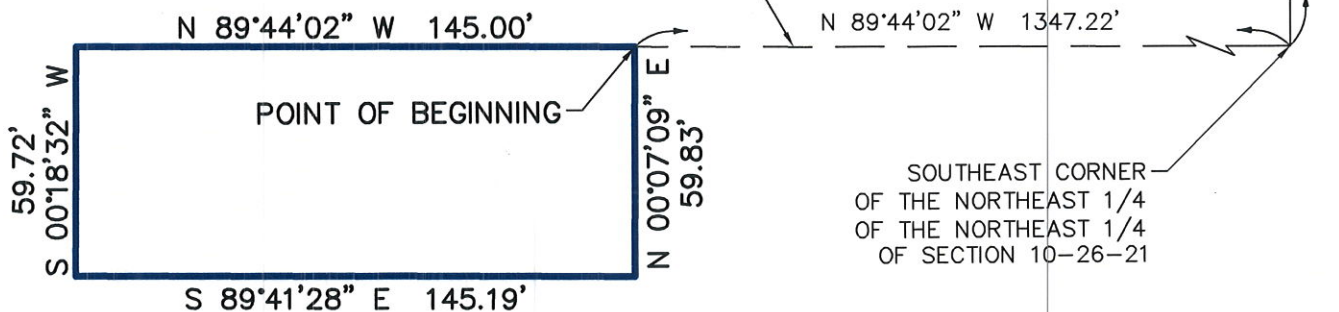
Containing 0.20 acres, more or less.



POINT OF REFERENCE  
NORTHEAST CORNER OF SECTION 10,  
TOWNSHIP 26 SOUTH, RANGE 21 EAST

EAST BOUNDARY  
OF SECTION 10-26-21

SOUTH BOUNDARY  
OF THE NORTHEAST 1/4  
OF THE NORTHEAST 1/4  
OF SECTION 10-26-21



## DESCRIPTION AND SKETCH NOT A BOUNDARY SURVEY

Corner Monuments were not set in conjunction with the preparation of this sketch. Improvements, if any, have not been located in conjunction with the preparation of this sketch. This sketch is for graphic illustration only, and does not represent a field survey. Descriptions created per this sketch.

WEST ZEPHYRHILLS ELEMENTARY SCHOOL  
WEST RIGHT-OF-WAY

PREPARED FOR

Coastal Design Consultant, Inc.

JOB NO: 2023-109A01.BG00003 | DRAWN BY: SDV

We hereby certify that the sketch and description shown hereon are true and correct to the best of our knowledge and belief, and were prepared in accordance with the "Standards of Practice" as set forth by the Florida Board of Land Surveyors, Chapter 54C-7, Florida Administrative Code, pursuant to Section 479.02, Florida Statutes.

Daniel C. Johnson  
For D.C. Johnson & Associates, Inc.  
Not valid without the signature and raised seal of a Florida Licensed Surveyor

**JOHNSON ASSOCIATES**  
SURVEYING AND MAPPING  
Florida Licensed Business No. LB 4514  
11911 S. Curley St. San Antonio, FL 33576  
(352) 588-2768 survey@dcjohnson.com  
www.dccjohnson.com



# STAFF REPORT

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**To:**  
**From:** Todd Vande Berg, Director of Planning  
**RE:** PUD-0016-22 Gagne PUD Indoor Storage with Mixed Use Development; Located at the North and Southeast corners of Chancey Rd and Paul S Buchman.3356 Paul S Buchman Hwy, Zephyrhills Fl 33540.Parcel#23-26-21-0020-08000-0000.  
**Date:** July 8, 2024

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## I. BACKGROUND & INFORMATION

- A. History | Application Summary: The applicant has submitted a request for a PUD amendment associated with property located on both sides of Chancey Road and the east side of SR 39. The City previously approved a PUD Master Plan (Ord. # 1417-21) that included: Mixed Use at the NE corner of Chancey Rd and SR 39, Single family and multi-family residential on the south side of Chancey Rd and east of the CSX railroad and commercial planned at the SE corner of Chancey Rd and SR 39. The current Master Plan is approved for: 25,000 sq ft of commercial use, 150,000 sq ft of mixed use, 80 multi-family and 138 single-family units. A petition was submitted by the owner for: 1.) Development of the commercial parcel (SE corner of Chancey & SR 39) that may include a self-storage facility with a maximum height of 54'3" above finished floor; 2.) As an alternative to the maximum height proposed the applicant has prepared an alternative building facade (see attached exhibits) that reduces the maximum building height to 48'10" feet above the finished floor and construct with the attached design architectural renderings; 3.) Commercial parcel (SE corner) may utilize well / septic if municipal service is not available at the time of site development; however, development must connect to City water and sewer once service is available adjacent to the subject property; 4.) Streetlights in the residential area shall be operated / maintained by streetlight district / HOA / CDD; 5.) The access point for the commercial parcel was moved further east per the FDOT / Pasco County Transportation. If the PUD modification is approved the applicant will come back within engineered site plan.
- B. Site Information
1. Applicant/Owner: Gagne Robert H. Trust
  2. File #:PUD-00-16-22
  3. Historic Designation: NA
  4. Acreage:4.73 acres (part of the overall 139.3 acres)
  5. Existing Land Use: Undeveloped
  6. Current FLU: MU (Mixed Use)
  7. Proposed FLU: No Change
  8. Existing Zoning: PUD
  9. Proposed Zoning: PUD (Modification)

## II. DATA & ANALYSIS

- A. Character Analysis - The subject parcel is located at the intersection of two major arterial and an appropriate location for commercial use. Staff has worked with the applicant on reducing the overall height and worked with an architect to provide a very attractive facade.
- B. Compatibility Analysis - The commercial use is not being changed from the original PUD master plan and Staff is of the opinion that this area will continue to develop with commercial / industrial uses. Existing buildings with similar heights are located in the Copeland Industrial Park.



- C. Natural & Historic Resources Analysis - There is some low-lying land / wetlands located on the east side of the subject parcel that the development is not encroaching. No historical resources are located on the property.
- D. Public Service Analysis & Impact - The new proposed use as an indoor storage facility results in a minimum of public services. They create minimum traffic, water usage and do not require much service from the other City departments.
- E. Comprehensive Plan Consistency - The PUD minor modification is consistent with the City's Comprehensive Plan.

### **III. RECOMMENDATION**

- A. Staff / Site Plan Review Committee - Approval with Conditions (attached)
- B. Historic Preservation Board - NA
- C. Planning Commission
- D. Board of Adjustment - NA



## **City of Zephyrhills**

Planning Department

5335 8<sup>th</sup> Street | Zephyrhills, FL 33542

[www.ci.zephyrhills.fl.us](http://www.ci.zephyrhills.fl.us)

813-780-0006

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### **PETITION – SIMULTANEOUS REVIEW**

#### ***Annexation | Future Land Use Map Amendment(s) | Rezoning***

This process is intended to ensure that requests meet the requirements of the City of Zephyrhills Land Development Code and adopted Comprehensive Plan pertaining to Annexations, Future Land Use Map amendments, and Zoning map amendments.

PLEASE NOTE: Site development/amendment plans, commercial checks, and other processes, permits, authorizations and fees may be applicable after the approval of a comprehensive plan amendment.

#### **Procedure**

**Pre-application Meetings:** Pre-application meetings are required prior to submitting this petition. To set up a pre-application meeting, please call the Planning Department at 813-780-0006. Petitions will not be accepted without a meeting.

**Petition Submission:** The deadline to submit petitions is the last business day of the month at 4:00 PM. Incomplete petitions will not be accepted unless written permission is received from the Planning Director or City Manager. Petitions received after the filing deadline will be held until the next Site Plan Review cycle unless written permission is received from the Planning Director or City Manager.

**Site Plan Review Committee Meeting:** Complete petitions filed at or before the deadline will be scheduled for review by the Site Plan Review Committee (SPRC). The SPRC will provide a recommendation or deny forwarding the petition to the Planning Commission. The SPRC meets regularly on the third (3<sup>rd</sup>) Tuesday of the month at 9:30 AM. An authorized representative must be in attendance for this meeting.

**Planning Commission:** Planning Commission meetings are held the 3<sup>rd</sup> Tuesday of the month at 6:00 PM. The Planning Department will give due public notice that a public hearing will be held by the Planning Commission to consider the petition request. Owners of property within 200 feet of the subject site will be notified of the request and invited to comment. The Petitioner, and/or his authorized representative(s) shall appear at the Planning Commission meeting. The Petitioner should be prepared to address the guidelines and standards for the petition. After considering the request, recommendation of the SPRC, and comments by the petitioner and public, the Planning Commission will make a recommendation to City Council to approve the petition as presented, approve the petition with conditions, or deny the request.

**City Council:** The recommendations of the Planning Commission and SPRC will be forwarded to the City Council. Staff will give a planning report where City Council will consider the recommendations of the Planning Commission and SPRC, and review the request. The City Council may then recommend that the City Attorney prepare an Ordinance for first reading and public hearing.

If the petition is for a large scale amendment (over 10 acres), the future land use petition, supporting documentation and ordinance will be forwarded to the Department of Economic Opportunity (DEO) and other applicable agencies for review and comment prior to adoption.

If the petition is for a small-scale amendment (under 10 acres), the ordinance will be scheduled for second reading and adoption at the next available City Council Meeting.

The City Council may vote to deny or approve the ordinance(s). City Council may impose conditions in addition to those of the Planning Commission.

## Application Checklist

All required materials listed below shall be submitted in unison as one complete package. The City of Zephyrhills reserves the right to refuse incomplete applications and will not accept partial applications to meet filing deadline requests unless written approval is received from the Planning Director or City Manager prior to submittal.

### REQUIRED MATERIALS

One (1) hard copy and (1) electronic copy, provided on a CD/DVD or flashdrive, or via a Dropbox or similar link, of the following information is required:

- ☐ **Petition Form, Permission to reproduce and applicable Agent Authorizations**
- ☐ **Petition Fees**  
*PLEASE NOTE: For in-unison applications, multiple fees will be assessed.*
- ☐ **Proof of Ownership**
- ☐ **Boundary Survey and Legal Description**
- ☐ **Surrounding Property Owners List and Envelopes**

For the purpose of public notice, petitioners are required to provide the following:

- (1) A list of properties within a 200-foot radius of the subject property with the property address, parcel identification number, and owner's name and mailing address.
- (2) Stamped envelopes address to the property owners.

- ☐ **Environmental Report**  
To include an inventory of all Federal and State listed plant and animal species on the property.
- ☐ **Historic and Archaeological Resources Report**  
To include a map and inventory of all properties that may be impacted by the proposed project.
- ☐ **Justification Report**

(1) Analysis for Compliance

- Consistency with the Comprehensive Plan
- Consistency with FL Statute Ch. 171
- Consistency with the Land Development Code and City Ordinances
- Surrounding Future Land Use and Zoning Analysis
- Local Development Pattern: must show that the proposed amendment(s) will allow for logical and orderly development
- Premature Development: must show that the proposed amendment(s) will not create premature development.

(2) Suitability Analysis – data and analysis to support the project's suitability/compatibility relative to the site, adjacent uses, and public facilities (including water, sewer, fire, police, schools, and EMS).

(3) Residential Impact Statement

(4) Traffic Study – Please see the city's Land Development Code, Article VII, Part 7.03.00, Section 7.03.01

(5) Utility Report – based on existing and proposed water/sewer capacity analysis.

(6) Map Series

- Recent aerial photograph of the site and surrounding area showing boundaries, source and date;
- Location map;
- Existing Future Land Use and Zoning maps;
- Proposed Future Land Use and Zoning maps;
- Natural Resource maps – soils, flood zones, aquifer recharge, wetlands, biological hotspots, etc.;
- Transportation maps.



**City of Zephyrhills**  
Planning Department  
5335 8<sup>th</sup> Street | Zephyrhills, FL 33542  
[www.ci.zephyrhills.fl.us](http://www.ci.zephyrhills.fl.us)  
813-780-0006

**OFFICE USE ONLY**

File No. \_\_\_\_\_

Submittal Date \_\_\_\_\_

Project Name \_\_\_\_\_

**PETITION - SIMULTANEOUS REVIEW**

*Annexation | Future Land Use Map Amendment(s) | Rezoning*

**PROJECT INFORMATION**

**PETITION TYPE:** ☐ Annexation ☐ Future Land Use Map Amendment ☒ Rezoning  
*Mark all that apply.*

**SUBJECT PROPERTY ADDRESS:** 3356 Paul S. Buckman Hwy  
\_\_\_\_\_  
\_\_\_\_\_

**PARCEL ID NUMBER(S):** 23-26-21-0020-08000-0000  
\_\_\_\_\_  
\_\_\_\_\_

**ACREAGE/SQ. FOOTAGE:** 4.73 **EXISTING FUTURE LAND USE:** Mixed-Use

**CURRENT LAND USE:** Vacant **PROPOSED FUTURE LAND USE:** Mixed-Use

**PROPOSED USE:** Self-Storage **EXISTING ZONING DESIGNATION:** PUD

**PROPOSED ZONING DESIGNATION:** PUD (Modification)

**CONTACT INFORMATION**

**PROPERTY OWNER:** Gagne Robert H. Trust  
**FIRM:** \_\_\_\_\_  
**ADDRESS:** 4401 Gulf Shore Blvd. N# 1001, Naples, FL 34103  
**PHONE NUMBER(S):** 727-517-9000 **EMAIL:** bobgagne1@aol.com

**PETITIONER:** Alejandro Zurita  
**FIRM:** Land America, LLC.  
**ADDRESS:** 101 Puglieses Way, Suite 200, Delray Beach, FL 33444  
**PHONE NUMBER(S):** 561-454-1625 **EMAIL:** azurita@pulieseco.com

**AUTHORIZED AGENT\*:** David Fleeman, PE  
**FIRM:** Florida Design Consultants, Inc.  
**ADDRESS:** 20525 Amberfield Drive, Suite 201, Land O' Lakes, FL 34638  
**PHONE NUMBER(S):** 727-849-7588 **EMAIL:** dfleeman@fldesign.com



The Petitioner, as owner of the above described land does respectfully request the City of Zephyrhills to take all action necessary to process the COMPREHENSIVE PLAN/MAP AMENDMENT PETITION. The Petitioner, as owner and/or representative of the above described land agrees to pay all related costs associated with this petition, including but not limited to: advertisement fees and consultant review fees as well as future required development fees, permit fees, impact fees and other review process fees.

Submitted by (firm): Florida Design Consultants, Inc.

Signature: 

Print Name: David Fleeman, PE

Date: 6/29/2023

Owner Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



City of Zephyrhills  
5335 8<sup>th</sup> Street | Zephyrhills, FL 33542  
[www.ci.zephyrhills.fl.us](http://www.ci.zephyrhills.fl.us)  
(813) 780-0006

# CONFIRMATION OF OWNERSHIP BY OWNER; AND Authorization for Agent or Petitioner, when a different entity

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of the record of property commonly known as Gagne Robert H. Trust  
And legally described in Exhibit A attached hereto.

The property described herein is the subject of a land use application for development. We hereby designate David Fleeman of Florida Design Consultants, Inc. as the legal representative of the property in the course of seeking approval of this application. This representative will remain the only entity to authorize development activity until such time as a new or amended authorization is delivered to the city.

Robert H. Gagne  
Owner Signature

Robert H - Gagne  
Printed Name

Gagne Robert H. Trust

Name of owner entity if a Corporation, LLC, Partnership, or Trust

Trustee

Representative Capacity of person signing:  
President or Vice President of a Corporation  
Managing Member of LLC  
General Partner  
Trustee

4401 Gulfshore Blvd, N #1001, Naples, FL 34103

Address of Owner

STATE OF FLORIDA ) NH

COUNTY OF PASCO ) Belknap

Sworn to (or affirmed) and subscribed before me this 30 day of June, 2023, by

Robert H. Gagne ) who is personally known to me or

produced FL Drivers License as identification. (capacity, if applicable)



Jennifer L Mooney  
Notary Public  
Notary Public - State of Florida NH  
My Commission Expires 11/6/24  
Jennifer L Mooney  
Name typed, stamped or printed



July 20, 2023

Todd Vandeberg  
Planning Director  
City of Zephyrhills  
5335 8th Street  
Zephyrhills, FL 33542

**Re: Gagne PUD Modification**

Dear Mr. Vandeberg:

The Gagne PUD Ordinance No. 1417-21 was approved on May 24, 2021. The Gagne PUD is a mixed-use development located on the north and southeast corners of Chancey Road and Paul S. Buchman Highway and is approximately 139.3 acres. The Gagne PUD is currently approved for 25,000 square feet of commercial uses, 150,000 square feet of mixed-uses, 80 multi-family/townhomes units, and 138 single-family units.

The applicant is requesting a modification to the Gagne PUD to allow for a 143,000 square feet self-storage facility on the designated Commercial Parcel. A Land Use Equivalency has been submitted with the application to exchange 7,200 square feet of commercial entitlements for 143,000 square feet of self-storage. The Land Use Trip Equivalency letter and attachment documents a trip generation comparative analysis supporting the referenced land use exchange based on PM peak hour new external trip generation, as evaluated using the data and procedures as documented in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th edition).

The following Modifications are requested for the Gagne PUD Master Plan:

- Development within the Commercial Parcel may include an indoor self-storage facility with a maximum height of 54'-3" above finished floor.
- As an alternative, the Applicant has prepared an alternative building façade (see attached exhibit) that reduces the maximum building height to 48'-10" feet above finished floor. The Applicant is willing to implement whichever façade that is preferred by the City.
- Commercial Parcel may utilize well and septic if municipal service is not available at the time of site development; however, development must connect to municipal water & sewer once service is available adjacent to the site.
- Streetlights in the residential areas shall be operated and maintained by a streetlight district or HOA.
- The access point for the Commercial Parcel was moved further east per meetings with FDOT and Pasco County Transportation Planning Department.
- A cross-access point has been added to the southern boundary of the Commercial Parcel at the urging of FDOT and Pasco County Transportation Planning Department.

The following revisions to the Conditions of Approval are requested as shown underlined below:

4. The developer(s) shall create: (i) a mandatory homeowner/property owner/condominium owner association for the residential development, or (ii) for any commercial development consisting of more than 2 separately owned parcels, a mandatory merchants association; each in the form of a nonprofit corporation(s) registered with the State of Florida, Secretary of State, or, if approved, by the City of Zephyrhills City Council, a Community Development District (CDD). To the extent required above, the association(s) or CDD shall, taken collectively, encompass the entire boundaries of the PUD except for any real property to be conveyed to the County or the District School Board of Pasco County (School Board) – if applicable. The developer(s) shall convey in fee simple to the association(s) or the District CDD, for ownership and maintenance, any open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the City. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowner/property owner/condominium owner/merchants association or CDD documents, including Articles of Incorporation with proof of being filed with the State of Florida, Secretary of State, restrictive covenants, and all exhibits shall be submitted to the Planning Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.

15. The permitted primary uses include the uses set forth below.

B. Commercial Area – Permitted primary uses shall include, without limitation:

1. Hotel
2. Retail
3. Office; and
4. Indoor Self-Storage Unit
  - a) Maximum Height: 54'-3" (above finished floor)
  - b) Minimum Setbacks – Front: 25', side: 10', and rear: 10'
5. Other uses permitted by the C-2 zoning district, provided that auction houses, flea markets, RV/Boat storage and vehicle rentals are not permitted uses.

If you have any comments or questions, please contact me at [dfleeman@fldesign.com](mailto:dfleeman@fldesign.com) or 727-849-7588.

Sincerely,



David Fleeman, PE  
Vice President, Director of Engineering

c: File 2021-0031-10.01



# Letter of Transmittal

|                 |                                                                 |                        |                   |
|-----------------|-----------------------------------------------------------------|------------------------|-------------------|
| <b>Attn:</b>    | Todd Vandenberg<br>Planning Director                            | <b>Date:</b>           | July 20, 2023     |
| <b>Address:</b> | City of Zephyrhills<br>5335 8th Street<br>Zephyrhills, FL 33542 | <b>Job/Project No:</b> |                   |
| <b>Re:</b>      | Gagne PUD Modification Petition                                 | <b>From:</b>           | David Fleeman, PE |

Sent Via:

☐ USPS

☒ FedEx

☐ Courier

| # of Copies | # of Pages | Description                              |
|-------------|------------|------------------------------------------|
| 1           | 20         | FDC Submittal for RFI 2023-06            |
|             | 1          | Submittal Fee Check (52863) for \$500.00 |
|             |            |                                          |
|             |            |                                          |
|             |            |                                          |

Reason as Checked Below:

☒ For Approval

☐ As Requested

☐ For Review and Comment

☐ For Signature

☐ Approved as noted

☐ For your use

☐ Other: \_\_\_\_\_

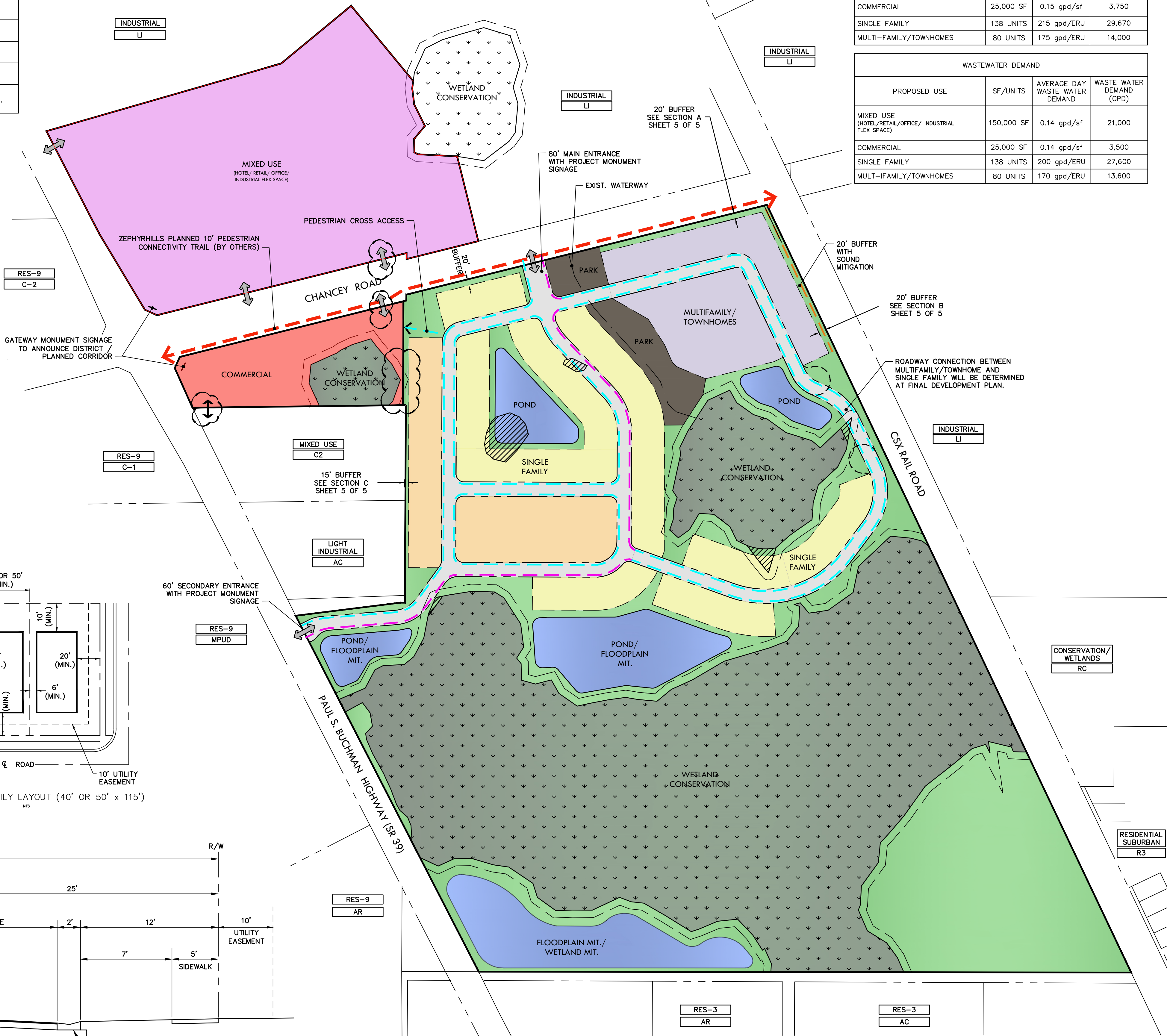
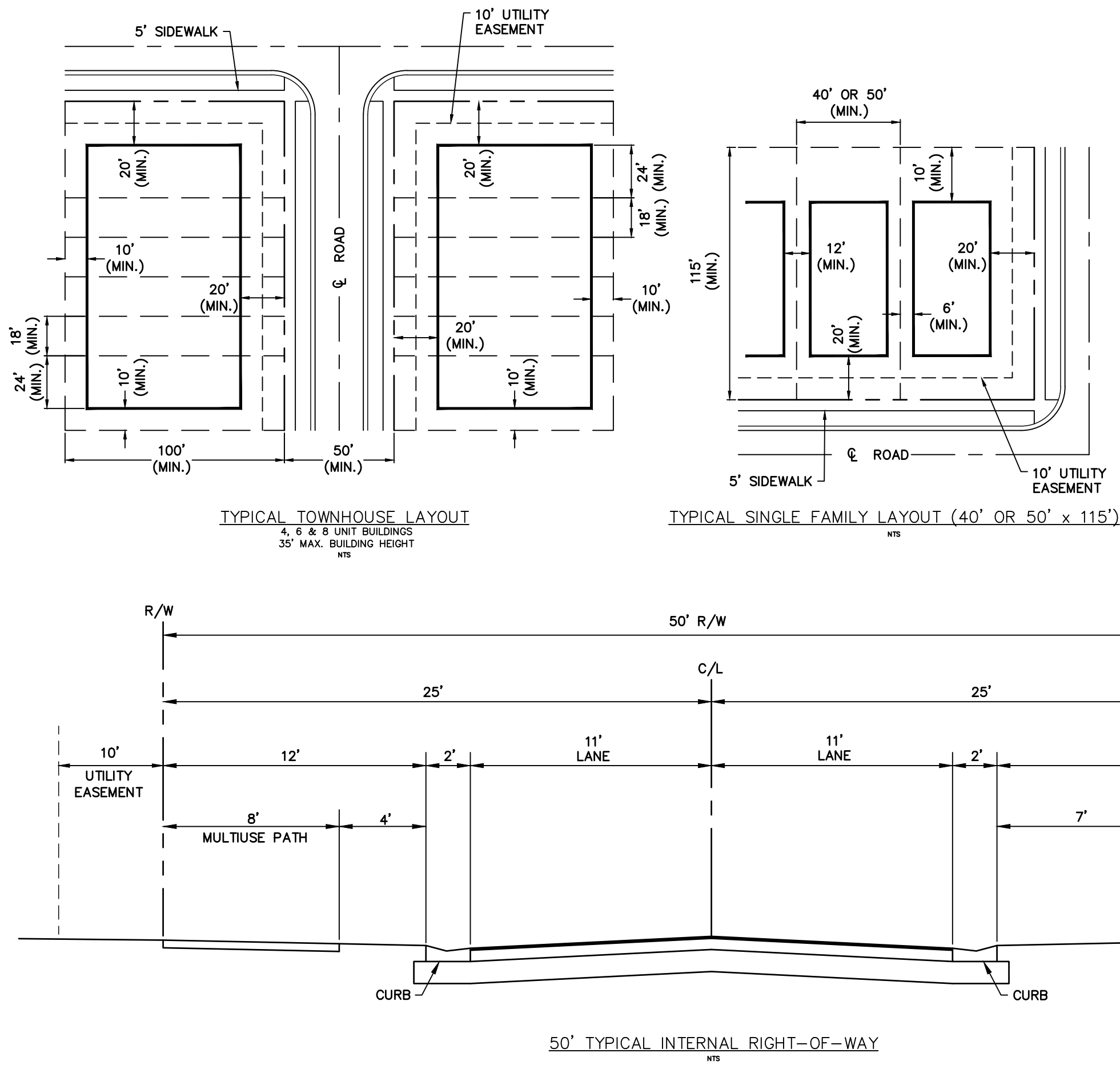
v:\gagne pud\self storage pud modification\submittal application gagne pud modification 10.17.22\lot\_07320.2023.docx

If enclosures are not as noted, kindly inform us at once  
20525 Amberfield Drive, Suite 201 • Land O Lakes, FL 34638  
Phone: (727) 849-7588 • Fax: (727) 848-3648



| LAND USE DATA TABLE                                                |                |                 |
|--------------------------------------------------------------------|----------------|-----------------|
| PROPOSED USE                                                       | SQUARE FOOTAGE | NUMBER OF UNITS |
| MIXED USE<br>(HOTEL/RETAIL/OFFICE/ INDUSTRIAL FLEX SPACE)          | 150,000        | 0               |
| COMMERCIAL                                                         | 25,000         | 0               |
| SINGLE FAMILY (40's & 50's) *                                      | 0              | 138             |
| MULTI-FAMILY/TOWNHOMES *                                           | 0              | 80              |
| * SINGLE FAMILY DWELLING UNITS MAY BE EXCHANGED TO TOWNHOME UNITS. |                |                 |

- NOTES:
1. TIMING OF DEVELOPMENT: THE TIMING OF DEVELOPMENT FOR EACH PHASE OF THE PROJECT WILL BE ESTABLISHED BY THE DEVELOPER IN RESPONSE TO MARKET CONDITIONS AND PARCELS MAY BE DEVELOPED IN ANY ORDER AS DETERMINED BY THE DEVELOPER.
  2. ENVIRONMENTAL: WETLAND INFORMATION WAS PROVIDED BY BIRKITT ENVIRONMENTAL SERVICES, INC. THE SITE CONTAINS 52.7 AC OF WETLANDS SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN MAP SERIES. THE MASTER PLAN PROPOSES TO IMPACT A TOTAL OF 0.61 AC OF WETLANDS.
  3. WATER AND WASTEWATER UTILITIES: TO BE PROVIDED BY PASCO COUNTY AND CITY OF ZEPHYRHILLS.
  4. PROVISION FOR MAINTENANCE OF COMMON AREAS: THE DEVELOPER SHALL ESTABLISH LEGAL ENTITIES FOR THE MAINTENANCE OF COMMON AREAS WITHIN THE PROJECT.
  5. INTERIM USES: AGRICULTURAL USES ARE ALLOWED ON THE SITE PRIOR TO CONSTRUCTION AND UNTIL THE SITE IS DEVELOPED.
  6. PEDESTRIAN/BICYCLE CONNECTIVITY: SIDEWALKS AND MULTI-USE TRAIL CONNECTIVITY SHALL BE PROVIDED AS DEPICTED ON THE PRELIMINARY DEVELOPMENT PLAN. SIDEWALKS AND MULTI-USE PATHS INTERNAL TO THE PROJECT SHALL BE IN COMPLIANCE WITH LDC REQUIREMENTS. THE ZEPHYRHILLS PLANNED PEDESTRIAN CONNECTIVITY TRAIL ALONG CHANCEY ROAD WILL BE CONSTRUCTED IN CONJUNCTION WITH THE DEVELOPMENT AND WILL REQUIRE A PASCO COUNTY RIGHT-OF-WAY USE PERMIT.
  7. NEIGHBORHOOD PARKS: THERE WILL BE 2.0 ACRES OF NEIGHBORHOOD PARK PROVIDED FOR THE DEVELOPMENT AS DEPICTED ON THE PRELIMINARY DEVELOPMENT PLAN. RECREATION SITE DEVELOPMENT STANDARDS SHALL BE IN ACCORDANCE WITH THE CITY OF ZEPHYRHILLS LAND DEVELOPMENT CODE AND THE PARK IMPACT FEE ORDINANCE AS AMENDED.
  8. ACCESS POINTS: THE ACCESS POINTS SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN ARE CONCEPTUAL ONLY. PERMANENT PLACEMENT OF EACH ACCESS POINT SHALL BE DETERMINED AT THE TIME OF REVIEW WITH THE CORRESPONDING FINAL DEVELOPMENT PLAN AND SHALL MEET ESTABLISHED ACCESS-MANAGEMENT CRITERIA.
  9. LANDSCAPE BUFFERS: ALL LANDSCAPE BUFFERS SHALL BE PROVIDED AS SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN. AN ENHANCED BUFFER WITH SOUND MITIGATION WILL BE PROVIDED TO THE EAST OF THE MULTI-FAMILY/TOWNHOMES SITE TO PROVIDE BUFFERING FROM THE RAIL ROAD. DETAILED LANDSCAPE BUFFERS AND FENCING SHALL BE SHOWN ON THE FINAL DEVELOPMENT PLAN.
  10. SIGNAGE: ENTRY FEATURES AND SIGNAGE SHALL BE SHOWN ON FINAL DEVELOPMENT PLAN.
  11. LIGHTING: STREET LIGHTS, IN THE RESIDENTIAL AREAS, SHALL BE OPERATED AND MAINTAINED BY A STREET LIGHTING DISTRICT OR HOMEOWNER'S ASSOCIATION.
  12. ACREAGES ARE APPROXIMATE AND SUBJECT TO CHANGE DURING FINAL DEVELOPMENT REVIEW.
  13. DEVELOPMENT WITHIN COMMERCIAL PARCEL MAY INCLUDE INDOOR SELF-STORAGE FACILITY WITH A MAXIMUM HEIGHT OF 54'-3" (ABOVE FINISHED FLOOR).
  14. COMMERCIAL PARCEL MAY UTILIZE WELL & SEPTIC IF MUNICIPAL SERVICE IS NOT AVAILABLE AT THE TIME OF SITE DEVELOPMENT; HOWEVER, DEVELOPMENT MUST CONNECT TO MUNICIPAL WATER & SEWER ONCE SERVICE IS AVAILABLE ADJACENT TO SITE.



| WATER DEMAND                                           |            |                          |                    |
|--------------------------------------------------------|------------|--------------------------|--------------------|
| PROPOSED USE                                           | SF/UNITS   | AVERAGE DAY WATER DEMAND | WATER DEMAND (GPD) |
| MIXED USE (HOTEL/RETAIL/OFFICE/ INDUSTRIAL FLEX SPACE) | 150,000 SF | 0.15 gpd/sf              | 22,500             |
| COMMERCIAL                                             | 25,000 SF  | 0.15 gpd/sf              | 3,750              |
| SINGLE FAMILY                                          | 138 UNITS  | 215 gpd/ERU              | 29,670             |
| MULTI-FAMILY/TOWNHOMES                                 | 80 UNITS   | 175 gpd/ERU              | 14,000             |

| WASTEWATER DEMAND                                      |            |                                |                          |
|--------------------------------------------------------|------------|--------------------------------|--------------------------|
| PROPOSED USE                                           | SF/UNITS   | AVERAGE DAY WASTE WATER DEMAND | WASTE WATER DEMAND (GPD) |
| MIXED USE (HOTEL/RETAIL/OFFICE/ INDUSTRIAL FLEX SPACE) | 150,000 SF | 0.14 gpd/sf                    | 21,000                   |
| COMMERCIAL                                             | 25,000 SF  | 0.14 gpd/sf                    | 3,500                    |
| SINGLE FAMILY                                          | 138 UNITS  | 200 gpd/ERU                    | 27,600                   |
| MULTI-FAMILY/TOWNHOMES                                 | 80 UNITS   | 170 gpd/ERU                    | 13,600                   |

PROJECT NAME:

# GAGNE PARCEL ZEPHYRHILLS

SHEET NAME:

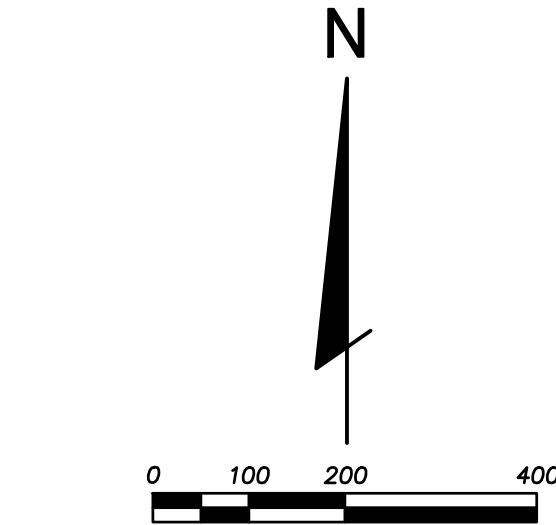
## PLANNED UNIT DEVELOPMENT MODIFICATION

PREPARED FOR:  
**LAND AMERICA, LLC.**

- DRAWING INDEX
- 1 PLANNED UNIT DEVELOPMENT REZONING AMENDMENT PLAN/PRELIMINARY DEVELOPMENT PLAN
  - 2-3 REZONING AMENDMENT MAP SERIES
  - 4 LEGAL DESCRIPTION
  - 5 LANDSCAPE BUFFERS

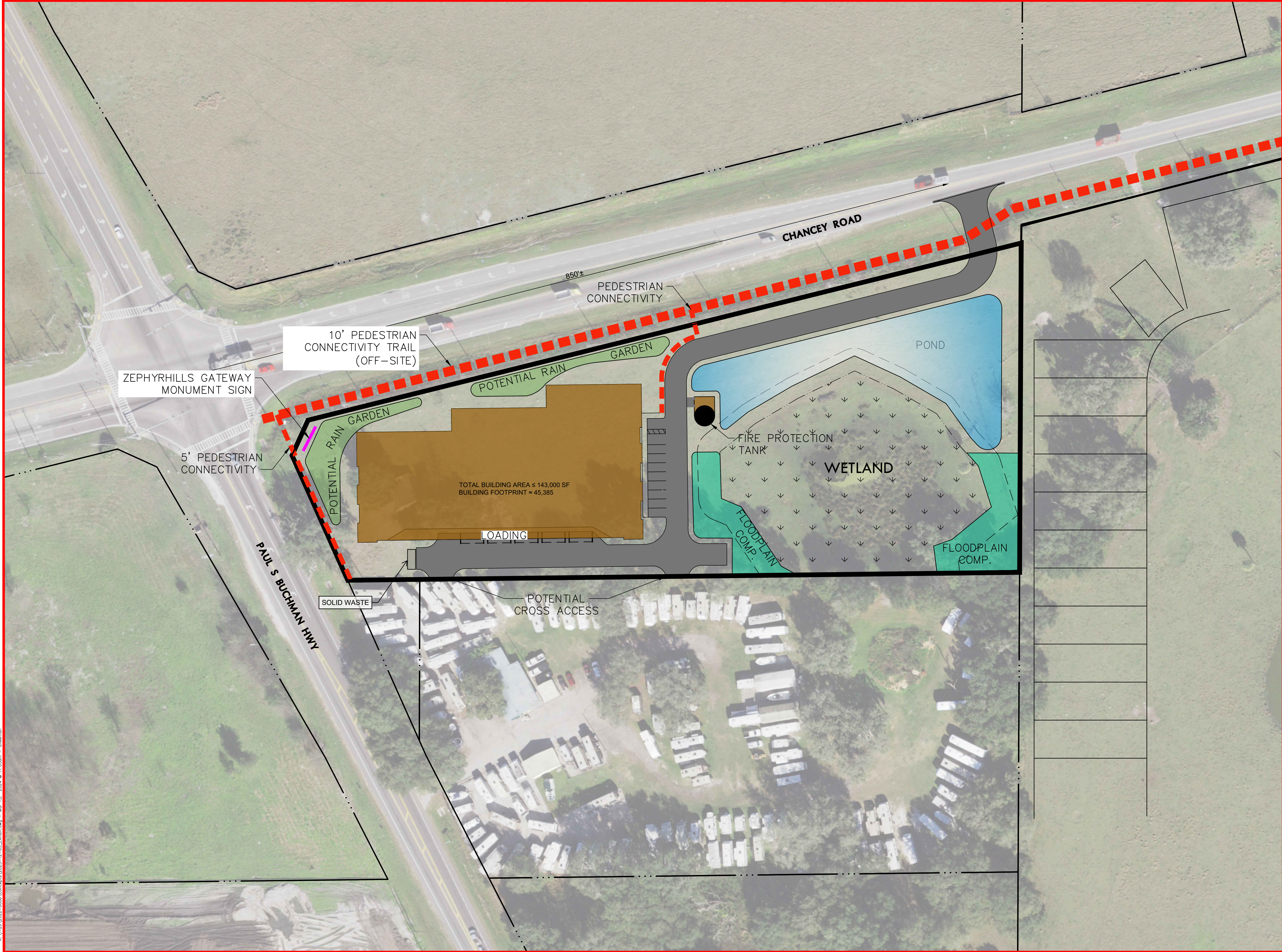
- LEGEND
- SINGLE FAMILY 24.5 AC.
  - 40's
  - 50's
  - MULTI-FAMILY/TOWNHOMES 7.5 AC.
  - COMMERCIAL 3.4 AC.
  - MIXED USE 21.1 AC.
  - PONDS/FLOODPLAIN/WETLAND MITIGATION 10.0 AC.
  - WETLANDS 49.5 AC.
  - PARKS 2.0 AC.
  - OPEN SPACE 21.3 AC.
  - TOTAL AREA 139.3 AC.

- IMPACTED WETLANDS (0.61 AC.)
- 10' ZEPHYRHILLS PLANNED CONNECTIVITY TRAIL
- 8' MULTI-USE PATH (INTERNAL TO THE DEVELOPMENT)
- 5' SIDEWALK
- 20' BUFFER WITH SOUND MITIGATION
- CROSS ACCESS
- ACCESS POINTS
- INDUSTRIAL LI FUTURE LAND USE ZONING



| CREATION DATE: | REVISED DATE: | DRAWN BY: | SHEET NUMBER: |
|----------------|---------------|-----------|---------------|
| 02/25/2021     | 07/03/2023    | CMW       | 1 of 5        |





PROJECT NAME:

ZEPHYRHILLS  
GAGNE PARCEL

SHEET NAME:

CONCEPT PLAN

PREPARED FOR:

LAND AMERICA

SITE DATA:

SITE = 4.8 ±AC

APPROX WETLAND AREA = 1.3± AC

PARKING = 10 SPACES + LOADING

BLDG COVERAGE 30±%  
(NOT INCLUDING WETLAND)

FAR = 0.22

BLDG HEIGHT 3-STORY

ZONING: PUD

N

02550100

DISCLAIMER:  
THIS CONCEPT PLAN IS PRELIMINARY AND SUBJECT TO CHANGE  
WITH DETAILED DESIGN/PERMITTING AND WETLAND DELINEATION.  
NO FIELD VERIFICATIONS WERE PERFORMED FOR THIS PLAN.

FLORIDA DESIGN  
CONSULTANTS, INC.

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20525 AMBERFIELD DRIVE, SUITE 201, LAND O' LAKES, FLORIDA 34638  
PHONE: (727) 849 - 7588 FAX: (727) 848 - 3648 WWW.FLDESIGN.COM

CREATION DATE:  
03/08/2022

REVISED DATE:  
03/15/2024

DRAWN BY:  
BW

SHEET NUMBER:  
1

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# ZEPHYR HILLS

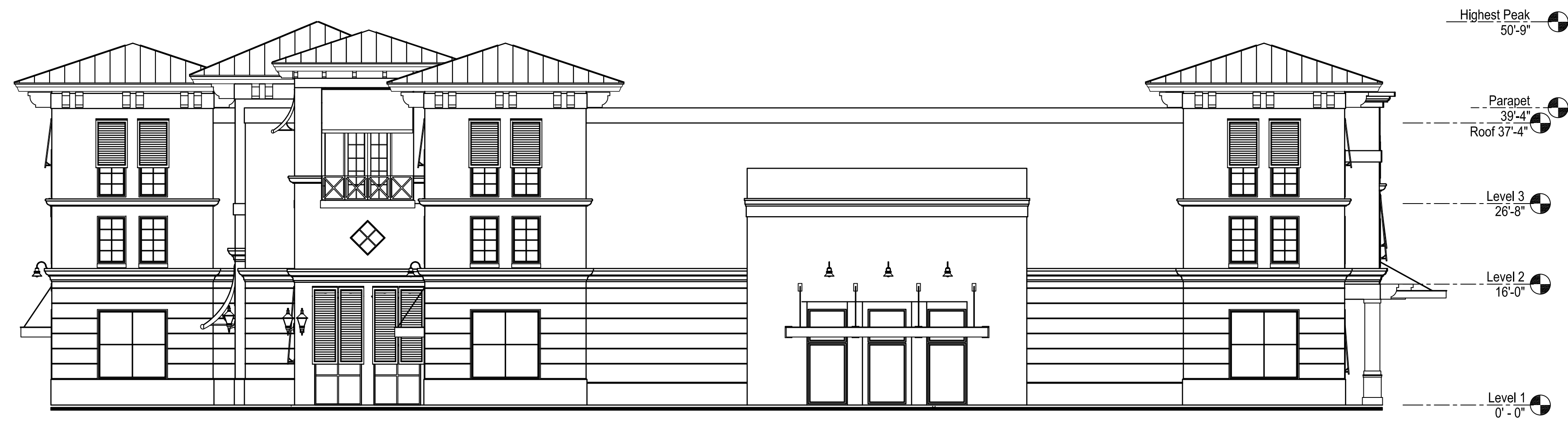
## S I T E P L A N





FRONT ELEVATION

SCALE: 3/32" = 1'-0



RIGHT ELEVATION

SCALE: 3/32" = 1'-0

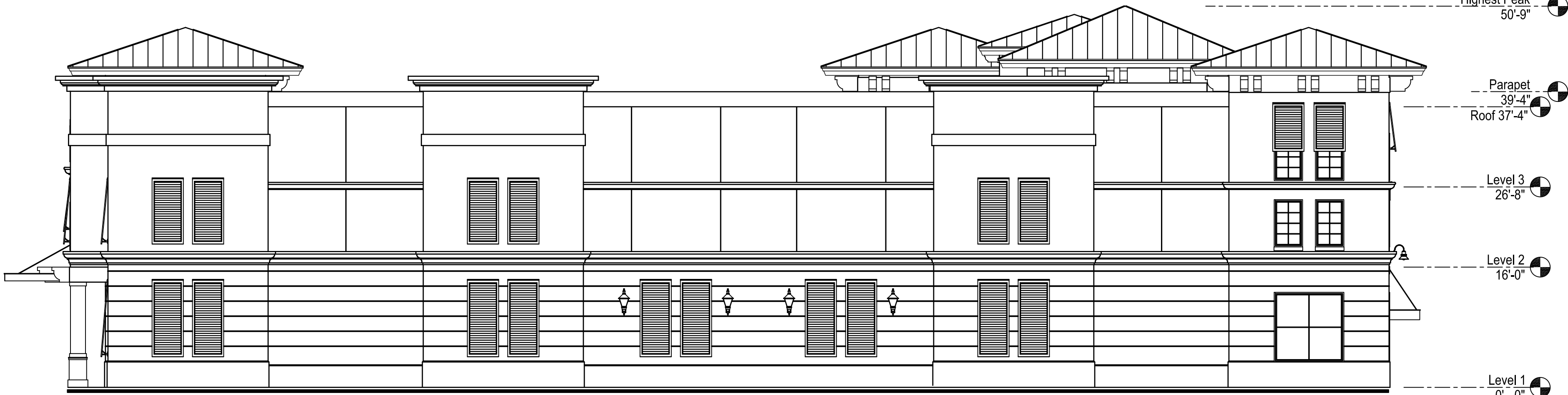
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| Revisions                                                                                                                                                                                                                                                                                                                                                                   |            |                             |
| By                                                                                                                                                                                                                                                                                                                                                                          |            |                             |
| Date                                                                                                                                                                                                                                                                                                                                                                        |            |                             |
| Symbol                                                                                                                                                                                                                                                                                                                                                                      |            |                             |
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| Seal                                                                                                                                                                                                                                                                                                                                                                        |            |                             |
| <div><div><div>GOOD &amp; EDWARD DESIGN STUDIOS</div><div>28225 Highway 74<br/>Evergreen, CO 80439</div><div>321-271-0748<br/>GoodEdward.com</div></div></div>                                                                                                                                                                                                              |            |                             |
| Sheet Title                                                                                                                                                                                                                                                                                                                                                                 | Project    |                             |
|                                                                                                                                                                                                                                                                                                                                                                             |            | ELEVATIONS                  |
|                                                                                                                                                                                                                                                                                                                                                                             |            | SELF STORAGE - ZEPHYR HILLS |
|                                                                                                                                                                                                                                                                                                                                                                             |            | ZEPHYR HILLS, FLORIDA       |
| Scale                                                                                                                                                                                                                                                                                                                                                                       | Job No.    |                             |
| 3/32" = 1'-0"                                                                                                                                                                                                                                                                                                                                                               | 2023-00312 |                             |
| Date                                                                                                                                                                                                                                                                                                                                                                        | Drawn By   |                             |
| 2/26/24                                                                                                                                                                                                                                                                                                                                                                     |            |                             |
| Sheet No.                                                                                                                                                                                                                                                                                                                                                                   |            |                             |
| A400                                                                                                                                                                                                                                                                                                                                                                        |            |                             |





REAR ELEVATION

SCALE: 3/32" = 1'-0



LEFT ELEVATION

SCALE: 3/32" = 1'-0

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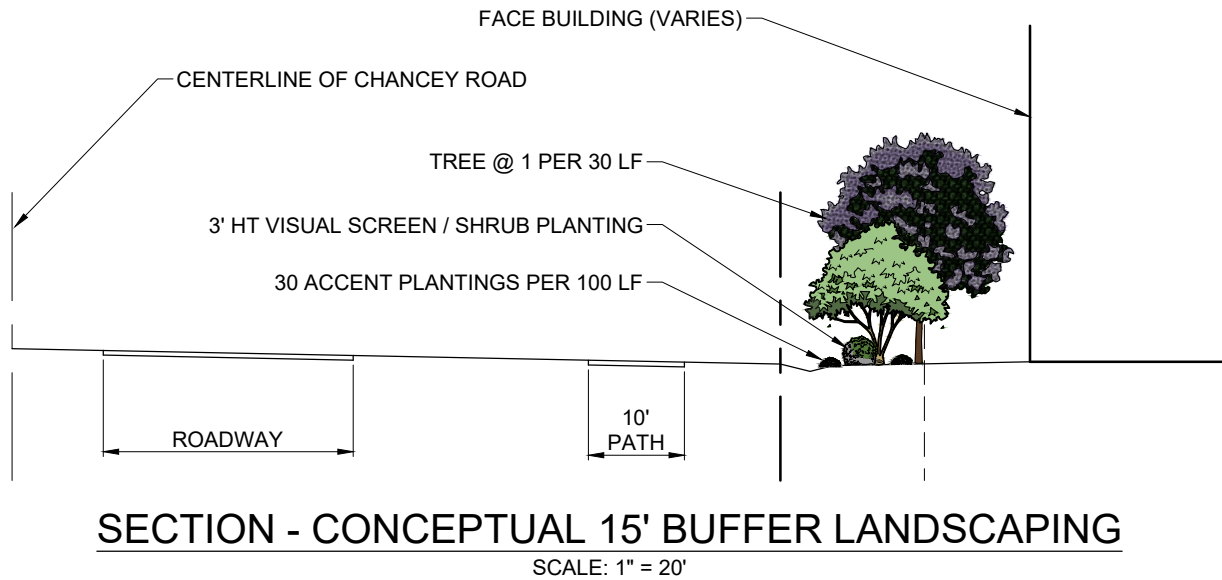
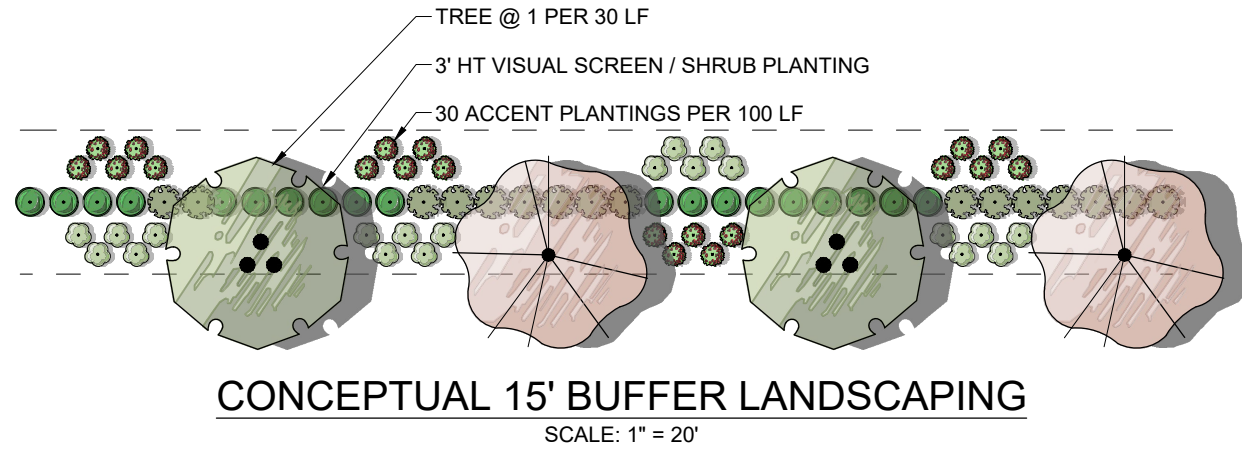


PROJECT NAME:  
**ZEPHYRHILLS  
GAGNE PARCEL**

SHEET NAME:  
**CONCEPTUAL  
LANDSCAPE RENDERING**

PREPARED FOR:  
**LAND AMERICA**

- LEGEND**
- SHADE TREE
  - EVERGREEN TREE
  - UNDER STORY TREE
  - EVERGREEN SHRUB
  - FLOWERING SHRUB
  - LARGE FLOWERING SHRUB



DISCLAIMER:  
THIS CONCEPT PLAN IS PRELIMINARY AND SUBJECT TO CHANGE WITH  
DETAILED DESIGN/PERMITTING AND WETLAND DELINEATION.  
NO FIELD VERIFICATIONS WERE PERFORMED FOR THIS PLAN.



20525 AMBERFIELD DRIVE, SUITE 201, LAND O' LAKES, FLORIDA 34638  
PHONE: (727) 849 - 7588 FAX: (727) 849 - 3648 WWW.FLDESIGN.COM

| CREATION DATE: | REVISED DATE: | DRAWN BY: | SHEET NUMBER: |
|----------------|---------------|-----------|---------------|
| 05/07/2024     | 05/10/2024    | JT/RR     | 1             |



# Exhibit "C"

## GAGNE- CHANCEY ROAD PLANNED UNIT DEVELOPMENT CONDITIONS OF APPROVAL

### Master Development Plan

1. Development shall be in accordance with the plans and information submitted February 25, 2021; the Land Development Code (LDC); and the Comprehensive Plan unless otherwise stipulated or modified herein.

### Environmental

2. Applicant/developer shall provide all environmental permits as required by applicable law.
3. If during construction activities any evidence of the presence of State or Federally protected plant and/or animal species is discovered, the City of Zephyrhills and applicable agencies shall be notified within two working days of the plant and/or animal species found on the site. All work in the affected area shall come to an immediate stop until all pertinent permits have been obtained, agency written authorization to commence activities has been given, or unless compliance with state and federal guidelines can be demonstrated.

### Open Space/Buffering

4. The developer(s) shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association(s) in the form of a nonprofit corporation(s) registered with the State of Florida, Secretary of State, or, if approved, by the City of Zephyrhills City Council, a Community Development District (CDD). This association(s) or District shall, taken collectively, encompass the entire boundaries of the PUD except for any real property to be conveyed to the County or the District School Board of Pasco County (School Board) – if applicable. The developer(s) shall convey in fee simple to the association(s) or the CDD, for ownership and maintenance, any open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the City. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the State of Florida, Secretary of State, restrictive covenants, and all exhibits shall be submitted to the Planning Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.

# Exhibit "C"

## **Transportation/Circulation**

5. Applicant / Developer shall be required to submit an updated traffic study with future construction plans / plats to identify access management / operational required improvements. Applicant / Developer shall not be entitled to transportation impact fee credits for site access improvements into the project or the multi-purpose trail.
6. The traffic study submitted by the applicant assumes a maximum of 175,000 square feet of retail, 138 single family detached residential units and 80 multi-family residential units. Subject to land use exchanges permitted by the Land Use Equivalency Matrix attached hereto as Exhibit "A" (the "LUEM") or other land use exchanges approved by the Planning Director as hereinafter described, any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by the City.
7. Applicant/developer shall install as part of each phase of development a 10' wide multi-use trail along the south side of Chancey Road for the portion of such road that is adjacent to the subject development. If there is insufficient space for the construction of the trail within the right-of-way (after accounting for the proposed thru lanes, turn lanes and other improvements in the right-of-way), such trail may be located, in whole or in part, within the landscape buffer along Chancey Road for the project, provided that an easement is given to the City for the use of the multi-use path by the public prior to the issuance of a certificate of occupancy for the applicable phase of development.
8. Street connections to Chancey Road and Paul S Buchman Road from the project shall be provided as shown on the Master Plan. Any additional right-of-way required for such connections may be required of Applicant/developer and construction of said improvements and not be entitled to transportation impact fee credits.
9. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than the City. City of Zephyrhills will not be responsible for the maintenance of any private streets.

## **Design/Construction Specifications**

10. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Officer) and the City of Zephyrhills shall be notified within two working days of the resources found on the site.
11. As provided in Chapter 190, Florida Statutes, and subject to the City's separate approval, a CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD that are identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the City or School Board (Public Properties) that are located within the boundary of the CDD. All applicable documents

## Exhibit "C"

pertaining to the undertaking of funding and construction by the CDD shall reflect the following:

- a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.
- b. No debt or obligation of such CDD shall constitute a burden on any Public Property.

### **Utilities/Water Service/Wastewater Disposal**

- 12. Utility plans for the entire development shall be submitted to the Utilities Department for review and approval prior to or concurrent with submittal of the construction plans. This utility plan shall show, at a minimum, the following:
  - a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and non-potable water lines, if applicable.
  - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a non-potable water system for irrigation.
  - d. The Utility plans shall include *AutoCAD* and PDF electronic files and hydraulic analysis for the water, wastewater, and reclaimed water systems within the proposed development.
- 13. The developer(s) shall construct all water and wastewater facilities within the development to current City standards. A complete set of standards may be obtained from the Utilities Department.

### **Land Use**

- 14. The following entitlements are approved for the PUD: 175,000 square feet of retail, 138 single family detached residential units and 80 multi-family residential units. The foregoing entitlements may be exchanged in accordance with the LUEM. In the event a permitted land use as approved by the PUD is not specifically listed in the LUEM, a trip use equivalency may be provided to document the trip generation of the permitted land use is the same (equal to or less than) as an approved land use. The trip generation shall be based on the pm peak hour rates contained in the ITE Trip Generation Manual, 10th ed. Land use exchange requests shall be submitted to the Planning Director or designee for verification as to implementation and administrative approval in accordance with the LUEM and shall not constitute an amendment to the PUD.
- 15. The permitted primary uses include uses set forth below.
  - A. Mixed Use Area- Permitted primary uses shall include, without limitation:
    - 1. Hotel;
    - 2. Retail;
    - 3. Office;
    - 4. Industrial flex space, which may include flex space, light manufacturing, assembly wholesale, distribution, breweries and distilleries, cargo services, carpet and flooring, construction/service/trade offices, drug/medication processing, fabrication/welding, food processing/distribution, freight



# Exhibit "C"

transportation, greenhouse/indoor farms, laboratory testing, machinery supplies, material handling/storage, medical suppliers, paint booths, publishing and printing services, technological services, and trucking companies (vehicle manufacturing, towing services and ready-mix concrete plants are not permitted uses); and

5. Other uses permitted by the C-2 zoning district, provided that auction houses, flea markets, RV/boat storage and vehicle rentals are not permitted uses.
6. In order to encourage urban design, there will be no internal setbacks required in the Mixed Use Area shown on the PUD master plan.

B. Commercial Area- Permitted primary uses shall include, without limitation:

1. Hotel;
2. Retail;
3. Office; and

4. Indoor Self-storage Unit

a) Maximum height – 50'-9" (above finished floor)

b) Minimum Setbacks – Front: 25', side: 10' and rear: 10'

- 4.5. Other uses permitted by the C-2 zoning district, provided that auction houses, flea markets, RV/boat storage and vehicle rentals are not permitted uses.

C. Single Family Area- Permitted primary use shall be single-family detached units, including, for-sale or for-rent product, meeting the following dimensional standards:

(1) Lot Size & Setbacks:

a) Single Family 40' lots

Minimum width – 40'

Minimum depth – 110'

Minimum Setbacks – Front – 20', side – 6' and rear – 10' (SF detached)

b) Single Family 50' lots

Minimum width – 50'

Minimum depth – 110'

Minimum Setbacks – Front – 20', side – 6' and rear – 10' (SF detached).

D. Multi-Family/Townhomes Area - Permitted primary uses shall include multi-family, townhomes, single-family attached and detached, including for sale- and for-rent product.

(1) Lot Size & Setbacks:

a) Multi-Family

b) Exhibit "C"

Minimum lot size -15,000 square feet

Minimum Setbacks – Front – 20', side 10'; and rear 10'

# Exhibit "C"

- d) Townhomes:
  - Minimum width – 18'
  - Minimum depth – 85'
  - Minimum Setbacks: Front – 20', Side – 10', Rear – 10'

16. Concerning townhouses within the PUD:

In lieu of Section 2.01.03.06.01(M)(1), the front of each individual townhouse building shall have medium sized shade trees planted and spaced every 40 feet;
17. In lieu of Section 2.01.03.06.01.P(2) 3, the builder may use two different materials, stucco on the first floor and shake siding on the second floor, using different colors for each grouping of townhomes, and the sides and rear may be the same color as the front elevation, and also have stucco on the bottom floor and shake siding on the second floor; and
18. In lieu of Section 2.01.03.06.01.P(2) 5, the sides of all the buildings (regardless of their adjacency to rights-of-way) shall be the same for all buildings.
19. The dimensional standards for the Mixed Use Area and the Commercial Area shall in accordance with the C-2 zoning district, subject to variances and other relief which may be subsequently approved by the City in accordance with the City's Land Development Code.
20. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable City ordinances and resolutions.
21. Applicant / Developer shall provide non-exclusive easement(s) at mutually-acceptable locations near the NE and SE corners of property at the intersection of Chancey Rd. and U.S. 39 (Paul S. Buchman) for the City's future Industrial Gateway entryway signage.
22. The following monotony controls shall be provided unless otherwise approved by City staff as part of site plan or other approvals:
  - a. Mailbox kiosk(s) shall be approved by the U.S. Postal Service and will be provided as needed in the community.
  - b. A street tree plan shall be included at the time of construction plan submittal to be approved as part of the construction plan review. At least 2 trees must be provided between the residential unit and the street. The specific location of the required trees shall be determined at the final design of street-cross sections during the construction plan review. Existing trees that are preserved may be counted toward satisfaction of this requirement.
  - c. All 40 foot lot residential units shall include open porch area or covered entry on the front of the residential unit.
  - d. Entry features and proposed signage location shall be depicted on the construction plans, but signage will be reviewed separately by City staff pursuant to the City's sign ordinance(s).

## Exhibit "C"

e. In order to avoid repetitive front elevations, residential units with the same front elevation shall not be located next to each other or directly across the street from each other.

f. No more than 20% of garages shall protrude more than 8 feet beyond the roof line of each single family detached unit and each such garage (protruding more than 8 feet beyond the roof line) shall contain decorative garage fronts.

g. If the exterior of the residential unit is stucco, a portion of the exterior must contain a brick, stone, scored stucco banding or another type of siding accent. This requirement may be satisfied by (among other things) scored stucco and foam accents around windows and doors.

h. Front elevation exterior windows on every residential unit must contain a finish trim, shutters, muntins or mulleins to create accents. This requirement may be satisfied by (among other things) scored stucco and foam accents around window).

i. Home builders shall provide staggered front yard setbacks, not less than two feet on adjacent lots and shall be allowed to reduce the rear yard setback a distance equal to the additional front setback.

j. Roof shingles shall be dimensional type shingles. Commonly referred to as architectural shingles.

k. Decorative streetlights shall be used subject to approval of the applicable utility provider and manufacturer's design specification. Underground wiring may be used where such streetlights are not solar powered.

l. Individual retention ponds to provide perimeter landscaping in such locations and with such landscaping as reasonably approved by applicant/developer.

m. Unless otherwise approved by City staff as part of site plan or other approvals, lot fencing shall consist of Lakeland Style 6' PVC fence, either white or almond.

n. Applicant/developer shall provide a minimum landscape allowance per lot of 1.5% of the total construction cost and shall be verified by a certification from applicant/developer's engineer of record. The irrigation system to serve such landscaping and ground cover shall be included within such landscape costs.

o. Street/lot trees shall have a minimum 2" caliper, 6' height and consist of a Grade #1 tree.

p. Residential Landscape Buffers -

- (1) Landscape Buffer Along Chancey Road - 20' foot wide buffer with a 2'- 3' high berm and a 6' high fence or masonry wall. There will be shade trees on center every 60' and alternating understory trees every 60', and a continuous evergreen hedge.



# Exhibit "C"

- (2) Landscape Buffer Along Railroad - 20' foot wide buffer with a 6' high solid fence/wall. There will be shade trees on center every 60' and alternating understory trees every 60', and a continuous evergreen hedge.
- (3) Landscape Buffer Along Western Property Line - 15' foot wide buffer with a 6' high fence/wall. There will be shade trees on center every 60' and alternating understory trees every 60', and a continuous evergreen hedge.

q. Non-Residential Landscape Buffers Along Chancey Road - 20' foot wide buffer with trees on center every 30' and a continuous evergreen hedge.

## Procedures

23. All conditions of this PUD approval are material to the City Council approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and PUD approval shall be suspended until such time that the City Council modifies the PUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of
- 1) PUD entitlements that have received plat, Building Permit, or CO approval; or 2) any PUD mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for City Council-approved modifications to the PUD or the PUD conditions of approval shall not be considered challenges and decisions by the City Council regarding any modification or the like shall not have the effect of suspending the conditions and the PUD approval under any circumstances.

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## **CITY ATTORNEY'S REPORT 4.1**

Medical Marijuana Treatment Centers Moratorium

First Reading **ORDINANCE NO. 1484-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA RELATED TO MEDICAL MARIJUANA TREATMENT CENTERS; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF ANY NEW MEDICAL MARIJUANA TREATMENT CENTERS; SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE."**

### **Issue:**

The City Staff believes that an adequate number of medical marijuana treatment centers exist within the boundaries of the City of Zephyrhills and the moratorium will allow Staff time to review possible regulations permitted under Section 381.986, Florida Statutes.

### **Background:**

The City Staff is requesting City Council pass a temporary moratorium on the opening of any new medical marijuana treatment centers not to exceed twelve (12) months from the effective date of this ordinance. The ordinance would apply to all requests for said use that are not complete / approved by the City.

### **Attachment(s):**

1. Ordinance 1484-24 Medical Marijuana Treatment Centers Moratorium

### **Fiscal Impact:**

NA

### **Staff Recommendation:**

Staff recommends approval of Ordinance No. 1484-24 on the first reading.

## **ORDINANCE NO. 1484-24**

### **AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA RELATED TO MEDICAL MARIJUANA TREATMENT CENTERS; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF ANY NEW MEDICAL MARIJUANA TREATMENT CENTERS; SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Zephyrhills, Florida (the “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution to legalize the cultivation, production, and dispensing of medical marijuana for a broad population of eligible patients; and

**WHEREAS**, the Florida Legislature enacted SB-8A during Special Session A in July of 2017 to implement Section 29, Article X in the State of Florida Constitution and to create a unified regulatory structure for the use of marijuana for medical purposes by persons with debilitating diseases in the State of Florida which has been codified as Section 381.986, Florida Statutes; and

**WHEREAS**, SB-8A pre-empted local governments from regulation regarding cultivation, processing and delivery of marijuana by medical marijuana treatment centers, except as otherwise provided in SB-8A;

**WHEREAS**, the preemption has prevented the City from appropriately restricting the zoning districts where medical marijuana treatment centers can be located;

**WHEREAS**, City staff believes that an adequate amount of medical marijuana treatment centers exist within the boundaries of the City of Zephyrhills and would like time to review the possible regulations permitted under Section 381.986, Florida Statutes;

**WHEREAS**, City staff requests City Council pass a temporary moratorium on the opening of new medical marijuana treatment centers within the boundaries of the City of Zephyrhills, not to exceed twelve (12) months from the effective date of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ZEPHYRHILLS, FLORIDA, AS FOLLOWS:**

#### **Section 1. Authority.**

This Ordinance is enacted pursuant to Chapter 163, Florida Statutes, and under the home rule powers of the City.

#### **Section 2. Legislative Findings of Fact.**

The foregoing **WHEREAS** clauses are hereby adopted as legislative findings of the City Council of the City of Zephyrhills and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

#### **Section 3. Definitions.**

For the purposes of this ordinance, the following words, terms, and phrases, including their respective derivatives, have the following meanings:



a. *Marijuana* means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

b. *Medical Marijuana Treatment Centers (MMTC's)* means a vertically integrated licensed medical marijuana cultivator, processor, and dispenser. MMTC's are the only businesses in Florida authorized to dispense medical marijuana and low-THC cannabis to qualified patients and caregivers. Each MMTC must receive authorization at three stages, (1) cultivation authorization, (2) processing authorization, and (3) dispensing authorization, prior to dispensing low-THC cannabis or medical marijuana. MMTC's are commonly referred to as Cannabis Dispensaries or Medical Marijuana Dispensaries.

#### **Section 4. Temporary Moratorium**

a. Beginning on the effective date of this ordinance and continuing twelve (12) months, or sooner if provided pursuant to section 5 of this ordinance, a moratorium is hereby imposed on the opening of new Medical Marijuana Treatment Centers within the boundaries of the City of Zephyrhills.

b. During the moratorium, it is unlawful and a violation of this ordinance for any person, firm, group, corporation, partnership or other company to open or cause to be opened any Medical Marijuana Treatment Centers within the boundaries of the City of Zephyrhills.

#### **Section 5. Expiration of the Temporary Moratorium.**

The temporary moratorium imposed by section 4 of this ordinance expires as of the earliest of the follow occurrences:

a. Twelve (12) months from the effective date hereof; or

b. A date before the expiration in paragraph 5.a. above, if provided by Ordinance of the City Council of the City of Zephyrhills, Florida.

#### **Section 6. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

#### **Section 7. Penalties.**

Any and all violation of the Ordinance shall constitute a separate Class VI offense as set forth in the Uniform Fine and Citation Schedule as adopted by the Sixth Judicial Circuit of Florida for Pasco County, and shall be prosecuted as provided in Section 162.21, Florida Statutes. Each violation and each day constituting a violation shall be fined and prosecuted as a separate offense.

#### **Section 8. Severability.**

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having continued the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

#### **Section 10. Effective Date.**

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1484-24 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8<sup>th</sup> day of July 2024.

Attest: \_\_\_\_\_  
Lori L. Hillman, City Clerk, MMC  
Kenneth M. Burgess, Jr.  
Council President

The foregoing Ordinance No. 1484-24 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 22<sup>nd</sup> day of July 2024.

Attest: \_\_\_\_\_  
Lori L. Hillman, City Clerk, MMC  
Kenneth M. Burgess, Jr.  
Council President

The foregoing Ordinance No: 1484-24 was approved by me this 22<sup>nd</sup> day of July 2024.

\_\_\_\_\_  
Melonie Bahr Monson, Mayor

Approved as to legal form and content  
for the reliance of the City of Zephyrhills only:

\_\_\_\_\_  
Matthew E. Maggard, Esq.  
City Attorney

## **CITY ATTORNEY'S REPORT 4.2**

Municipal Association of Pasco (MAP) Meeting July 25, 2024 - New Port Richey

First Reading **RESOLUTION NO. 825-24 - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AUTHORIZING THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS TO PARTICIPATE IN A JOINT MEETING OF THE MUNICIPAL ASSOCIATION OF PASCO TO DISCUSS MATTERS OF MUTUAL INTEREST; AND PROVIDING FOR AN EFFECTIVE DATE."**

### **Issue:**

Florida Statutes 125.001 and 166.0213 authorize governing bodies to participate in joint meetings with Pasco County or other local municipalities to discuss matters of mutual interest. Such meetings must be held at an appropriate public place with public notice. Resolution No. 825-24 allows for the City of Zephyrhills' participation in the July 25, 2024 joint meeting with the Municipal Association of Pasco (MAP).

### **Background:**

MAP Meetings are held quarterly on the first Thursday of February, May, August and November. The August meeting has been moved to July 25th due to a conflict the City of Zephyrhills had with the Chamber of Commerce banquet on August 1st.

### **Attachment(s):**

1. Resolution 825-24 Participation in 07-25-2024 MAP Meeting

### **Fiscal Impact:**

N/A

### **Staff Recommendation:**

Approval of Resolution No. 825-24 for Council participation at the July 25, 2024 Municipal Association of Pasco Meeting.

**RESOLUTION NO. 825-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AUTHORIZING THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS TO PARTICIPATE IN A JOINT MEETING OF THE MUNICIPAL ASSOCIATION OF PASCO TO DISCUSS MATTERS OF MUTUAL INTEREST; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Zephyrhills, Florida, and the Municipal Association of Pasco, which includes officials from Dade City, New Port Richey, Port Richey, San Antonio and the Town of St. Leo, desire to participate in a joint workshop to discuss matters of mutual interest; and

**WHEREAS**, Section 166.0213, Florida Statutes, authorizes the governing body of a municipality to meet and discuss matters of mutual interest with the governing body of the county within which the municipality is located or the governing body of another municipality; and

**WHEREAS**, Section 125.001, Florida Statutes, further states that such meetings may be held at any appropriate public place within the jurisdiction of any participating county or municipality, and requires that due public notice be provided within the jurisdiction of all participating municipalities and counties; and

**WHEREAS**, Section 166.0213, Florida Statutes, further requires that the governing body of a municipality must first adopt a Resolution or Ordinance authorizing participation in the joint workshop.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Zephyrhills, Florida, as follows:

**Section 1.** Pursuant to Section 166.0213, Florida Statutes, the City Council of the City of Zephyrhills, Florida, is hereby authorized to participate in a joint meeting with the Municipal Association of Pasco on July 25, 2024, 6:30 p.m., at Zen Kitchen & Bar – 6229 Grand Blvd. – New Port Richey, FL 34652.

**Section 2.** Notice of this meeting shall be duly advertised and official Association minutes shall be taken.

**Section 3.** This Resolution shall be effective upon adoption by City Council.

The foregoing Resolution No. 825-24 was passed in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8<sup>th</sup> day of July, 2024.

Attest: \_\_\_\_\_  
Lori L. Hillman, City Clerk

\_\_\_\_\_  
Kenneth M. Burgess, Jr., Council President

The foregoing Resolution No. 825-24 was approved by me this 8<sup>th</sup> day of July, 2024.

\_\_\_\_\_  
Melonie Bahr Monson, Mayor

Approved as to legal form and legal content  
for the sole reliance of the City of Zephyrhills

\_\_\_\_\_  
Matthew E. Maggard, City Attorney