



**CITY COUNCIL
ZEPHYRHILLS, FLORIDA**

**Monday, July 22, 2024
6:00 PM**

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

<https://meet.goto.com/356490565>

or dial in using your phone:

+1 (646) 749-3122 - Access Code: 356-490-565

(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 – Deputy City Clerk Ricardo Quinones

Invocation –

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

1. MAYOR

1.1 Vets Feeding Vets

Introduction to a new non-profit through the AmVets by Ernie & LeeAnn. Vets Feeding Vets

1.2 City Manager's Evaluation

1. City Manager Eval Memo for Agenda

2. CONSENT ITEMS

2.1 Approval of June 10, 2024 Regular Meeting Minutes

1. M06-10-2024 (1)

2.2 Itinerant Apron Change Order #2 - C.W. Roberts

1. Itinerant Apron CO NO2 Final

2.3 Appointment New Planning Commission Board Member

1. Clyde Bracknell Application for Board Membership
- 2.4 Walgreens Utility Easement No. 16-24-04
 1. 31049380v1 - Utility Easement - Walgreens - Executed by Owner
 2. 31049384v1 - EXHIBIT B - Legal Description
 3. 31049385v1 - EXHIBIT A
3. BUSINESS ITEMS/PUBLIC HEARING
 - 3.1 AdventHealth Future Land Use and Rezoning

First Reading **ORDINANCE NO. 1480-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE CLASSIFICATION FROM P/SP (PUBLIC/SEMI-PUBLIC) AND MU (MIXED USE) TO RU (RESIDENTIAL URBAN); AND AMENDING THE CITY'S OFFICIAL ZONING MAP, CHANGING THE ZONING DESIGNATION FROM PUD (PLANNED UNITED DEVELOPMENT) AND OP (OFFICE PROFESSIONAL) TO PUD (PLANNED UNIT DEVELOPMENT), FOR A PORTION OF PARCEL 35-25-21-0010-06900-0020; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE."**

 - A. Council President opens the Public Hearing
 - B. Council President closes the Public Hearing
 - C. City Council considers Ordinance No. 1480-24 on the First Reading
 1. Advent Health staff report (2)
 2. 30936662v2 - ORDINANCE NO 1480-24 AdventHealth FLUMA and Rezoning
 - 3.2 Transportation, Public Safety, and Park Impact Fees

Second 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 Second Reading
 1. ORDINANCE NO 1481-24 Transportation_ Public Safety_ and Park Impact(30996332.1) (2)
 2. zephyrhills study final4 (2) (3)
 3. Impact fee presentation 7-22-2024 rev (2)
 - 3.3 Providence Village Annexation

First Reading **ORDINANCE NO. 1482-24 - "AN ORDINANCE OF THE CITY OF**

ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS 37518 GEIGER ROAD, ZEPHYRHILLS, FL 33542 ZEPHYRHILLS, FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."

- A. Council President opens the Public Hearing
 - B. Council President closes the Public Hearing
 - C. City Council considers Ordinance No. 1482-24 on the First Reading
1. 31026722v2 - Ordinance 1482-24 Providence Village Annexation (Voluntary)
 2. Providence Village Staff Report
 3. Providence Village Power Point
 4. 14th Ave Sketch (1)
 5. 14th Ave 2nd Sketch
 6. email for Geiger Rd

- 3.4 Providence Village Future Land Use Map Amendment and Rezoning
First Reading **ORDINANCE NO. 1483-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE MAP CHANGING FROM RES-9 (PASCO COUNTY) TO RS (RESIDENTIAL SUBURBAN) AND COUNTY R-3 (PASCO COUNTY) TO CITY R-3 (MEDIUM DENSITY RESIDENTIAL) DESCRIBED AS 37518 GEIGER ROAD, ZEPHYRHILLS, FL 33542, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1483-24 on the First Reading

1. 31026723v2 - Ordinance 1483-24 Providence Village Rezoning and FLUMA Small-Scale
2. Providence Village Staff Report
3. Providence Village Power Point
4. 14th Ave Sketch (1)
5. 14th Ave 2nd Sketch
6. email for Geiger Rd

- 3.5 Medical Marijuana Treatment Centers Moratorium
Second 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."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1484-24 on the Second Reading

1. Ordinance 1484-24 Medical Marijuana Treatment Centers Moratorium

- 3.6 Black Marlin Annexation

First Reading **ORDINANCE NO. 1485-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS PARCEL NUMBER 03-26-21-0010-11700-0020 ZEPHYRHILLS FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1485-24 on the First Reading

- 1. ANX 16-22 Staff Report for Black Marlin Townhomes July 22 2024_1
- 2. ANX 16-22 Attachments for Black Marlin Annexation Rezone FLUMA July 22 2024_1
- 3. ANX 16-22 Update on Geiger Road from Pasco County
- 4. 31026532v2 - Ordinance 1485-24 Black Marlin Annexation

- 3.7 Black Marlin Future Land Use Map Amendment and Rezoning
First Reading **ORDINANCE NO. 1486-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE MAP CHANGING FROM R-1 MH (PASCO COUNTY) TO RS (RESIDENTIAL SUBURBAN) AND THE ZONING DESIGNATION FROM PASCO COUNTY RMH TO CITY R-3 (MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 4.155 ACRES OF REAL PROPERTY HAVING PARCEL NUMBER 03-26-21-0010-11700-0020, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1486-24 on the First Reading

- 1. ANX 16-22 Staff Report for Black Marlin Townhomes July 22 2024_1
- 2. ANX 16-22 Attachments for Black Marlin Annexation Rezone FLUMA July 22 2024_1
- 3. ANX 16-22 Update on Geiger Road from Pasco County
- 4. 31026720v2 - Ordinance 1486-24 Black Marlin Rezoning and FLUMA Small-Scale

- 3.8 **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.

First Reading **ORDINANCE NO. 1489-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, APPROVING A REZONING - PUD (PLANNED UNIT DEVELOPMENT) MASTER PLAN AMENDMENT TO THE GAGNE – CHANCEY ROAD PLANNED UNIT DEVELOPMENT FOR THE PROPERTY IDENTIFIED AS 3356 PAUL S BUCHMAN HIGHWAY, ZEPHYRHILLS, FL 33540; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE."**

- A. Council President opens the Public Hearing
- B. Council President closed the Public Hearing
- C. City Council considers Ordinance No. 1489-24 on the First Reading

- 1. 31036145v1 - Ordinance 1489-24 Gagne PUD Master Plan Amendment
- 2. Exhibit A - LEGAL DESCRIPTION

3. Ordinance 1489-24 - Exhibit C - Conditions
4. Updated Petition
5. PUD Plans
6. 6A. Concept Plan Self Storage
7. 6B. Concept Plan Self Storage-Rendered
8. 7. Zephyrhills Elevation (1)
9. 8. Zephyrhills 3d rendering
10. 9. 2024-05-06_Landscape-Exhibit (1)

4. FINANCE DIRECTOR'S REPORT

- 4.1 Approval of Tentative Millage Rate
 1. Certification of Taxable Value

5. CITY MANAGER'S REPORT

- 5.1 MiTek Inc. Agreement No. 41-24-20 - Economic Incentive
 1. Economic Incentive Agreement - Signed MiTek
- 5.2 Tennis Pro Florida, LLC Agreement No. 37-24-06
Second Amended and Restated Sarah Vande Berg Tennis Center Management Agreement
 1. v2 Second Amended and Restated SVB Management Agreement
 2. Mouratoglou International (1)
 3. hl-46004176362
 4. hl-46004176363
 5. hl-46004176364
 6. hl-46004176368
- 5.3 Zephyr Park Design and Permitting Services - Kimley-Horn
 1. AGR_Zephyr Park Construction Documents- 20240711

6. CITIZEN COMMENTS

MAYOR ANNOUNCEMENTS

CITY MANAGER ANNOUNCEMENTS

CITY ATTORNEY ANNOUNCEMENTS

CITY COUNCIL COMMENTS

7. NOTED ITEMS

- 7.1 Pilot Testing the Innovative Ferrate Treatment Process for Reduction of Contaminants of Emergency Concern Discharging to and from the City of Zephyrhills Waste Water Treatment Facility
 1. DEP Grant Agreement No. INW03

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.

City Council Meeting
July 22, 2024

Information Only

MAYOR 1.1

Vets Feeding Vets

Introduction to a new non-profit through the AmVets by Ernie & LeeAnn. Vets Feeding Vets

Issue:

Background:

Attachment(s):

None

Fiscal Impact:

Staff Recommendation:

CITY MANAGER EVALUATION 2023/24

In keeping with the policy of the City of Zephyrhills, and the City Manager's Contract, an annual evaluation for the City Manager is to be performed each year. The HR Director provided the forms for City Council members, and the Mayor distributed them to the Council at the first meeting in June.

The evaluation is used to measure the City Manager's performance. The purpose of the evaluation process is to provide important feedback to the City Manager regarding his performance in accomplishing assigned duties and responsibilities, and to establish specific work-related goals and objectives.

The form used for this evaluation is comprehensive and covers many aspects of the City Managers duties and responsibilities.

The Mayor has collected the evaluations forms and compiled the information to be used in the below summary report to present to Council on July 22, 2024.

The chart below includes ten categories in which the City Manager was evaluated along with the combined average total score from the five City Council members.

EVALUATION OF SKILLS	
PERSONAL	3.68
RELATIONS WITH ELECTED MEMBERS	3.65
PROFESSIONAL SKILLS AND STATUS	3.45
POLICY EXECUTION	3.66
REPORTING	3.56
CITIZEN RELATIONS	3.96
STAFFING	3.45
SUPERVISION	3.16
COMMUNITY	4.36
FISCAL MANAGEMENT	3.85
AVERAGE	3.67

COUNCIL INDIVIDUAL EVALUATION	
Ken Burgess	3.92
Charlie Proctor	3.94
Lance Smith	2.91
Steve Spina	3.63
Jodi Wilkeson	3.97

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on June 10, 2024 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting (571)-317-3122 - Access Code: 920-146-845.

Council President Kenneth M. Burgess, Jr. called the meeting to order at 6:00 p.m. Roll call was taken. Present were members Kenneth Burgess, Jodi Wilkeson, Steven F. Spina, Ph.D., Lance A. Smith and Mayor Melonie Bahr Monson. Charles Proctor was absent. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Planning Director Todd Vande Berg, HR Director Sandra Amerson, Principal Planner Rodney Corriveau, IT Director Mike Panak, Historic Preservation Specialist / Community Planner Hunter Gearhart, GIS/Community Planner Tommy-Lee Hunt and City Clerk Lori Hillman.

Pastor Denise Lay of the First Presbyterian Church delivered the invocation. The Pledge of Allegiance followed.

1. MAYOR

1.1 National Small Cities and Towns Proclamation

Mayor Melonie Bahr Monson acknowledged a proclamation on behalf of the National Small Cities and Towns. There was no one present to receive the proclamation.

1.2 Juneteenth Proclamation

Mayor Melonie Bahr Monson read aloud a Juneteenth Proclamation proclaiming June 19, 2024 as Juneteenth Community Celebration Day in the City of Zephyrhills. Pasco County Parks and Recreation Coordinator Kimberly Miller said Juneteenth is a day in American History symbolizing the end of slavery. Pasco County Parks and Recreation Leader Deanna Baltimore announced a week of events June 15 – 22nd, 2024 which included an East Pasco Community Celebration on Saturday, June 22nd, 11:00 a.m. – 2:00 p.m.

1.3 Mobility Plan Presentation

Planning Director Todd Vande Berg said staff have taken a proactive stance on traffic with the approval of a “hot spots” map, traffic study requirement modifications, and applying for a state of Florida grant to assist with the City’s Mobility Plan. Present were Tammy Vrana with Vrana Consulting, Rob Cursey with Benesch and attendees from the Mobility Plan public workshops.

Spoke from the floor: Rob Cursey, Principal Associate with Benesch

Mr. Cursey narrated a PowerPoint presentation summarizing the recommendations and strategies of the Mobility Plan. He said a mobility plan is the ability or the capacity to move; planning for facilities, projects and programs to allow the citizens of Zephyrhills to move freely throughout Zephyrhills and the surrounding areas. Connecting places to make sure citizens have the freedom of choice for their mobility options. He presented a plan overview, strategies, concepts and closed with recommendations and next steps.

Spoke from the floor: Tammy Vrana – Vrana Consulting

Tammy said she was a member of the Pinellas Citizen’s Advisory Committee and heard a presentation by FreeB which the City of St. Pete Beach and City of Dunedin have adopted. This service is being used in areas where people do not have access to grocery stores, areas known as food deserts. The Department of Transportation is currently offering an incentive by funding 50% of FreeB for a period of two years. She said trips can be set-up to begin or end in downtown with the use of rental cars. The number of cars received is based on need with an hourly cost per car (ADA vehicles are available).

Director of Planning Todd Vande Berg said the City is currently updating the Comprehensive Plan beginning with policies and framework to the housing and transportation elements. A positive attribute of the Mobility Plan is the ability to push the policies identified into the transportation element of the Comp Plan. He suggested budgeting Mobility Plan recommendations in the FY 25/26 budget for implementation.

Conversations began discussing On-Demand Transit and FreeB shuttles that provide community enhancement which is part of the Mobility Plan beyond the normal fixed route transit system. Go Pasco’s Transit Development Plan to extend to the Airport and Industrial areas on

Chancey Road, and using recommendations from the Mobility Plan to create a list of priority projects.

1.4 City Manager Evaluation

Mayor Melonie Bahr Monson stated per the City Manager's Contract, City Council evaluates the City Manager's job performance annually in June with results presented in July. A paper copy of the evaluation and a link to a fillable pdf was made available to Councilmembers for completion by June 27, 2024 with results to be reported at the July 22, 2024 Council Meeting.

2. CONSENT ITEMS

2.1 Approval of May 13, 2024 Regular Council Meeting Minutes

2.2 Approval of May 13, 2024 Impact Fee Workshop Minutes

2.3 Approval of May 20, 2024 Impact Fee Workshop Minutes

2.4 Approval of May 20, 2024 Budget Workshop Minutes

2.5 Appointment of Board Members

2.6 Approval of Jones Edmunds Final Three Year Professional Services Extension

Agreement No. 37-24-04 - June 11, 2024 through June 20, 2027

2.7 Agreement No. 41-24-18 – Third Amendment to Sarasota County's Original Piggyback Agreement with Ferguson Waterworks to Extend Terms through August 29, 2025

Lance Smith moved to approve all Consent Items. Seconded by Jodi Wilkeson. Motion passed unanimously, 4-0.

3. BUSINESS ITEMS/PUBLIC HEARING

3.1 Residential Moratorium 12 Month Extension (June 26, 2024 – June 25, 2025)

First Reading **ORDINANCE NO. 1479-24 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA ESTABLISHING A NEW 12 MONTH MORATORIUM ON THE CONSIDERATION OF NEW RESIDENTIAL APPLICATIONS FOR ANNEXATIONS, LAND USE MODIFICATIONS, REZONINGS, MAJOR PLANNED UNIT DEVELOPMENT AMENDMENTS, CONDITIONAL USES, OR VARIANCES FOR PROPERTY OVER ONE ACRE; PROVIDING FOR CONFLICTS, EXEMPTIONS, SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.”**

City Attorney Matthew Maggard read Ordinance No. 1479-24 by title. A public hearing was held and there were no comments from the floor.

Steve Spina moved to approve Ordinance No. 1479-24 on the Second Reading. Seconded by Jodi Wilkeson.

Lance Smith clarified this ordinance is for new construction only and does not apply to previous projects in process.

Motion passed unanimously, 4-0.

4. PLANNING DIRECTOR'S REPORT

4.1 PUD 14-22 AdventHealth Future Land Use and Rezoning – Planning Report

Planning Director Todd Vande Berg presented a Future Land Use Amendment (FLUMA) and Rezoning Petition submitted by AdventHealth for a proposed multi-family development located within the City's jurisdiction at the southwest corner of Pretty Pond and Wire Roads. The existing future land uses for this property are City Public/Semi-Public (P/SP) and Mixed Use (MU). The applicant is proposing a future land use change to Residential Urban (RU) to support multi-family residential. The existing zoning is Planned Unit Development (PUD) and Office Professional (OP) with a proposed zoning change to Planned Unit Development (PUD). The subject property is undeveloped, has a significant amount of tree canopy and a rise in grade from Wire Road to the property to the west. The applicant is proposing a maximum of 252 units with a

mix of 2 and 3 story units. Staff requested 2 story units be located in the area closest to Dairy Road with additional 3 story units located near Wire Road. The applicant has agreed to terracing the height of the buildings. The concept plan is not final and is contingent on the basin of special concern and final engineering for retention. If Council approves the preliminary concept plan, a future final PUD Master Plan will be brought before Council for review to include architectural/landscaping/buffering standards. There are two access points; one on Pretty Pond Road and one on Wire Road. A preliminary transportation impact analysis has been completed for the project and requires a right hand turn lane, east bound on Pretty Pond Road into the development. Staff has recommended left hand turn lanes be included on both Pretty Pond and Wire Roads which will be added to the conditions. A roundabout is underway with final engineering nearing completion at the intersection of Pretty Pond and Wire Roads to assist with level of service issues and safety. This is an infill development and staff are of the opinion that the requested proposed future land use and zoning is compatible and consistent with the existing planned development trends in the area.

The Planning Commission were in support of a pedestrian / bike access from the proposed apartments to the multi-purpose trail on Dairy Road. Staff and the Planning Commission will hold a preconstruction meeting prior to land clearing to discuss the retention pond to assure sensitivity is given to the grade change and drainage. Staff and the Planning Commission recommended approval to proceed with the owner's entitlements and create a Utility Service Agreement. This project was submitted prior to the adoption of the moratorium.

Spoke from the floor: Ryan Willis, CFO AdventHealth

Mr. Willis said he is aware of the conversations that have occurred relating to water issues and he is fully supportive.

A discussion began around open space for a park, identifying trees to be preserved on site, an access point on Dairy Road, and shared construction expenses of the roundabout at Pretty Pond and Wire Roads for developments within a ½ mile radius.

Spoke from the floor: Joe Tew – Development Entitlement Consultant for AdventHealth

Mr. Tew addressed AdventHealth's contribution to the roundabout. He said the roundabout is currently in progress with contributions from others. The transportation consultant believes AdventHealth is better served spending money on additional right and left turn lanes.

City Manager William Poe said the City will require AdventHealth to add additional turning lanes as a compromise since the turning lanes were not required by the transportation study.

Mr. Tew addressed the trees. He said when the land is purchased, the buyer/developer will address the tree survey, the topo, drainage, and the park open space in compliance with the land development code and regulatory requirements.

Transportation Consultant, Olea Tefpy with Links and Associates – Tampa, Florida

Mr. Tefpy said turn lanes are based on development and the function of background traffic on the road. He said background traffic is captured by collecting counts. Depending on when the counts were collected, they are converted to peak season, the numbers are increased to include entitled developments and an analysis is performed. The City's methodology was used for the analysis and reviewed by the consultant.

Conversations took place discussing access points on Dairy Road and AdventHealth's commitment to add a pedestrian access connection to the Dairy Road trail. Euclidean zoning was compared to Planned Unit Development (PUD) zoning which can be negotiated for a custom design. The importance of coordinating access points with the proposed project on the north side of Pretty Pond Road by pushing the access points to the west on their property to line up with AdventHealth's proposed project access points. The access points need to be as far west from the roundabout as possible.

Council concurred to move forward with conditions.

5. CITY MANAGER'S REPORT

5.1 Consideration of Chamber Appointment

Mayor Melonie Bahr Monson said Councilman Spina was appointed by Council as the MPO alternate and the MPO does not allow for alternates. The Mayor will stay involved with the Chamber of Commerce Foundation and Zephyrhills Economic Development Council but will relinquish her duties as the Chamber of Commerce liaison board member to Councilman Steve Spina.

Lance Smith moved to replace Mayor Monson as the Chamber of Commerce liaison with Councilman Steve Spina. Seconded by Jodi Wilkeson. Motion passed unanimously, 4-0.

CITIZEN COMMENTS

Spoke from the floor: Dr. Randy Stovall, Chairman of the Board, Zephyrhills Chamber of Commerce

Dr. Stovall announced the Pasco County Transportation Safety Committee will meet in Council Chambers on June 26, 2024. He said Council talked a lot about Wire Road tonight and said the Wire Road multi-purpose road is nearing completion.

MAYOR ANNOUNCEMENTS – Mayor Melonie Bahr Monson said she was very impressed with the quality of Illumina Apartments and said the sellable feature is the walkability to Publix and restaurants. She said the Memorial Day Remembrance at Zephyr Park drew a crowd three times larger than past events. She announced Councilman Spina will attend a Flag Day Ceremony on her behalf at the Elks Lodge on Friday, June 14, 2024 at 11:00 a.m.

Spoke from the Floor: Rich Lynch – 35598 Sparrow Nest Way – Zephyrhills, FL 33541

Mr. Lynch said the Eiland Blvd. area has exploded with growth and he and his wife are frustrated with all the homes being built along Eiland Blvd. and the added traffic. He said there are 400 homes being built in his community with an average of two driver's per household and feels the roads should have been built prior to the development. He said the Rays can build a stadium in four years and citizens have to wait five years to get a traffic light. He said it is frustrating that it takes such a long time for improvements following accidents and creating hardship on people. He hopes to see some advancements soon.

(attended virtually) Phyllis Purvis – 8618 Gall Blvd. – Zephyrhills, FL

Ms. Purvis said her family has lived and owned property in Zephyrhills for a very long time. She said she has a future land use of R4 on a piece of property and has never been able to sell because the City will not allow 4 stories. She said she requested a preapplication meeting to rezone the property to commercial at the north end of town and has not heard from the City Planner. She said the property next to her property has been before the Planning Review Board and met the requirements for a 4 story, 5,000 sq. ft. hotel on highway frontage. She said she would like to apply for the same. She said she feels like she is being dismissed and requested to schedule a preapplication meeting and stated she wanted her request noted on record.

CITY MANAGER ANNOUNCEMENTS – N/A

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Smith said the City Manager's Evaluation is an opportunity to constructively evaluate his performance. He said Illumina Apartments are a great asset with density in the right place. He said a picture was sent to him at 3:30 a.m. in front of City Hall with sprinklers running. He said as a City, we need to set the standard.

City Manager William Poe said the Public Works Director was notified and the issue will be addressed.

Councilwoman Wilkeson – N/A

Councilman Spina requested an update on Krusen Field.

Public Works Director Shane LeBlanc said he is waiting on a proposal for a shade structure with the cost and conceptual design.

Councilman Spina said he wants to be kept in the loop of all improvements and plans for the Home Theater prior to any renovations. He went on record and stated that he prefers Council be informed prior to any major repairs or structural changes.

City Manager Poe said the City received \$1.25M in state appropriations funding and has submitted a second appropriations request for \$1.25M. Main Street could potentially receive \$2.50M in state appropriations funding for the Home Theater.

Councilwoman Wilkeson said as the Council Liaison to Main Street, she has requested a meeting with the Main Street board to offer her assistance with a call to State Senator Danny Burgess. She will provide an update at the next meeting.

Council President Burgess referenced Councilman Smith's statement and agreed the City needs to set an example. He suggested creating a reward system for employees to report issues they notice within the City while performing their job duties. Encourage employees with an incentive.

6. NOTED ITEMS

6.1 Central Florida HIDTA Grant

Meeting Adjourned: 8:06 p.m.
Submitted by Lori L. Hillman

CONSENT ITEMS 2.2

Itinerant Apron Change Order #2 - C.W. Roberts

Issue:

Asphalt quantity adjustment. Change order No.02 for **\$32,944.80**. This cost is covered within the grant agreement.FPN#449182-94-1 FDOT 83.33% Local 16.67%. The project is estimated at \$430,000 under budget. Please see the attached change order for complete details.

Background:

This PROJECT consists of the construction Phase Services for Itinerant Apron project in Conformance with the FAA AC 150/5300-13A located at the Zephyrhills Municipal Airport. This project is joint participation with FDOT, 88.33 % with a 16.67% local match.

Attachment(s):

1. Itinerant Apron CO NO2 Final

Fiscal Impact:

Budgeted for FY 2022 / 2024

Staff Recommendation:

Staff recommends City Council's approval of final change order No.2 with C.W.R Contracting. INC.



**Zephyrhills Municipal Airport
CONSTRUCTION OF ITINERANT APRON
City of Zephyrhills
FDOT FM No.: 449182-1-94-01
ITB Number: 11-22-02
FINAL CHANGE ORDER**

OWNER: City of Zephyrhills
OWNER'S AUTHORIZED AGENT: Mr. Nathan Coleman
OWNER'S AGENT'S ADDRESS: 39450 South Avenue, Zephyrhills, FL 33542
CHANGE ORDER NO.: 02
PROJECT NO.: FDOT FPN NOS. 449182-1-94-1
CONTRACTOR: C.W.R CONTRACTING, INC.
ADDRESS OF CONTRACTOR: 2012 Jim Johnson Rd., Plant City, FL 33566
CONTRACT DESCRIPTION: Itinerant Apron Project
CONTRACT DATE: 9/13/2022

NO WORK COVERED BY THIS CHANGE ORDER MAY PROCEED UNTIL CONTRACTOR IS IN RECEIPT OF A COPY EXECUTED BY THE OWNER AND THE CONTRACTOR. IF CONTRACTOR IS IN AGREEMENT WITH THIS CHANGE, CONTRACTOR SHALL EXECUTE AND RETURN ALL COPIES TO THE OWNER WITHIN SEVEN (7) CALENDAR DAYS. THIS CHANGE WILL INCREASE OR DECREASE THE CONTRACT AMOUNT AND TIME TO COMPLETE THE PROJECT BY THE AMOUNT(S) SHOWN BELOW. THE GENERAL, SUPPLEMENTARY AND OTHER CONDITIONS OF THE CONTRACT SHALL APPLY TO THIS CHANGE ORDER UNLESS EXPRESSLY MODIFIED BY THIS CHANGE ORDER.

DESCRIPTION OF CHANGE

CO No.2 includes adding L-824 THWN-2 600V Cable
(NO 8 AWG Copper Conductor) including connectors
installed in duct and P-403 asphalt quantity adjustment.

Note PCO for Taxiway base repairs for \$86,827.73 was previously covered in CO No.1 approved 8/14/2023.

ADJUSTED PROJECT COSTS

ORIGINAL TOTAL CONTRACT PRICE:	<u>\$1,948,557.00</u>
APPROVED ADDITIONS OR DELETIONS TO CONTRACT TO DATE:	<u>\$86,827.73</u>
APPROVED REVISED CONTRACT AMOUNT TO DATE:	<u>\$2,035,384.73</u>
AMOUNT OF THIS CHANGE ORDER: ADD ☒ DELETE ☐ :	<u>\$32,944.80</u>
REVISED TOTAL CONTRACT PRICE:	<u>\$2,068,329.53</u>
PERCENTAGE THIS CHANGE OF ORIGINAL CONTRACT PRICE	<u>1.69%</u>



CONTRACTOR ACKNOWLEDGES, BY ITS EXECUTION AND ACCEPTANCE OF THIS CHANGE ORDER, THAT THE ADJUSTMENTS IN CONTRACT PRICE AND TIME SHOWN HEREON CONSTITUTE FULL AND COMPLETE COMPENSATION AND SATISFACTION FOR ALL COSTS AND MODIFICATIONS OF PERFORMANCE TIME INCURRED BY THE CONTRACTOR AS A RESULT OF THIS CHANGE ORDER. NO OTHER CLAIM FOR INCREASED COST OF PERFORMANCE OR MODIFICATIONS OF TIME WILL BE GRANTED BY THE OWNER FOR THE WORK COVERED BY THIS CHANGE ORDER. THE CONTRACTOR HEREBY WAIVES AND RELEASES ANY FURTHER CLAIMS FOR COST OR TIME AGAINST THE OWNER ARISING FROM OR RELATING TO THE MATTERS OR WORK SET FORTH OR CONTEMPLATED BY THIS CHANGE ORDER.

CONTRACTOR'S ACCEPTANCE: Richard L Straily Digitally signed by Richard L Straily
Date: 2024.07.15 16:53:28 -04'00'
TITLE: _____ **DATE:** _____

RECOMMENDED FOR APPROVAL:

FOR AMERICAN INFRASTRUCTURE DEVELOPMENT, INC.:

Michael Cummings

7/15/2024

Michael E. Cummings

Digitally signed by Michael E. Cummings
DN: C=US,
E=mcummings@aidinc.us,
O="American Infrastructure Development, Inc.",
OU=Construction Services,
CN=Michael E. Cummings
Date: 2024.07.15 16:10:03-04'00'

Project Manager

APPROVED: City of Zephyrhills

BY: _____ **DATE:** _____

CONSENT ITEMS 2.3

Appointment New Planning Commission Board Member

Issue:

Rosie Palsen submitted her resignation from the Planning Commission board effective June 18, 2024.

Background:

The Planning Commission Board (alternate position) will fill the position vacated by Rosie Paulsen with Clyde Bracknell (application attached).

Attachment(s):

1. Clyde Bracknell Application for Board Membership

Fiscal Impact:

N/A

Staff Recommendation:

Staff recommends Council's appointment of Clyde Bracknell to the Planning Commission Board.

APPLICATION FOR BOARD MEMBERSHIP



NAME: CLYDE C BRACKNELL

ADDRESS: 7148 VALOR ST
ZEPHYRHILLS, FL 33541
(SPANISH TRAIL WEST)

HOME PHONE: BUS. PHONE: CELL: 813-591-9416

EMAIL: CLYDE 7148 @ YAHOO.COM

I WOULD LIKE TO BE CONSIDERED FOR MEMBERSHIP ON THE FOLLOWING CITY BOARDS / COMMITTEES - Rank your first choice by placing "1" in the box to the left. If you would consider an alternative appointment, if not appointed to the 1st choice, please place a "2" and so on to the left of the alternative Boards/Committees.

☐

BOARD OF ADJUSTMENT, CODE ENFORCEMENT, AND APPEALS

Five (5) member board - 3 year term - No residency requirement. Suggested background: Engineer, Architect, Building Contractor, Electric Contractor, Home Inspector, Plumbing Contractor, and/or Mechanical Contractor.

☒

PLANNING COMMISSION

Seven member (7) and two (2) alternate member board - 3 year term - Majority of membership must be City residents. Others may be residents of Pasco County.

☐

LIBRARY BOARD

Five (5) member board - 3 year term - No residency requirement, must be a patron of Library.

☐

AIRPORT AUTHORITY

Seven (7) member board - 3 year term - May live outside of City; suggested background is in an aviation related business, club or activity.

☐

HISTORIC PRESERVATION BOARD

Five (5) member board - 3 year term - Must live in the City. Preference: Interest or background in Architecture, local history, building contracting and/or community planning.

☐

PARKS & RECREATION ADVISORY BOARD

Seven (7) member board - 3 year term - Must be a Pasco County resident.

☐

MAYOR'S YOUTH COUNCIL

Seven (7) member board - 2 year term, except that of the seven members first appointed, three shall serve for a term of seven months, four shall serve for a term of one year and seven months. The members will be Zephyrhills area residents who are actively enrolled in a public, private high school, or home schooled in grades nine through twelve.

PLEASE ANSWER THE FOLLOWING:

ARE YOU A RESIDENT
OF THE CITY?



YES



NO

HOW LONG? _____

LIVED IN Z'HILLS ^(CITY) FOR 50 YRS

ARE YOU A RESIDENT
OF THE COUNTY?



YES



NO

HOW LONG? 65 yrs

ARE YOU A REGISTERED VOTER? ☒ YES ☐ NO PROPERTY OWNER? ☒ YES ☐ NO

WHY DO YOU WISH TO SERVE ON THIS CITY BOARD/COMMITTEE? (Please let us know why you are applying)

LOVE THE CITY AND WANT TO SEE THE CITY TO KEEP GROWING IN THE
RIGHT DIRECTION.

WHAT IS IT IN YOUR BACKGROUND THAT HAS PREPARED YOU FOR THIS VOLUNTEER
ROLE? (education, other boards you have served on, where you are employed, your job,
interests, hobbies, etc.)

COLLEGE, 29 YRS ON Z'HILLS CITY COUNCIL, LITTLE LEAGUE, HOA PARK BOARD,
RETIRED, SPORTS, WOODWORKS, TRAVELING THE STATES.

DO YOU NOW OR HAVE YOU EVER SERVED ON A GOVERNMENT APPOINTED BOARD
OR COMMITTEE? IF SO, WHERE AND UNDER WHAT CIRCUMSTANCES?

No

WHAT CAN YOU CONTRIBUTE TO THIS BOARD:

WITH THE 29 YRS ON CITY COUNCIL, IT AD GIVEN ME A LOT OF
KNOWLEDGE TO WORK WITH.

Sign: _____

Clyde C Bracknell

Date: 7-4-24

You may submit this form via email: cityclerk@ci.zephyrhills.fl.us or print and fax to:
Attn.: City Clerk (813) 780.0005.

CONSENT ITEMS 2.4

Walgreens Utility Easement No. 16-24-04

Issue:

Walgreens will provide an utilities easement through their property.

Background:

Utilities easement through the Walgreens property from Eiland Blvd. to Calm Lane.

Attachment(s):

1. 31049380v1 - Utility Easement - Walgreens - Executed by Owner
2. 31049384v1 - EXHIBIT B - Legal Description
3. 31049385v1 - EXHIBIT A

Fiscal Impact:

N/A

Staff Recommendation:

Staff recommends approval of the utility easement

PREPARED BY & RETURN TO:

Matthew E. Maggard
Attorney at Law
Shumaker, Loop & Kendrick, LLP
13134 US Highway 301
Dade City, Florida 33525
(352) 458-4700
File No.: Z63375.261900

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this ____ day of ~~May~~, 2024 by **PROJECT CAPRICORN FUND V, LLC, a Delaware limited liability company**, whose mailing address is C/O Blue Owl Capital, 30 N LaSalle Street, Suite 4140, Chicago, IL 60602, hereinafter individually “Grantor”, to the **CITY OF ZEPHYRHILLS, FLORIDA**, a Florida municipal corporation, whose address is **5335 Eighth St., Zephyrhills FL 33542**, hereinafter called “Grantee”.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors agree as follows:

1. Grantors do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the water distribution system, gravity sewer collection system, sewer force mains, stormwater drainage, and all other equipment and appurtenances as may be necessary or convenient for the operation of the water, sewer, and stormwater utility services (hereinafter referred to as “Utility Lines and Associated Equipment”) over and upon the real property **depicted on Exhibit “A” and described on Exhibit “B” both attached hereto** (the “Easement Area”); together with rights of ingress and egress to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. The Easement Area is located upon a portion of the lands of Grantor. It is the intent of this Easement for each Grantor to convey an easement to Grantee upon the portions of the Easement Area lying on each of the Grantor respective tract.

This easement is for water, and/or sewer, and/or stormwater utility services only and does not convey any right to install other utilities such as cable television or electrical service lines.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record.

(a) Grantor reserve the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

(b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the rights of Grantors, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon any request of a Grantor provided that the Grantor requesting such relocation bears the cost of relocating the water, sewer, and stormwater facilities located within the Easement Area at no cost to the non-requesting Grantor. At Grantor's request, and upon relocation of such lines at the requesting Grantor's expense, the requesting Grantor and Grantee shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the requesting Grantor without the need for joinder by the non-requesting Grantor. In no event shall any relocation cause any unreasonable disruption in service to the non-requesting Grantor.

2. (a) **WATER SYSTEM** - The Grantee shall maintain all water mains and other elements of the water distribution system up to and including the water meter or meters. Grantors successors and assigns shall be responsible for maintaining any water lines between the water meter and the improvements served by the utility system.

(b) **SEWER FORCE MAINS** - Grantee, by acceptance of this Easement, hereby agrees to maintain any sewer force mains located within the Easement Area.

(c) GRAVITY SEWER SYSTEM - Grantee, by acceptance of this Easement, hereby agrees to maintain any gravity sewer lines located within the Easement Area.

(d) REUSE SYSTEM - The Grantee shall maintain all reuse mains and other elements of the reuse distribution system up to and including the reuse meter or meters. Grantors successors and assigns shall be responsible for maintaining any reuse lines between the reuse meter and the improvements served by the utility system.

(e) LATERAL SERVICE LINES - Grantee's maintenance shall not include a responsibility for maintenance of lateral water lines, lateral sewer force mains, lateral gravity sewer lines that service the Grantor's building. The Grantors successors and assigns shall be responsible for the maintenance of such sewer service laterals.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, including the restoration of sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding of and be binding upon Grantee and its successors and assigns.

IN WITNESS WHEREOF, Project Capricorn Fund V, LLC has set its hand and seal as of the day, month and year first above written.

WITNESSES:

PROJECT CAPRICORN FUND V, LLC,
a Delaware limited liability company

By: 
Printed Name: Ryan Phelan
Its: Managing Director
Authorized Delegatee




Printed Name: Jennifer Mulcrone
Address: 30 N La Salle St, Chicago, IL 60602


Printed Name: Arthur Leenhouts
Address: 30 N La Salle St. Chicago, IL 60602

STATE OF Illinois)
) SS
COUNTY OF COOK)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of July, 2024, by Ryan Phelan as authorized delegate of Project Capricorn Fund V LLC, a Florida limited liability company, on behalf of the Company. He/She ☒ is personally known to me or ☐ has produced _____ as identification.



[Signature]
Notary Public
Print Name: Heather Patricia Bear
My Commission Expires: _____

[Notarial Seal]

ACCEPTED BY:

CITY OF ZEPHYRHILLS, FLORIDA, a
Florida municipal corporation

ATTEST:

Kenneth M. Burgess, Jr.,
City Council President

Lori L. Hillman, City Clerk MMC

ACCEPTED AND AGREED BY:

WALGREEN CO., an Illinois corporation

WG
LH

[Signature]
Name: Richard A. Steiner
Title: Senior Director and managing counsel

EXHIBIT B

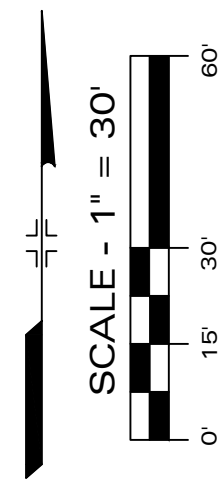
LEGAL DESCRIPTION

AN EASEMENT OVER AND ACROSS A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10733, PAGE 1662, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. BEING FURTHER DESCRIBED AS FOLLOWS.

AN EASEMENT BEING 10.00 FEET IN WIDTH AND LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWESTERN CORNER OF LOT 15, LITTLE ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 132, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND LYING IN SECTION 3, TOWNSHIP 26 SOUTH, RANGE 21 EAST; THENCE S 00°45'41" E, 100.11 FEET; THENCE S 89°30'03" W, 18.50 FEET FOR A POINT OF BEGINNING OF SAID CENTERLINE OF EASEMENT; THENCE N 00°45'41" W, 104.00 FEET; THENCE N 63°00'14" E, 78.56 FEET; THENCE N 00°00'21"W, 169.40 FEET; THENCE N 89°57'33" W, 68.65 FEET; THENCE N 01°56'45" E, 30.27 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF EILAND BOULEVARD (FORMERLY KNOWN AS COUNTY ROAD 54) AND FOR THE POINT OF TERMINUS OF SAID CENTERLINE OF EASEMENT.

EXHIBIT A



- DENOTES SANITARY SEWER MANHOLE
● DENOTES POINT OF BEGINNING & POINT OF TERMINUS
===== DENOTES EDGE OF PAVEMENT

DESCRIPTION - PROPOSED UTILITY EASEMENT

AN EASEMENT OVER AND ACROSS A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10733, PAGE 1662, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. BEING FURTHER DESCRIBED AS FOLLOWS.

AN EASEMENT BEING 10.00 FEET IN WIDTH AND LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE. FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWESTERN CORNER OF LOT 15, LITTLE ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 132, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND LYING IN SECTION 3, TOWNSHIP 26 SOUTH, RANGE 21 EAST; THENCE S 00°45'41" E, 100.11 FEET; THENCE S 89°30'03" W, 18.50 FEET FOR A POINT OF BEGINNING OF SAID CENTERLINE OF EASEMENT; THENCE N 00°45'41" W, 104.00 FEET; THENCE N 63°00'14" E, 78.56 FEET; THENCE N 00°00'21" W, 169.40 FEET; THENCE N 89°57'33" W, 68.65 FEET; THENCE N 01°56'45" E, 30.27 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF EILAND BOULEVARD (FORMERLY KNOWN AS COUNTY ROAD 54) AND FOR THE POINT OF TERMINUS OF SAID CENTERLINE OF EASEMENT.

NOTES

- THIS MAP REPRESENTS A SPECIFIC PURPOSE SURVEY FOR THE PURPOSE OF LOCATING AN EXISTING SANITARY SEWER LINE AND MANHOLES TO AID IN CREATING A UTILITY EASEMENT AGREEMENT. SELECTED FIXED IMPROVEMENTS LOCATED. NOT A BOUNDARY SURVEY.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- DESCRIPTION SHOWN HEREON CREATED PER THIS SURVEY.
- BEARINGS SHOWN HEREON ARE BASED ON ASSUMED DATUM AND REFERENCED TO THE PARENT PARCEL BEARINGS RECITED IN OFFICIAL RECORD BOOK 10733, PAGE 1662, PUBLIC RECORDS OF PASO COUNTY, FLORIDA WITH THE WEST LINE OF SAID PARENT PARCEL HAVING A BEARING OF N 00°41'46" W.
- THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS SURVEYOR NOT RESPONSIBLE FOR EASEMENTS, ADDITIONAL RIGHTS-OF-WAYS OR OTHER ENCUMBRANCES OF RECORD NOT FURNISHED TO THIS OFFICE.
- AERIAL PHOTOGRAPH DATE - 2023.

GENERAL LEGEND

PLS	- Professional Land Surveyor
POB	- Point of Beginning
(D)	- Deed or Description
(C)	- Computed Data
(P)	- Plat
(F)	- Field Data
IP	- Iron Pipe
IR	- Iron Rod
CM	- Concrete Monument
S	- Set
PRM	- Permanent Reference Monument
PCP	- Permanent Control Point
PC	- Point of Curvature
PT	- Point of Tangency
R/W	- Right of Way
OR	- Official Records
AC	- Air Conditioner
CL	- Center Line

SIMMONS, BEALL AND
TREBOUR, LLC

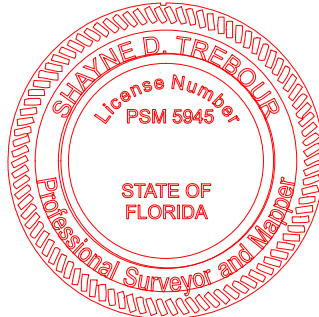
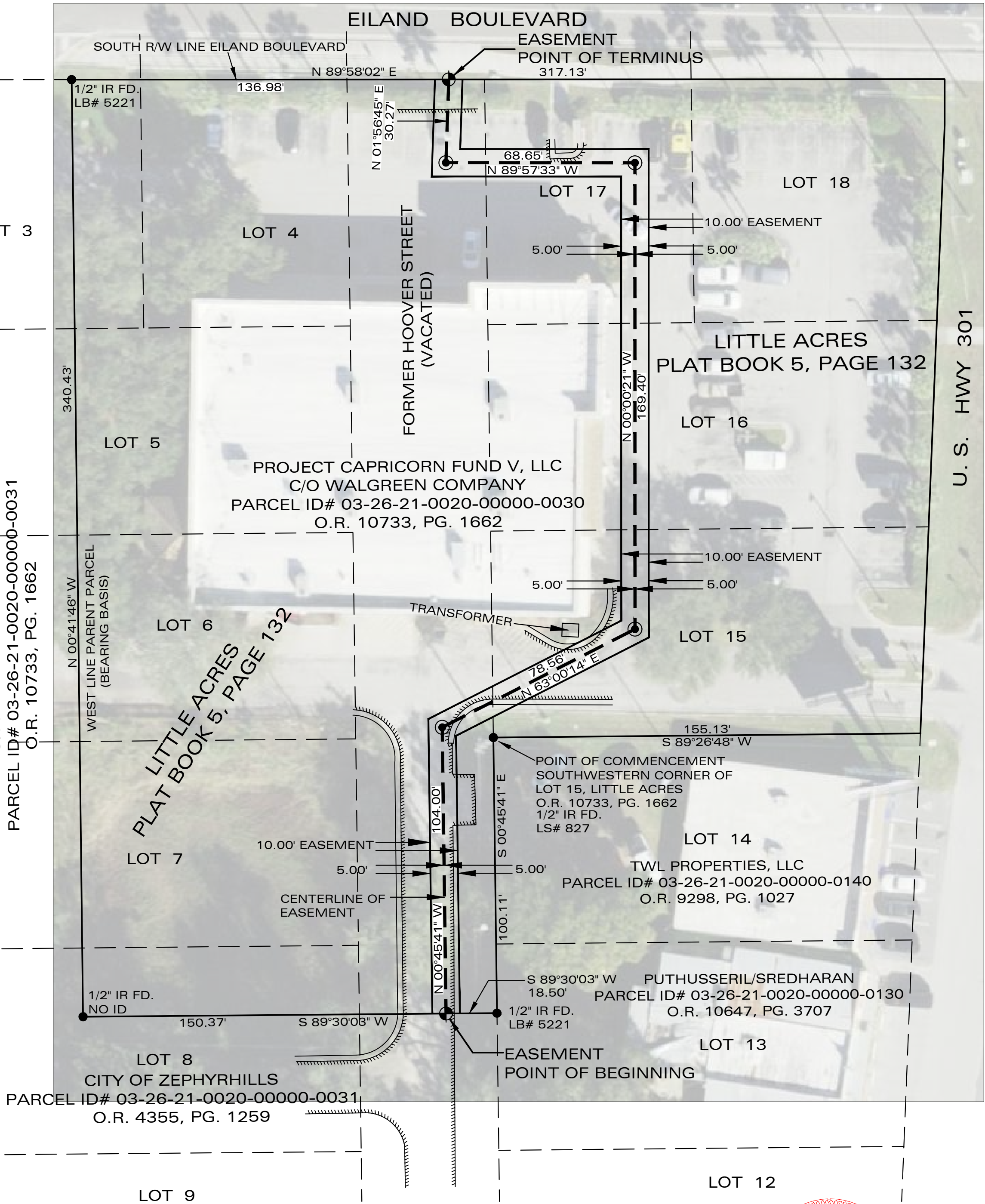
PROFESSIONAL LAND SURVEYORS & MAPPERS
LB# 8382

P.O. BOX 1297
36739 S.R. 52
DADE CITY, FLORIDA 33526
(352) 567 - 0048
FAX (352) 567 - 0675
MWBEALL@TAMPABAY.RR.COM

Date of Survey : 05-16-2024 Drawn by : MWB
Date of Plat : 05-20-2024 Checked by : SDT
Job Number : 2024-053 Sheet : 1 OF 1

REVISIONS

CERTIFIED TO: CITY OF ZEPHYRHILLS



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED
BY SHAYNE D. TREBOUR PSM NO. 5945 ON 05-21-2024

PREPARED BY: Shayne D.
Trebour

Digitally signed by Shayne D.
Trebour
Date: 2024.05.21 09:39:13 -04'00'

SHAYNE D. TREBOUR
Professional Surveyor and Mapper
Number 5945

NOT VALID UNLESS IMPRINTED WITH RAISED SEAL
OR DIGITAL SEAL AND DIGITAL SIGNATURE

BUSINESS ITEMS/PUBLIC HEARING 3.1

AdventHealth Future Land Use and Rezoning

First Reading **ORDINANCE NO. 1480-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE CLASSIFICATION FROM P/SP (PUBLIC/SEMI-PUBLIC) AND MU (MIXED USE) TO RU (RESIDENTIAL URBAN); AND AMENDING THE CITY'S OFFICIAL ZONING MAP, CHANGING THE ZONING DESIGNATION FROM PUD (PLANNED UNITED DEVELOPMENT) AND OP (OFFICE PROFESSIONAL) TO PUD (PLANNED UNIT DEVELOPMENT), FOR A PORTION OF PARCEL 35-25-21-0010-06900-0020; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1480-24 on the First Reading

Issue:

A future land use and rezoning petition for 17 acres (mol) located at the SW corner of Wire Rd and Pretty Pond Rd. The proposed future land use is RU (Residential Urban) and the proposed zoning is PUD (Planned Unit Development)

Background:

The subject property consists of approximately 17 acres and is located at the SW corner of Pretty Pond Rd and Wire Rd. The property has an existing future land use of Public / Semi-Public & Mixed use and is requesting a change to RU (Residential Urban). The property has an existing zoning of PUD & OP (Office Professional) and has requested the OP parcel be rezoned to PUD. A preliminary PUD master plan is included (see staff report) for a maximum of 252 apartments. The Plan also allows those units west of the amenity center to be a maximum of two stories and those units east of the amenity center to be a maximum of three stories. Once a builder is confirmed, they will be required to submit a final PUD master plan to confirm the over development, drainage, architecture and turn lanes. A staff report is included with additional background, project description and data / analysis. Conditions are also attached with the site plan.

*** Planning Commission Comments:

- * Concern with existing and future traffic in this area with planned development at three corners of the intersection of Wire & Pretty Pond;
- * Request for a pedestrian / bike connection from apartments to Diary Rd MP trail (See condition #13 added);

* Discussion to ensure retention pond is started prior to future land clearing and maximize tree preservation.

** The petition is NOT subject to the residential moratorium as the petition was submitted to the City prior to the moratorium.

Staff / City Attorney met with the applicant to finalize the included conditions.

Attachment(s):

1. Advent Health staff report (2)
2. 30936662v2 - ORDINANCE NO 1480-24 AdventHealth FLUMA and Rezoning

Fiscal Impact:

Staff Recommendation:

Staff / Planning Commission recommend approval with attached conditions.

Staff Report Memorandum

To: Planning Commission and Honorable Mayor
From: Todd Vande Berg – Planning Director
RE: PUD 14-22 – Advent Health Future Land Use Map Amendment and Rezoning petition
Date: May 9, 2024

I. BACKGROUND & INFORMATION

A. History | Application Summary

This Future Land Use Map Amendment (FLUMA), and Rezoning Petition was presented to the City by Adventist Health System / Sunbelt. LLC. The subject property is owned by Advent Hospital and is interested in amending the City's future land use map and zoning map for purposes of a proposed multi-family development.

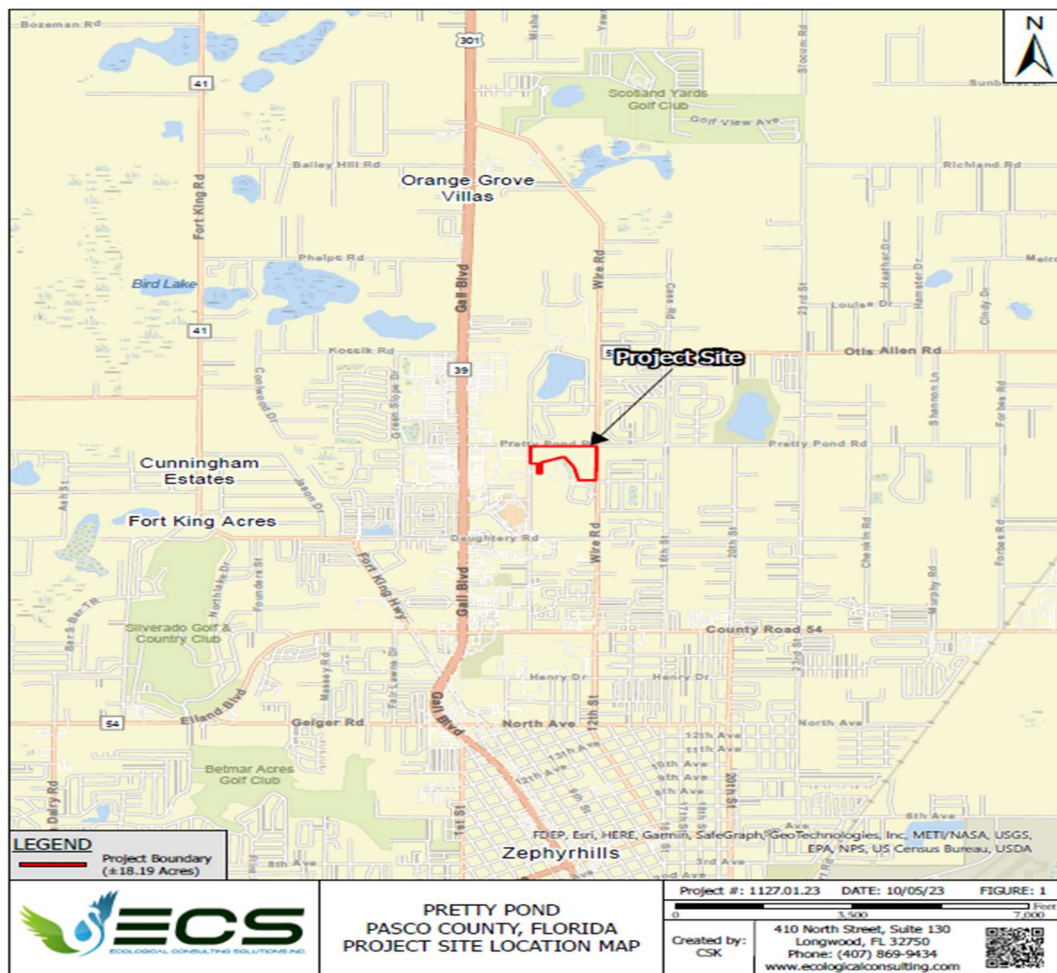


Figure 1-Location Map

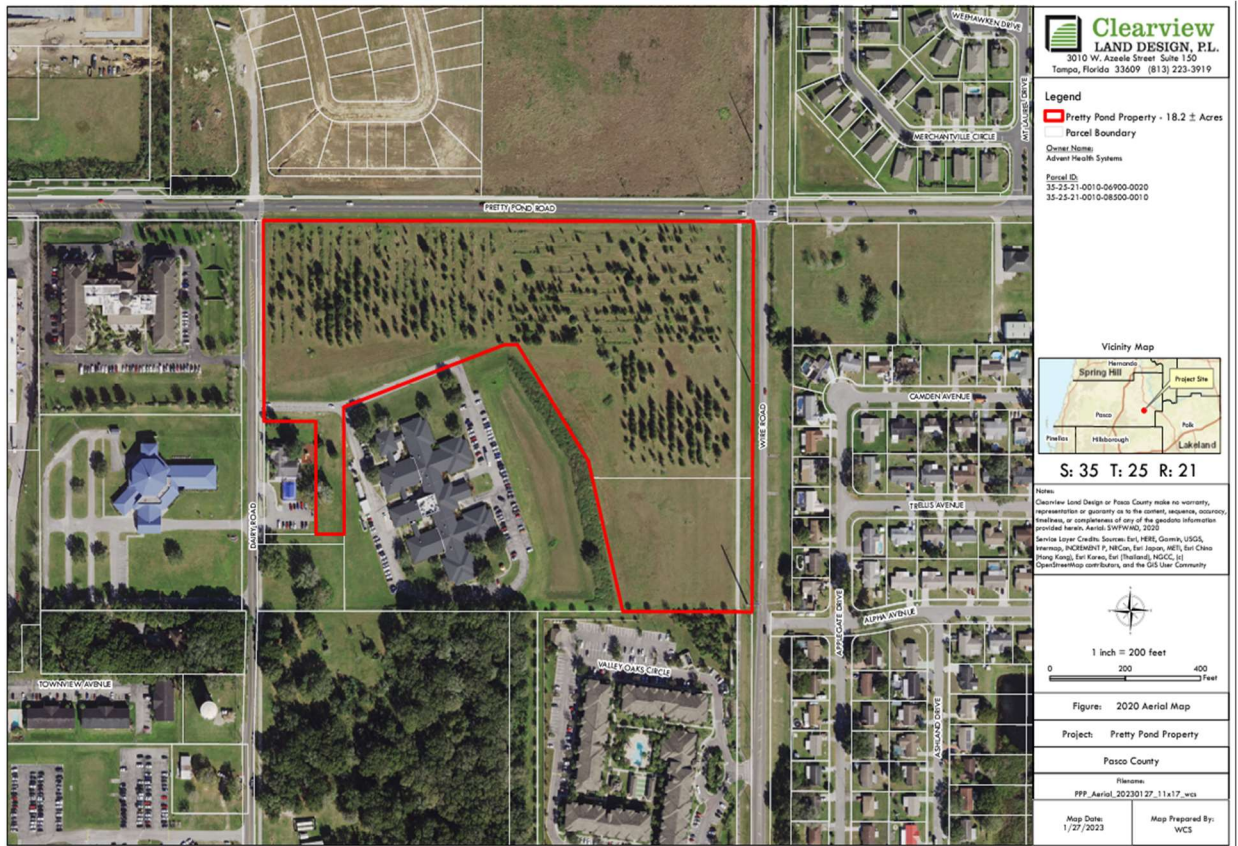


Figure 2-Aerial Map

The subject site is 17.387 acres more or less (mol) and located at the SW corner of the intersection of Pretty Pond road and Wire road (See Figures 1 and 2 – Location / Aerial maps)

Site Information

Applicant | Owner: Adventist Health System / Sunbelt. LLC

Location: SW corner of the intersection of Pretty Pond road and Wire road

Parcel ID Number(s): 35-25-21-0010-06900-0020 & 35-25-21-0010-08500-0010

Acreage: 17.387 Acres (MOL)

Existing Land Use: Vacant

Proposed use: Multi-Family development

Existing Future Land Use: City Public/Semi-Public (P/SP) and Mixed Use (MU)

Proposed Future Land Use: RU (Residential Urban)

<u>Existing Zoning:</u>	Planned Unit Development (PUD) & Office Professional (OP)
<u>Proposed Zoning:</u>	Office Professional parcel to PUD
<u>Proposed DU/ACRE</u>	14.13

II. Detailed Project Description:

The applicant has submitted a petition for a small-scale future land use map amendment from P/SP and MU to RU (Residential Urban) and rezoning from OP (office professional) to PUD (Planned Unit Development) for proposed multi-family apartments. The applicant has submitted a conceptual plan (figure 3) that shows a preliminary development plan consisting of 2 and 3 story units with a maximum of 252 units with access onto Pretty Pond Rd and Wire Rd. Discussions with the applicant included the two story units being at the higher grades and the three story being at the lower grades as reflected on the preliminary development plan that the applicant has agreed to. The land currently has a zoning category of PUD (Planned Unit Development – Figure 4) and a smaller section zoned OP (Office Professional) When a portion of the land was originally zoned PUD a master plan was not included. Therefore, the applicant is requesting that the property zoned OP be rezoned to PUD for all the property to have a consistent PUD zoning. Figure 3 will become the preliminary PUD master plan with conditions as included in this report. The proposed project includes buildings that would be greater than two stories or 30’ and would typically require a conditional use. However, the PUD zoning can consider specific regulations including height, which is being done in this case that is represented on the development plan and not be subject to a separate conditional use process. (** The petition was submitted prior to the residential moratorium).

The majority of the subject property is located within the Basins of Special Concern and will need to be design in accordance to the City’s ordinance for retention accordingly. The property is also heavily wooded and at the time of development a tree survey shall be submitted with a corresponding tree preservation plan maximizing opportunities to preserve existing trees. 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. All applicable sections of the LDC pertaining to landscape and tree preservation and tree removal guidelines shall be followed. Staff is also recommending a left turn lanes on Pretty Pond Rd and turn lanes on Wire Rd for safety and maintaining traffic flows on these two lane collect streets. City Council has set a precedent and asked for left turn lanes on two lane collector streets in the past. The turn lane standards will be finalized as part of the future final development / construction plans.

III. Proposed Development:

The applicant plans to develop the parcel for a 252-unit multi-family apartment development as shown in figure 3.

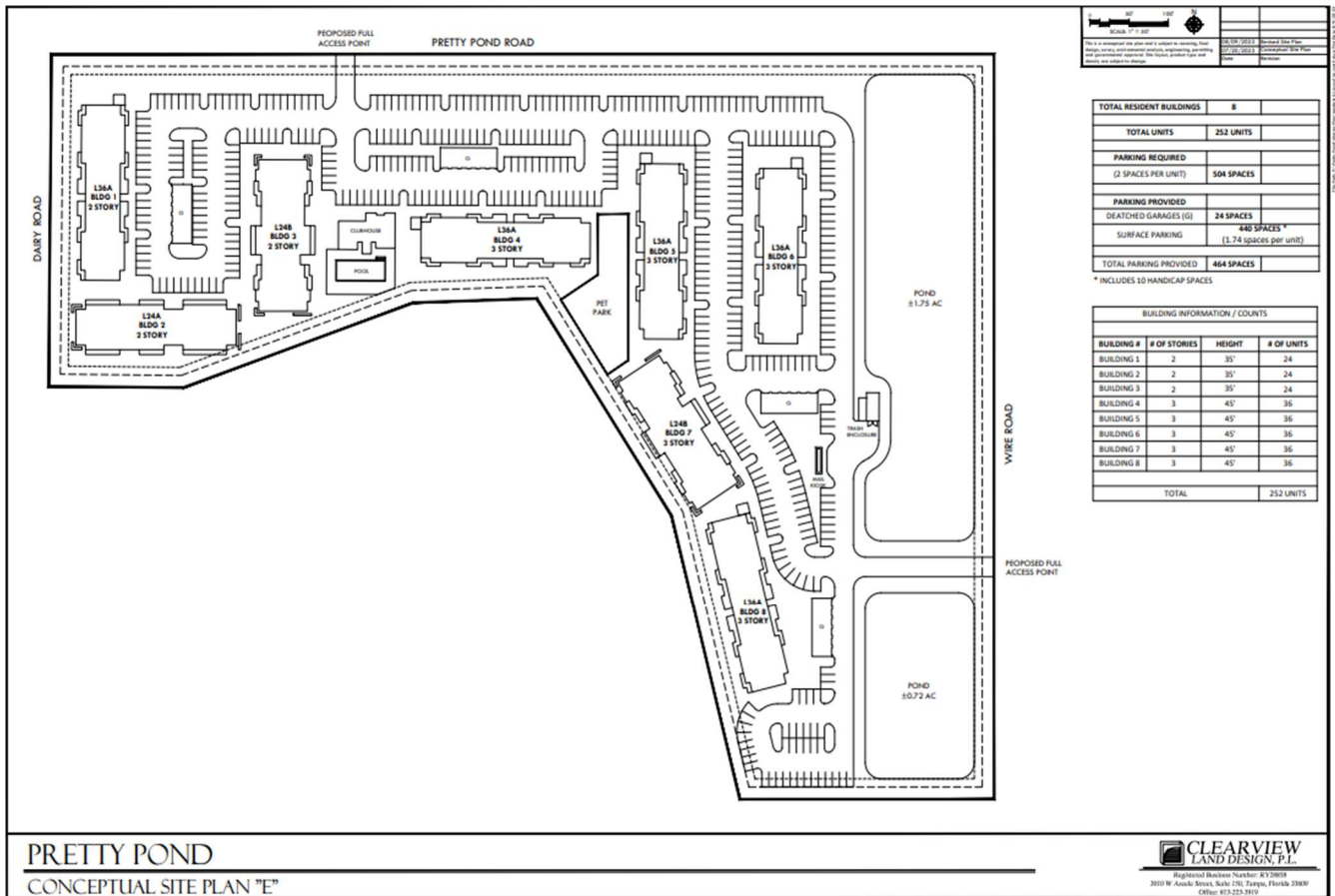


Figure 3 – Proposed Preliminary Development Plan

IV. DATA & ANALYSIS REVIEW

A. Future Land Use and Zoning Analysis

	Existing FLU	Existing Zoning	Existing Use
<u>Subject Property</u>	P/SP and MU	PUD & OP (Office Professional)	Vacant
<u>North</u>	RS (Res Suburban); RU Res Urban	PUD & R4	Single Family / Vacant
<u>South</u>	P/SP, MU (Mixed Use)	OP & R4	Assistant Living Facility / Multi-Family
<u>East</u>	RS; RU	R4, R2	Single Family
<u>West</u>	MU / VC (Village Center Overlay)	OP	Assisted Living Facility

B. Compatibility Analysis:

The subject property is surrounded by a mixture of residential uses and assisted living facilities as shown in the table above. The proposed multi-family residential use is generally consistent with existing and anticipated development patterns. The project will serve as an infill development and increase the housing stock in proximity to Advent Health Hospital and other local employment centers in the general vicinity. The increased population increases that the City is experiencing and new manufacturing coming will require additional housing stock. The development will utilize existing infrastructure, provide additional housing opportunities into the City of Zephyrhills, and blend with existing development in the vicinity.

Future Land Use Map (FLUMA) Amendment

A small-scale comprehensive plan amendment (less than 50 acres) would assign the land into the Residential Urban (RU) future land use classification. The RU 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 (17.387 acres) qualifies as a small-scale plan amendment;
- (b) The existing future land use of the property is a mix of P/SP and MU (See figure 4);
- (c) The proposed future land use map amendment (See figure 5) is to change the subject property's future land use designation from P/SP and MU to RU (Residential Urban);
- (d) The subject area is mixture of MF residential, hospital, offices and assisted living facilities;
- (e) 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 this area.

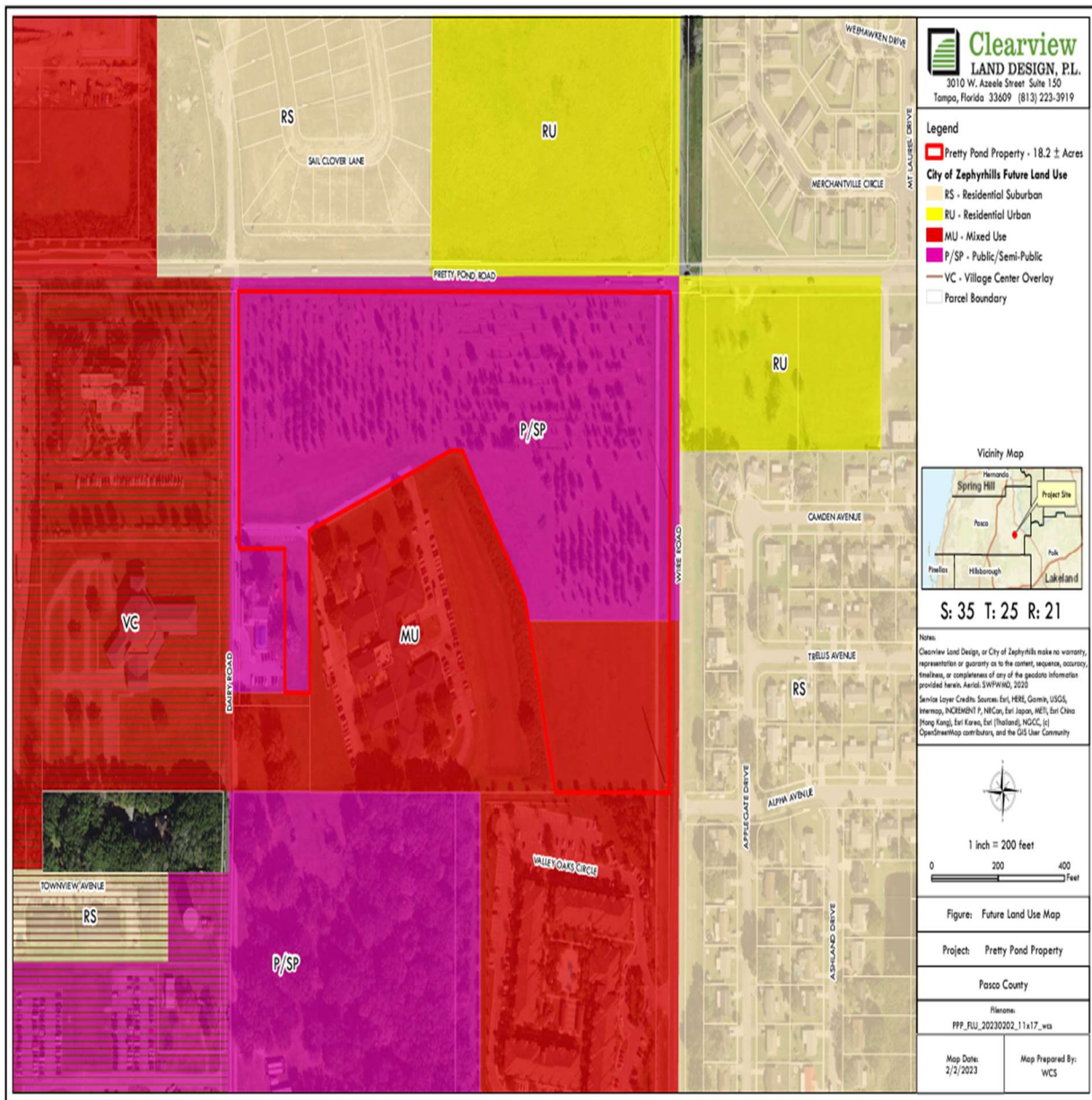


Figure 4 – Existing Future Land Use

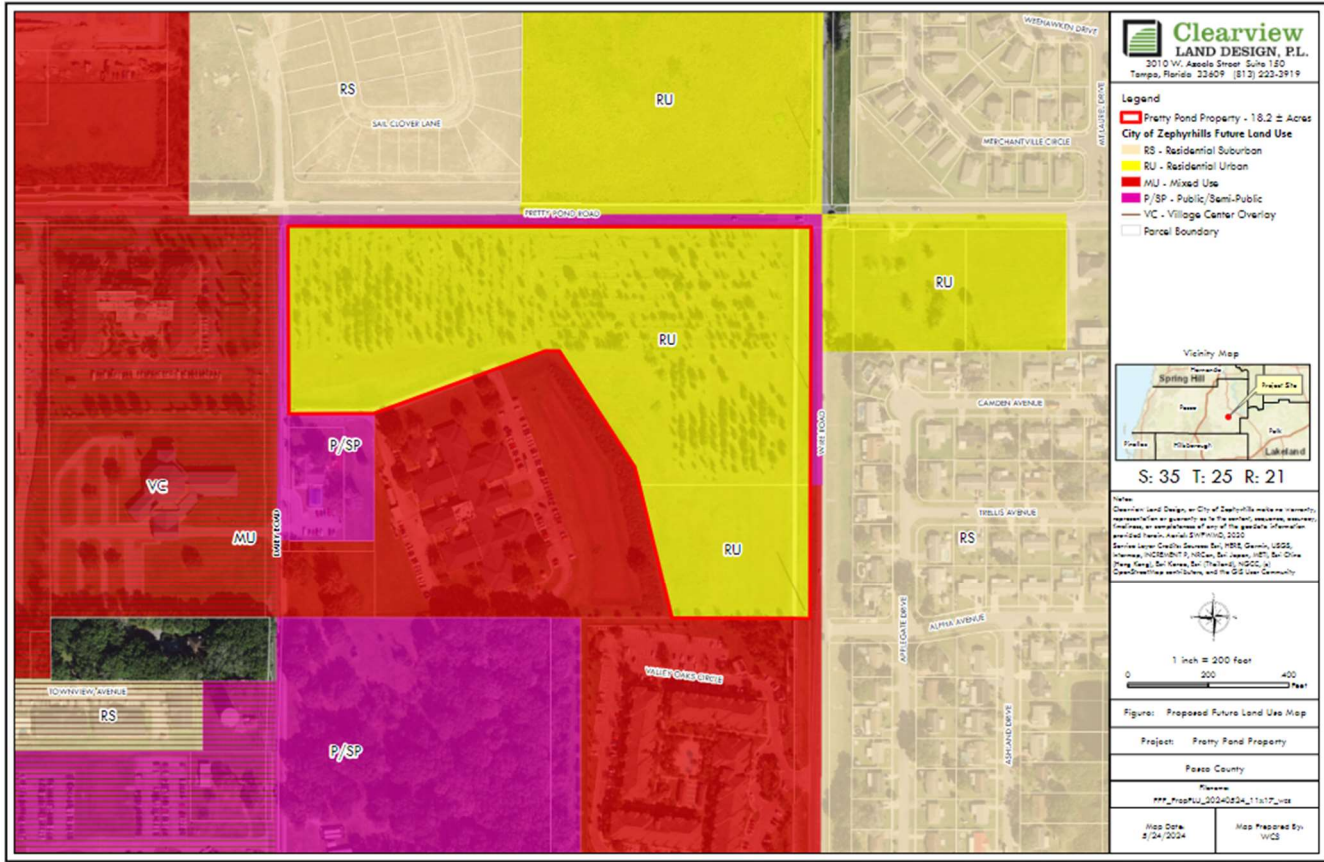


Figure 5-Proposed FLU map

C. Transportation:

Subject parcel abuts the south side of Pretty Pond Road (City owned), west side Dairy Rd (City owned) and Wire Rd (County Owned). City and County ROW use permits will be required at the time of site plan review and approval. The project site abuts the intersection of Wire and Pretty Pond Rd where this is some existing congestion (east bound on Pretty Pond from 301). The City is finalizing a roundabout design that will be constructed at this intersection to make it safer and reduce congestion. The development proposes entrances on Pretty Pond Rd and Wire. A traffic impact analysis has been completed and a right turn lane is required on Pretty Pond Rd. Staff is also recommending a left turn lane be constructed on Pretty Pond and also turn lanes on Wire Rd. to aid in reducing congestion on these two 2-laned collector roads that will reduce congestion.

D. Zoning Analysis:

Figure 6 presents the City's existing Zoning Map showing the larger parcel zoned PUD and the smaller parcel zoned OP (Office Professional). The applicant is requesting that the parcel zoned OP be rezoned to PUD so both parcels will have the same zoning. Staff is of the opinion that the requested zoning to OP is consistent and compatible with the surrounding zoning as well as the current and planned development trends in this area. Staff also believed the requested use of multi-family development is an appropriate and compatible use with multi-family development planned at the NW and SE corners of Wire and Pretty Pond.

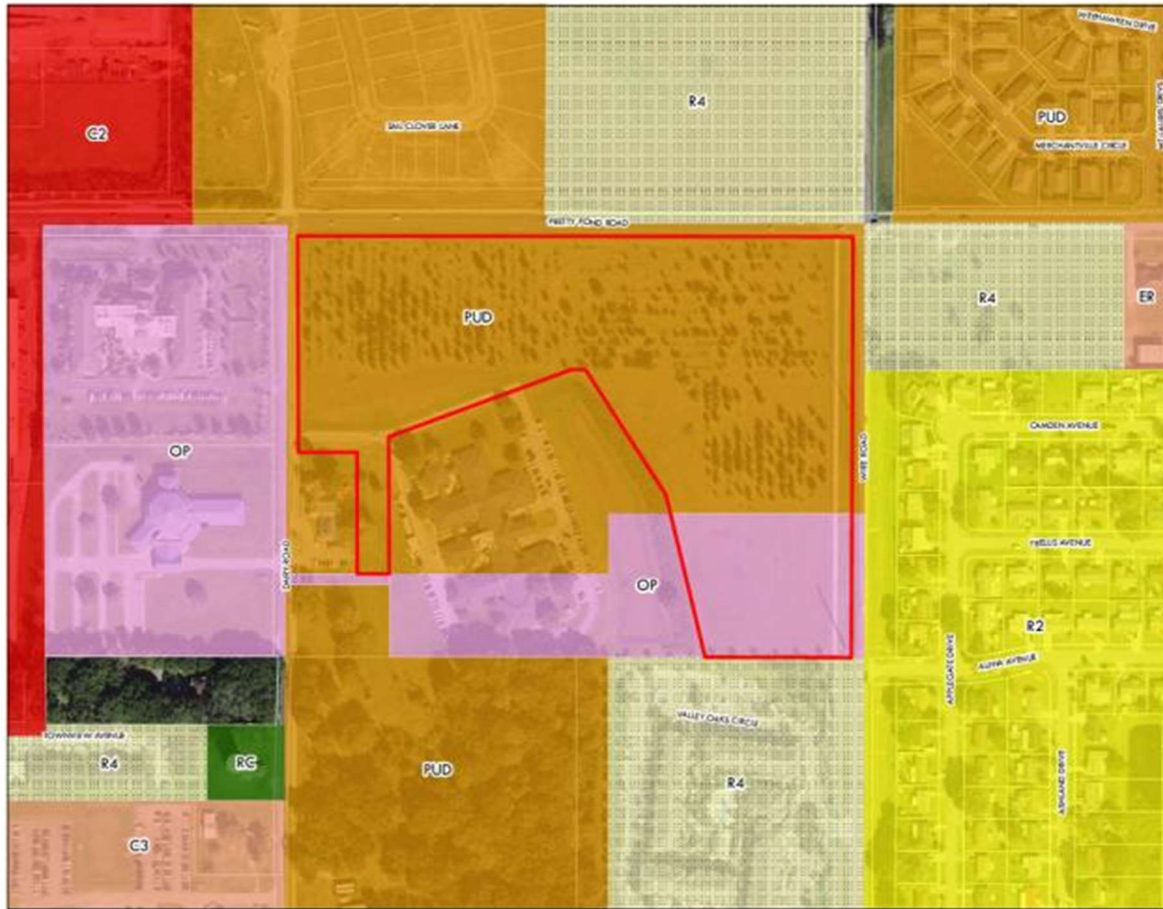


Figure 6 – Existing Zoning Map

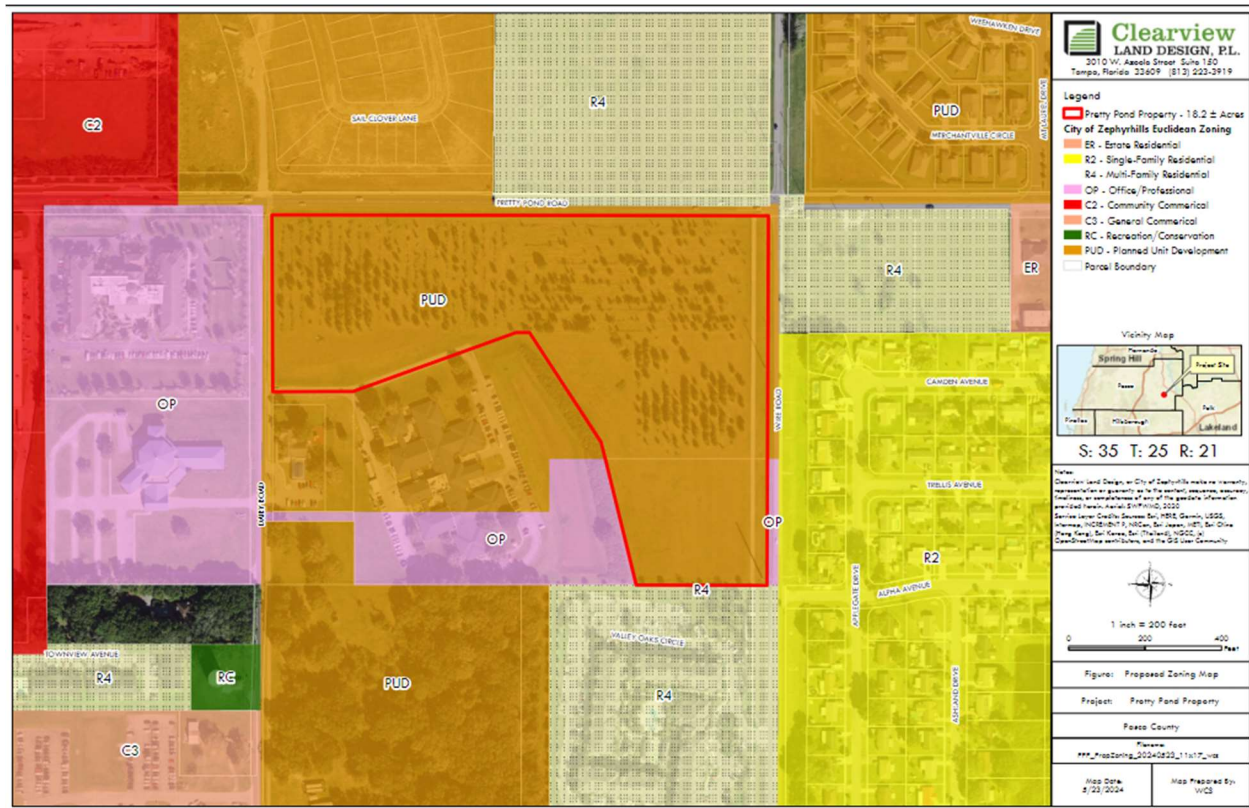


Figure 7-Proposed zoning

E. Natural & Historic Resources Analysis¹

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

1. Soil Types – Various well-drained soils (Lake, Arredondo and Kendrick, Zero to 5 percent) that are generally well-suited for development, see attached soils map (figure 8);
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 on site, see Wetlands Map (figure 9);
4. Historic | Archaeological Resources – Based on the cultural assessment report provided no historical / cultural resources were located on the site. 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 – Gopher tortoises were observed on the property. Proper permits from USFWS shall be obtained 30 days prior to any land clearing / 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.

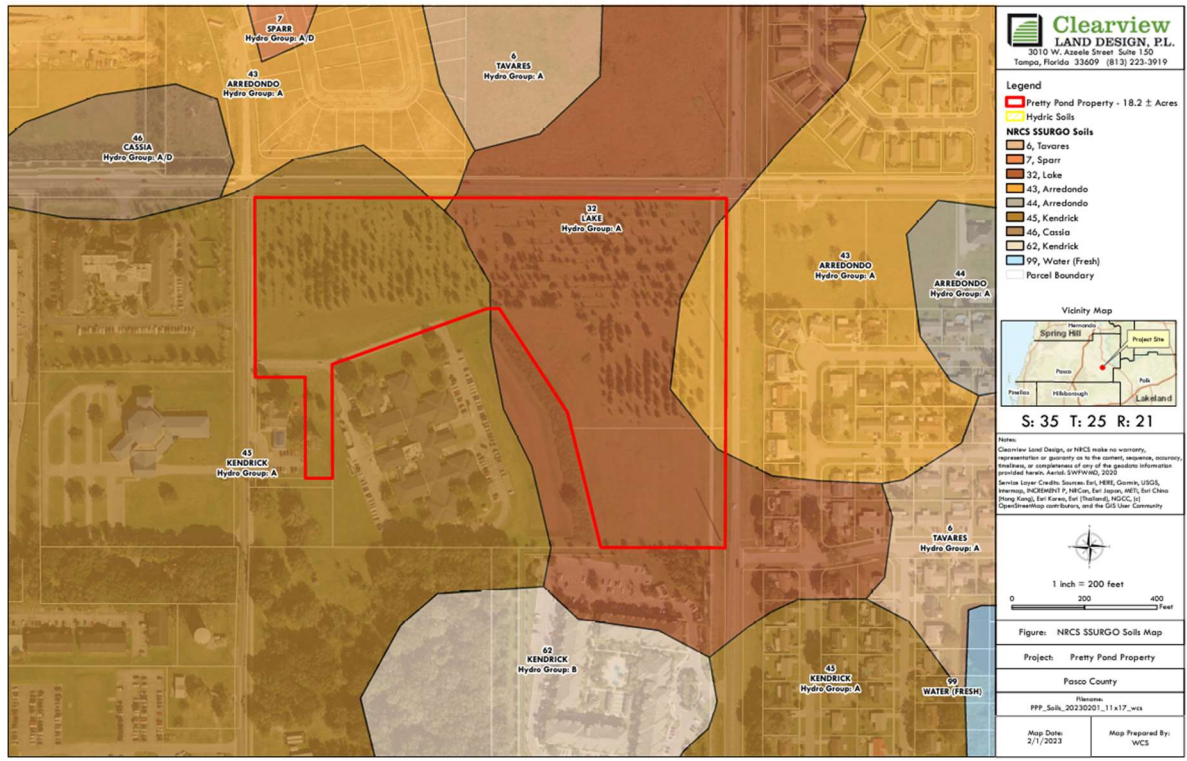
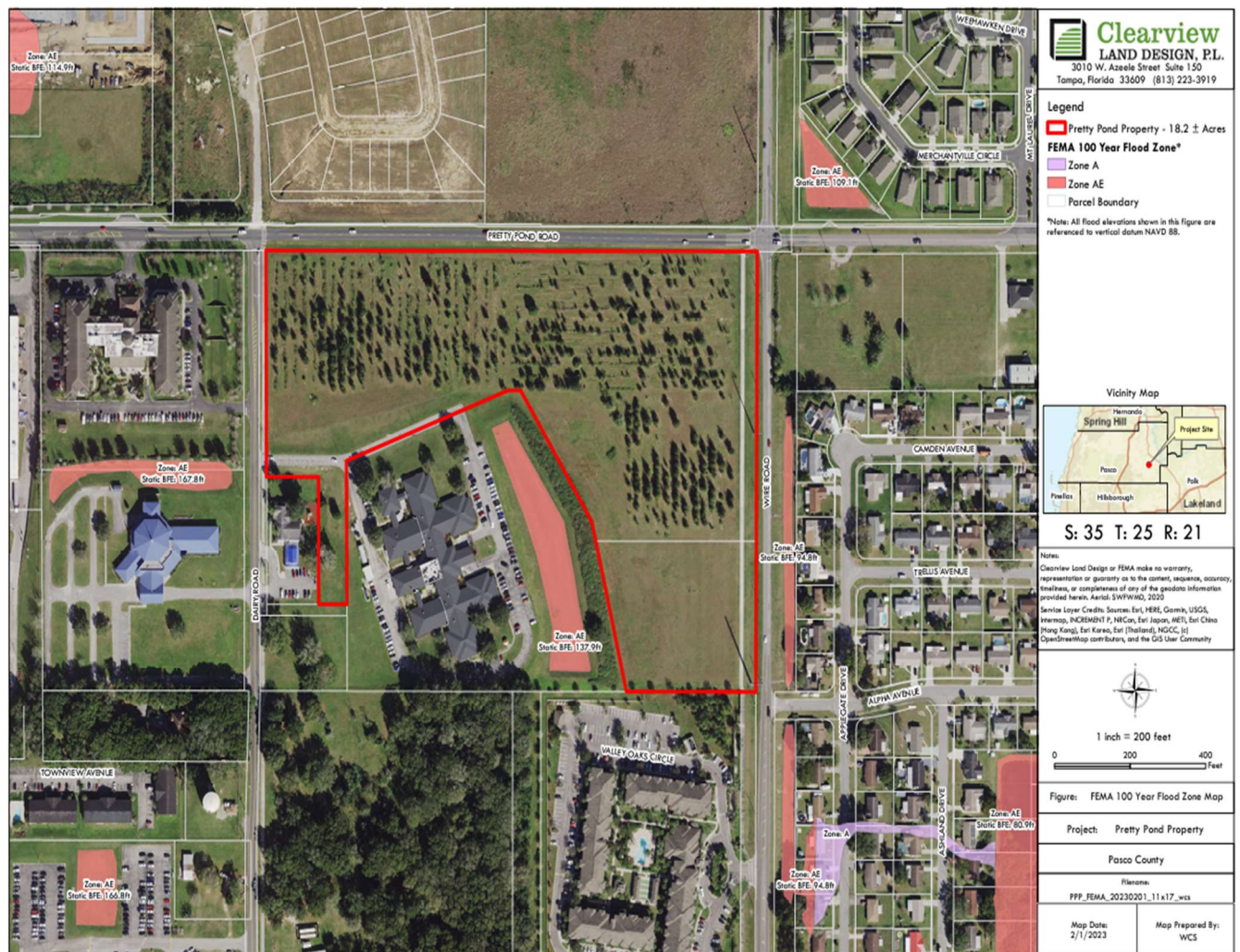


Figure 8-Soil Map



Flood Zone Map – Figure 9)

F. 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 and utility infrastructure is located in the general vicinity per Utilities Department.
SEWER	Adequate infrastructure and anticipated minimal impact according to the Utilities Department.

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	A traffic impact analysis has been completed and turn lanes will be required at the entrances to the development. City and County ROW use permits will be required. The applicant is also contributing to a roundabout that is under design for the intersection of Pretty Pond & Wire Rd which will improve safety and congestion currently at this intersection.
SCHOOL	29 elementary school students, 14 middle school students, and 18 high school students for a total of 61 students. (Capacity – Woodland – 82%, Stuart – 86%, ZHS – 88%)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Implementation

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

A. The residential 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 residence with less maintenance. The proposed development provides further benefit to the City of Zephyrhills by increasing the tax base and affordable housing.

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 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 an infill development where services are already available. The goal of the development is to provide a multi-family community that will meet the demands of a varied age group, ranging from young adults to senior citizens including housing for hospital staff.

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:

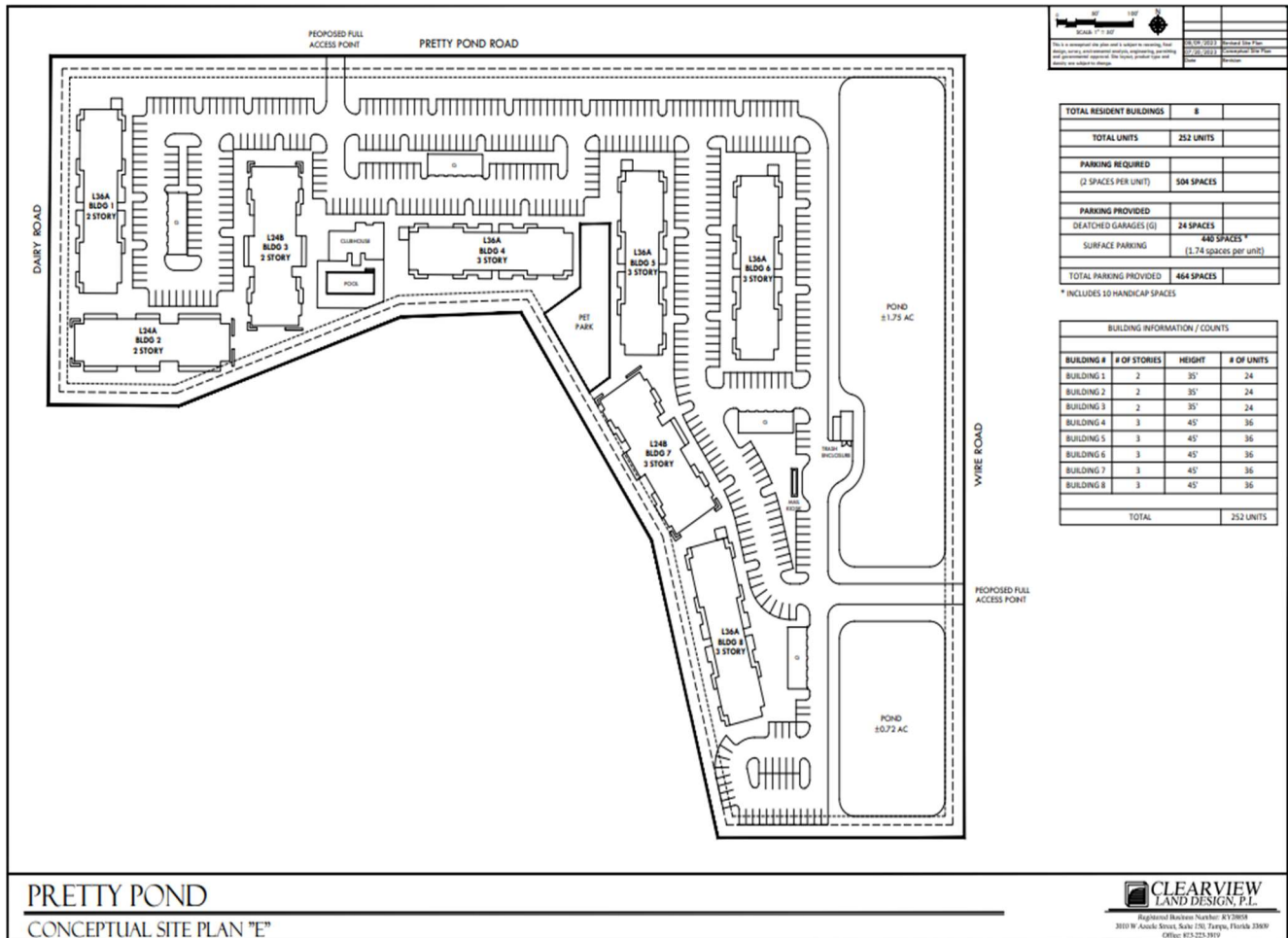


Figure 7 – Proposed Development Plan

b. Residential Urban- 7.5 to 20.0 units/gross acre; The project will contain a density of 14.13 dwelling units per acre and falls within the medium range criteria of the RU Future Land Use category requested in this application.

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 types and 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 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.

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 and shall be consistent / compatible with the use and scale of surrounding uses with a mixture of two stories at the higher grades and three stories at the lower grades.

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 / cultural structures or archaeological areas identified within the boundaries of the subject property. The applicant has provided documentation of a 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 future builder / contractor shall comply with each of these provisions / permits during the future planning, design, engineering, staff review, permitting, construction, and inspection process of the development project. Permits for gopher tortoises located on the subject property shall be required to be obtained as discussed in the Staff Report 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. All applicable sections of the LDC pertaining to landscape and tree preservation and tree removal guidelines shall be followed. The future site plan will also address the City's interest of avoiding drainage to offsite when the land is cleared with requirement to begin construction of the retention pond prior to land clearing.

V. RECOMMENDATION

The Planning Department is recommending approval of the petition for a small scale future land use map amendment from Public / Semi-Public and Mixed Use to RU (Residential Urban) and rezoning from Office Professional to Planned Unit Development with conditions (*attached*).

Site Plan Review Committee – Approval with conditions

Planning Commission - Approval with conditions

ORDINANCE NO. 1480-24

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE CLASSIFICATION FROM P/SP (PUBLIC/SEMI-PUBLIC) AND MU (MIXED USE) TO RU (RESIDENTIAL URBAN); AND AMENDING THE CITY’S OFFICIAL ZONING MAP, CHANGING THE ZONING DESIGNATION FROM PUD (PLANNED UNITED DEVELOPMENT) AND OP (OFFICE PROFESSIONAL) TO PUD (PLANNED UNIT DEVELOPMENT), FOR PARCEL 35-25-21-0010-08500-0010 AND A PORTION OF PARCEL 35-25-21-0010-06900-0020; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163 Florida Statutes, authorize the City Council of the City of Zephyrhills, Florida to prepare and enforce a Comprehensive Plan for the development of the City; and

WHEREAS, the City Council has determined that the proposed amendment meets the criteria for a Small-Scale Comprehensive Plan Amendment pursuant to Section 163.3184, Florida Statutes, and the Zephyrhills Comprehensive Plan; and

WHEREAS, the Zephyrhills Planning Commission, on May 28, 2024, held a public meeting on the proposed amendment to the Comprehensive Plan with due public notice, pursuant to Section 125.55(2), Florida Statutes, and recommended approval to the City Council; and

WHEREAS, the City has complied with all requirements and procedures of Florida law in processing this amendment to the City of Zephyrhills Comprehensive Plan including, but not limited to, Section 163.3184, Florida Statutes; and

WHEREAS, the proposed Future Land Use Map amendment meets the criteria of a small-scale Future Land Use Map amendment and is consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council has determined that the Residential Urban (RU) future land use classification would be appropriate, would promote the general welfare of the City, and would encourage proper development within the City; and

WHEREAS, the City Council has determined that an updated Planned Unit Development District (PUD) zoning designation would be appropriate, would promote the general welfare City, and would encourage proper development within the City; and

WHEREAS, the City Council desires to hereby formally adopt the Amendment to the City’s Comprehensive Plan.

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

SECTION 1: The Whereas Clauses above are true and accurate and are incorporated by reference and made a part of this Ordinance.

SECTION 2: This Ordinance is enacted pursuant to Chapter 163, Florida Statutes, and under the home rule powers of the City.

SECTION 3: The following described lands, lying and being situated in the City of Zephyrhills, to wit:

Legal Description is attached hereto as Exhibit “A”

PARCEL ID: 35-25-21-0010-08500-0010
AND A PORTION OF PARCEL ID: 35-25-21-0010-06900-0020
17.39 acres (MOL)

The Future Land Use Map designation is hereby changed from Public/Semi-Public (P/SP), Mixed Use (MU) to Residential Urban (RU). The zoning designation is hereby changed to an updated Planned Unit Development District (PUD).

Approval of the request, subject to the conditions listed below, is based on the general site plan ("PUD Concept Plan") attached hereto as Exhibit "B" submitted 8/9/2023 consisting of a single use, to wit: multifamily residential housing. A Final Site Plan complying with the following conditions, must be submitted and approved by City Council prior to issuance of building permits.

1. The maximum number of multifamily units shall be 252.
2. The developer must obtain all permits from the City of Zephyrhills and meet all applicable land development regulations applicable to the approved use of the property, and complete all applicable development review processes, subject any specific condition or requirement hereunder.
3. The development shall be served by the City's public water and sewer system.
4. The PUD master plan shall conform with the existing grades / topography of the subject property and be subject to the tree removal guidelines as set forth in Sect. 7.06.04 (tree removal guidelines) in the City's Land Development Code.
5. The developer shall provide landscape buffers in accordance with Section 7.06.04.01 of the City's Land Development Code.
6. The minimum multifamily building perimeter setbacks shall be as follows:

Right-of-Way: 25'

All other boundaries: 15'

Accessory structures: 10'
7. The minimum separation between buildings shall be 15'.
8. The on-site parking ratio for the site shall be calculated at a minimum of 1.5 spaces per multi-family unit inclusive of surface and enclosed garage parking.
9. Building Height & Locational Criteria; Final Site Plan: The PUD shall allow a mixture of 2-story and 3-story multi-family buildings. The maximum building height shall be 45 feet; provided, however, that the buildings west of the clubhouse/amenity area (as generally depicted on the approved PUD Concept Plan) and the clubhouse/amenities shall be limited to 2-stories, and the land area east of such clubhouse/amenity area shall allow 3-story buildings in order to achieve the approved density of 252 units. The developer/builder's detailed site plan may vary from the PUD Concept Plan as necessary to meet final site engineering design and permitting requirements, provided that the basic requirements of this PUD approval are maintained as to maximum building height, location of 2-story and 3-story structures, and the maximum density of 252 m-f units.
10. The proposed Amenity Center/Clubhouse will be developed in accordance with multifamily dimensional standards listed above.
11. The listed species survey and the historic resource/archeological report were provided during the application review process and have been approved. The applicable developer shall comply with the applicable gopher tortoise relocation permit requirements of the Florida Fish and Wildlife Conservation Commission.

12. **Building Façade/Architectural Elements:** As part of the final site plan/construction plan review process, the developer/builder shall provide architectural renderings to depict the exterior façade for all buildings which are visible from a public right-of-way and shall include a description of the architectural features that will address variations in color, variety of materials and/or textures, and design elements to provide monotony control and aesthetic variety in exterior appearance concurrent with the site development. The exterior façade design features shall be included in the City’s approval process for the final construction plans, which approval shall not be unreasonably withheld.
13. Based upon the Applicant’s approved traffic study, the developer/builder shall at the time of site development and construction of the multi-family project, construct the following site-access improvements:
 - A. 315-foot eastbound right-turn lane on Pretty Pond Road, at the project access drive connection (which turn lane is deemed warranted by the traffic study); and
 - B. westbound left-turn lane on Pretty Pond Road at the project access drive, northbound left-turn lane on Wire Road at the project access drive, and/or southbound right-turn lane on Wire Road at the project access drive, if requested by the City at the time of site plan/construction plan approval based on the site access requirements for the project, and provided that Pasco County approves any such additional turn lanes on the County collector roadways (subject to Pasco County LDC requirements).
14. In addition to the vehicular access points to Pretty Pond Road and Wire Road as set forth in Condition No. 12 above, the Developer at the time of site plan/construction plan submittal also shall provide for a pedestrian/bicycle access connection to the Dairy Road right-of-way on the western boundary of the project, at a location mutually acceptable to the Developer and the City. In the event the Developer’s site plan also will accommodate vehicular access to Dairy Road, and provided the City approves such additional vehicular access for the project, a vehicular access point also may be provided to Dairy Road.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: The provisions of this Ordinance shall be codified and be made part of the Code of Ordinances and Land Development Code of the City of Zephyrhills, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such.

SECTION 6: That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 7: This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1480-24 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 22nd day of July 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
Council President

The foregoing Ordinance No. 1480-24 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 12th day of August 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
Council President

The foregoing Ordinance No: 1464-23 was approved by me this 12th day of August 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

BUSINESS ITEMS/PUBLIC HEARING 3.2

Transportation, Public Safety, and Park Impact Fees

Second 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 Second 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.

Land Use Type	Unit	Transportation Updated Fees	Parks	Public Safety	Total
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)
2. zephyrhills study final4 (2) (3)
3. Impact fee presentation 7-22-2024 rev (2)

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 in the second 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.

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 disbursal 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 8th day of July 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
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 22nd 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 22nd 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
Updated Fees					
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
Current Most Comparable Fee in Updated Category					
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
Percent Change					
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*, 11th 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
Annual Change					
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
Annual Change							
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
Annual Change							
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.

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 Current Fees	Phased 4-Yr Avg Revenue	No 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 Current Fees	4th Yr. of Phase-in	No 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, 4th-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.

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.

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.

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.¹

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.

¹ 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.			
Sit-Down Restaurant (High-Turnover)	1,000 sq. ft.			
Gasoline/Service Station	Pump	Fast-Food Restaurant	1,000 sq. ft.	Fast-Food Rest.
Fast-Food/Drive-Through Window	1,000 sq. ft.			
Convenience Market with Gas Pumps	1,000 sq. ft.			
Gasoline/Service Station w/Conv. Market	Pump	Conv. Market w/Gas	Pump	Conv. Market
Gas/Serv. Station w/Conv. Market & Car Wash	Pump			
General Office Building	1,000 sq. ft.	General Office	1,000 sq. ft.	General Office
Hospital	1,000 sq. ft.			
Medical-Dental Office Building	1,000 sq. ft.	Medical Office	1,000 sq. ft.	Medical Office
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.

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.

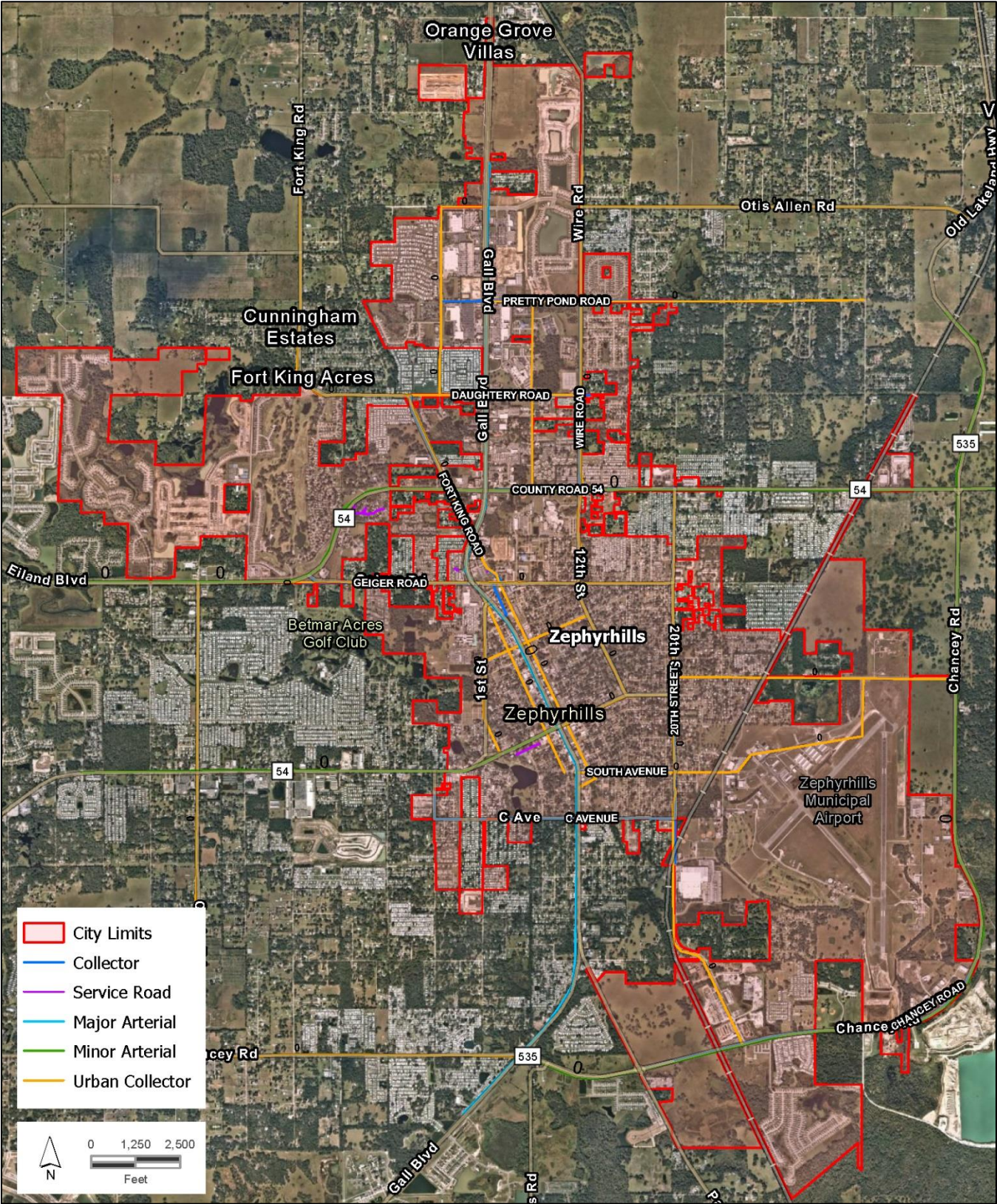
Table 10. Existing Major Roadway System

Street Name	Segment	Func. Class	Miles	Lanes	ADT	VMT	LOS D Cap.	VMC
City Roads								
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
County Roads								
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
State Roads								
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 (VTM)	197,140
Existing VMC/VTM Ratio	2.00
Recommended VMC/VTM Ratio	1.50

Source: Existing VMC and VTM 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 (VTM) 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/ 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
Total Trips	177,197,605,958	20,336,907,557	8.71

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
Total							700,171

* 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
Ratio of Actual to Expected VMT	0.282

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* 3rd 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/VTM Ratio					1.50
Cost per VMT					\$510

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/VTM 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		\$17

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
Net Cost per VMT	\$493

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/ Unit	Net Cost/ VMT	Net Cost/ 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.

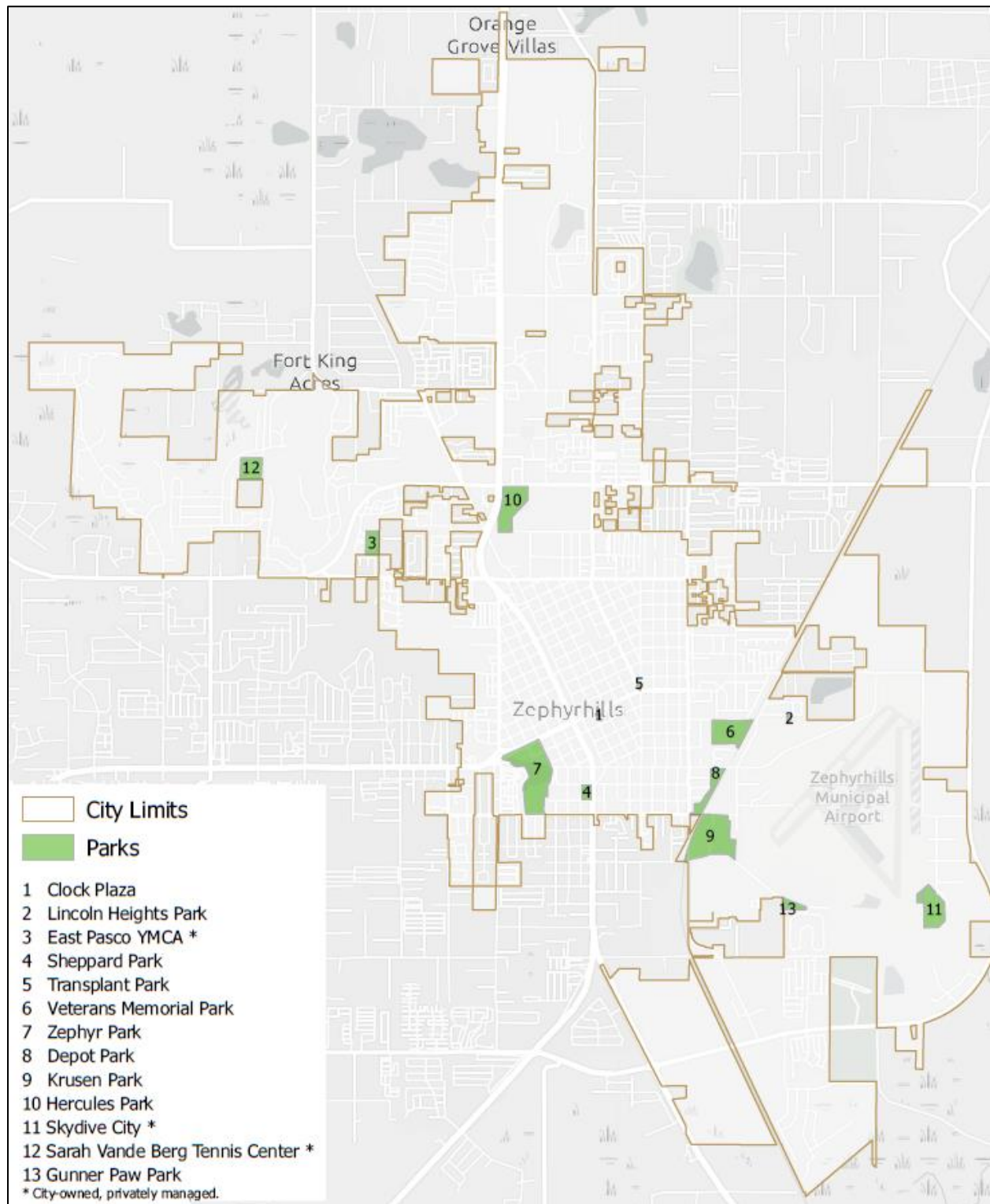
In order to determine the existing level of service, it is necessary to estimate the total number of service units in the city. The total EDUs are developed by multiplying the number of existing dwelling units of each housing type by the appropriate EDUs per unit, and summing the results for all housing 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					\$880

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 Unit	Net Cost/ EDU	Net Cost/ 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.

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 (sq. ft./ac.)	Unit Cost	Replacement 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				\$5,615,058

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		\$2,750,768

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	\$514

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./ Unit	Net Cost/ Func. Pop.	Net Cost/ 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.

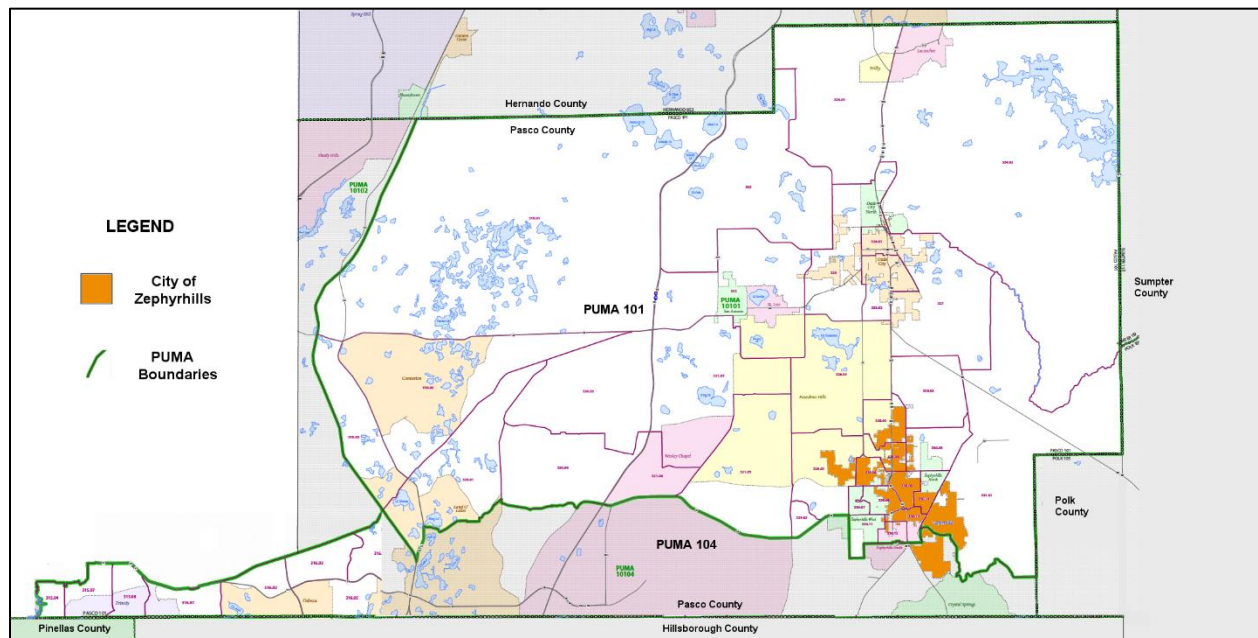
APPENDIX B: RESIDENTIAL OCCUPANCY

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.

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. per Day	At 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	–
Total Waking Hours	15.29	6.89	8.40
Percent of Time	100%	45%	55%

* 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 HH Size	% of Waking Hours at Home	Func. Pop. 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

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

Where:

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

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

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

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

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.

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).²
 - (b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.³
- (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.

² 191.009(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. ...

³ 163.3164(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.

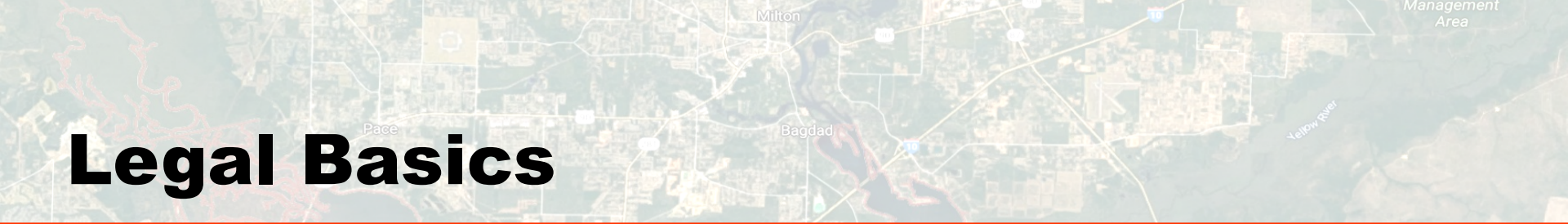


Impact Fee Study for Roads, Parks, and Public Safety

City of Zephyrhills, Florida
Public Hearing

July 8, 2024





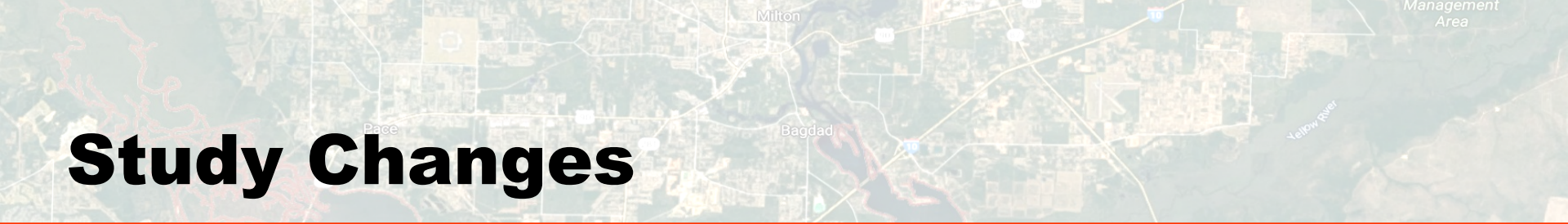
Legal Basics

- 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



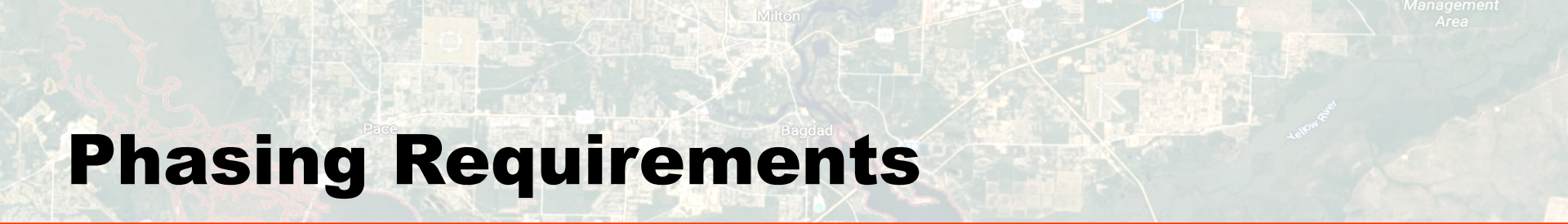
Study Changes

■ 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

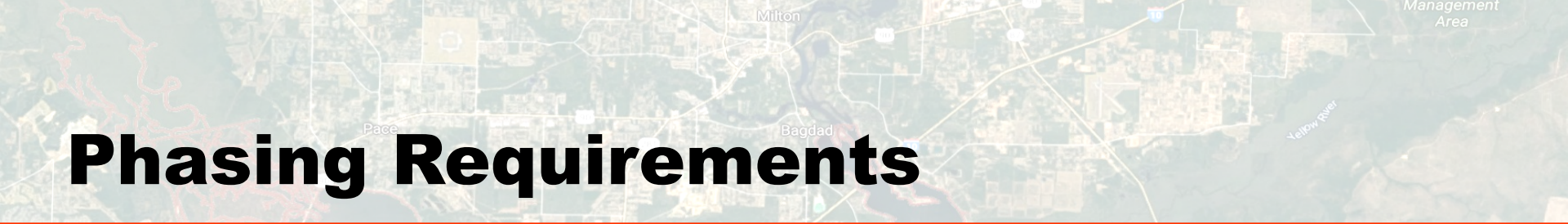
- ❑ Simplification of transportation land uses
- ❑ Park land uses basically unchanged
- ❑ Expansion of public safety categories to mirror transportation



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
Updated Fees					
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
Percent Change					
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 Current Fees	Phased 4-Yr Avg Revenue	No 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 Current Fees	4th Yr. of Phase-in	No 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
Pasco County (Transportation Fees in Suburban Unincorporated Area)							
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
Dade City							
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
Plant City							
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
Zephyrhills (proposed)							
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 Land Use	Proposed Fee Land Use	Current Fee	Proposed Fee	Fee Change	% 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%

BUSINESS ITEMS/PUBLIC HEARING 3.3

Providence Village Annexation

First Reading **ORDINANCE NO. 1482-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS 37518 GEIGER ROAD, ZEPHYRHILLS, FL 33542 ZEPHYRHILLS, FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1482-24 on the First Reading

Issue:

A petition for annexation for 3 acres (MOL) located on the south side of Geiger Rd.

Background:

Staff report with data and analysis is attached. The ordinance with conditions and the latest email from Pasco County regarding the status of Geiger Rd improvements is also attached.

Attachment(s):

1. 31026722v2 - Ordinance 1482-24 Providence Village Annexation (Voluntary)
2. Providence Village Staff Report
3. Providence Village Power Point
4. 14th Ave Sketch (1)
5. 14th Ave 2nd Sketch
6. email for Geiger Rd

Fiscal Impact:

Staff Recommendation:

Staff and Planning Commission recommended approval of the petition for annexation ordinance with conditions.

ORDINANCE NO. 1482-24

**AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA
ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED
WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS
37518 GEIGER ROAD, ZEPHYRHILLS, FL 33542, IN
ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES,
AS AMENDED.**

WHEREAS, Providence Village, LLC, owner of the lands hereinafter described in Section 1 below, and have requested and consented through a Petition for Annexation for approximately 3.00 acres of property (MOL) described in Section 1 below to be annexed into the boundaries of the City of Zephyrhills; and

WHEREAS, the City Council has determined that said property is contiguous to the municipal boundaries of the City, that the area of annexation is reasonably compact, and currently lies within unincorporated Pasco County, and that the annexation of said property will not result in the creation of any enclave; and

WHEREAS, the City is authorized by Section 171.044, Florida Statutes, to annex contiguous and infill areas, and to extend the City limits upon receipt of written consent of the landowner together with the approval of the City Council after published notice and public hearings; and

WHEREAS, the City Council finds that the Ordinance number, heading, brief description of the area to be annexed and a map depicting where the lands are to be annexed are located was properly published and advertised as request by Florida Statutes; and

WHEREAS, all other procedural and notice requirements mandated by Florida Statutes and the City's Land Development Code has been followed and satisfied; and

WHEREAS, the City Council has reviewed and evaluated the Petition submitted and has determined that all owners of said lands have signed the Petition and that the annexation of said lands into the City is in the public interest and is consistent with the City's Comprehensive Plan and Land Development Code.

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.

The City of Zephyrhills, Florida, is authorized by the legislature of the State of Florida, pursuant to Section 171.044, Florida Statutes, and pursuant to the Charter of the City of Zephyrhills, to annex contiguous or infill areas and to extend the City limits or territorial boundaries upon receipt of written consent of all owners of land contained in the area to be annexed, together with the approval of the City Council of the City of Zephyrhills, of said annexation duly expressed by Ordinance.

Section 3. Annexation.

The following described lands, lying and being situated in Pasco County, to wit:

Parcel/Tax I.D. Number: 10-26-21-0000-00400-0000

Physical Address: 37518 Geiger Road, Zephyrhills, FL 33542.

Legal Description: The West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 26 South, Range 21 East, Pasco County, Florida. LESS the West 120 feet thereof, the North 25 feet thereof, and the East 90 feet of the North 150 feet thereof.

Acreage: 3.00 Acres, more or less.

It is the intention of the City Council of the City of Zephyrhills, Florida to annex the above-described lands to said City within its territorial limits and the boundary lines of said City are hereby redefined and extended so as to include said area of lands within its territorial limits upon the final passage of this Ordinance, subject to the following conditions:

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 prior to the issuance of any CO, (as determined by the City), that Pasco County commits to make significant roadway improvements to Geiger 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. The owner will enter into a Developer's Agreement with the City prior to Site Plan Approval to construct a trail from the Cottages of Silver Oaks project, east to Massey Road or contribute to the sidewalk mitigation fund in an amount equal to the cost of construction of said trail. If the right of way is not sufficient, as determined by the City, to construct the proposed trail or a portion thereof, a sidewalk may be constructed in lieu of a trail for that portion or portions of the proposed trail.
4. At the Site Development Plan review stage, the owner, owner's arborist, and Staff shall walk the property and identify trees to be saved (with the aid of a completed arborist report). Pursuant to Section 7.06.04 Tree Removal Guidelines, of the City of Zephyrhills Land Development Code, a maximum of 50% of trees shall be allowed to be removed.

Section 4. Prerequisites Satisfied.

Said lands are contiguous to or is infill of the present City limits of the City of Zephyrhills. That said lands are now unincorporated and lie in the same County as said City, and when annexed would form a compact addition to the incorporated territory of said City. That the owners of said lands contained in the said area to be annexed have given written consent to have such annexation for said area.

Section 5. Effective Date.

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1482-24 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 22nd day of July 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
Council President

The foregoing Ordinance No. 1482-24 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 8th day of August 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
Council President

The foregoing Ordinance No: 1482-24 was approved by me this 8th day of August 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

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

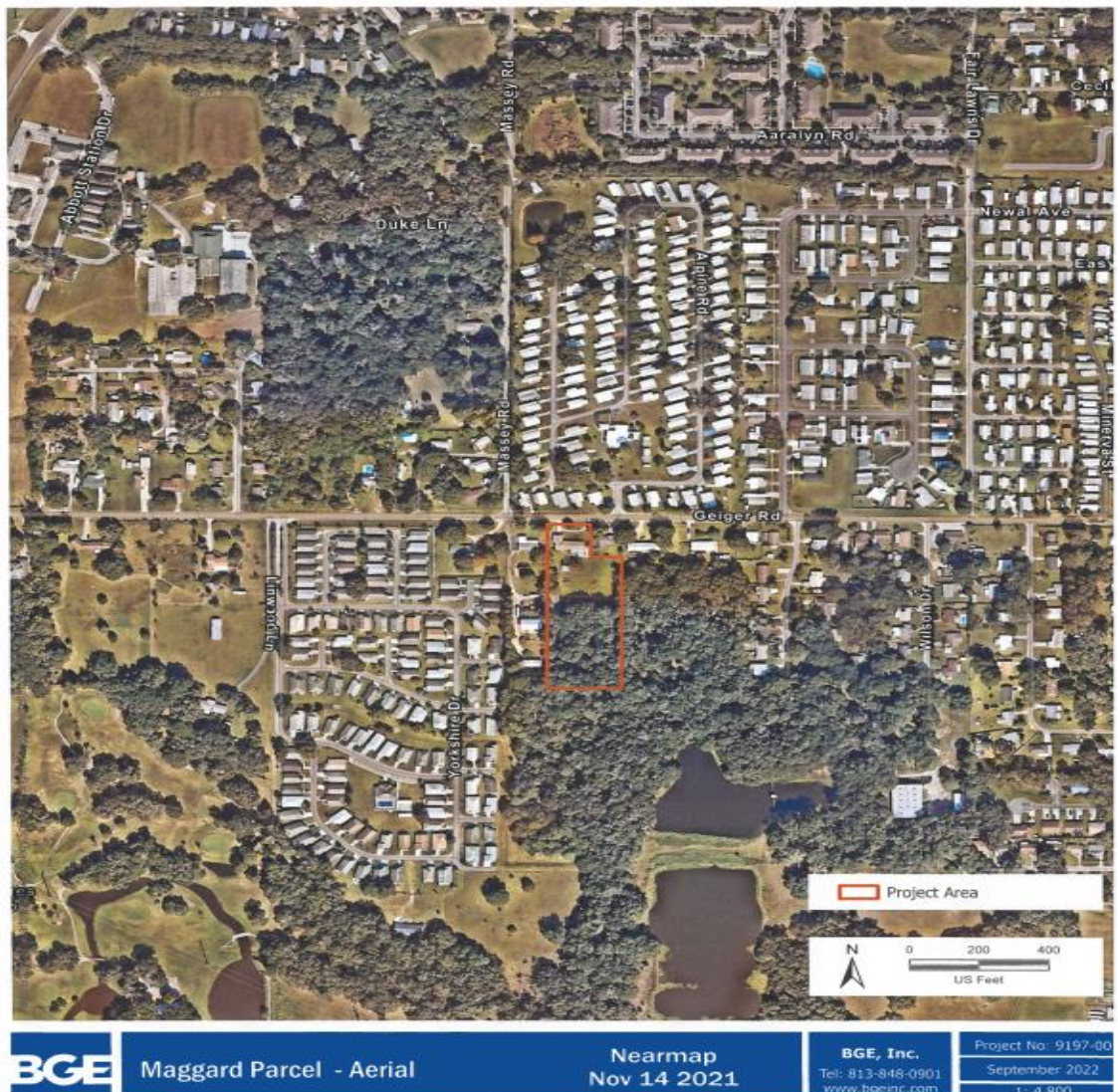


Figure 1 – Location Map

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.¹



Figure 2 – Aerial Map

Courtesy of BGE, Inc.

¹ '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 comments²; 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.

² According to Jeffrey R. Jenkins, MPA, AICP in a letter dated February 8th, 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.

- 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 Analysis³

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.

³ 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. ⁴ 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. ⁵
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. ⁶

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

⁴ Email received June 19, 2023 from Utilities Director John Bostic.

⁵ Email received June 19, 2023 from Utilities Director John Bostic.

⁶ 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:

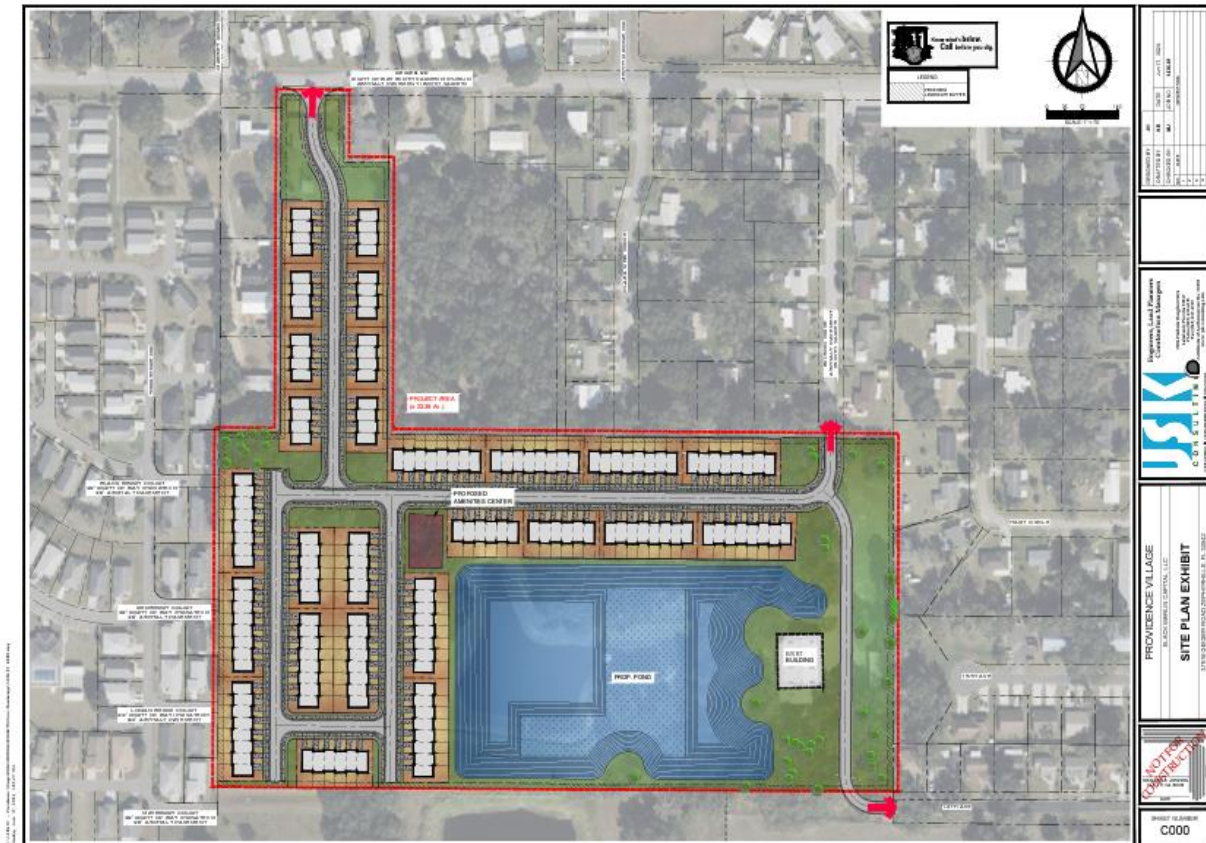


Figure 7 – Proposed Site Plan (illustrative purposes only)

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.



Maggard Parcel - Existing Future Land Use

BGE, Inc.
Tel. 813-848-0501
www.bgeinc.com

Project No. 9197-00
September 2023
Scale: 1"=2,400'

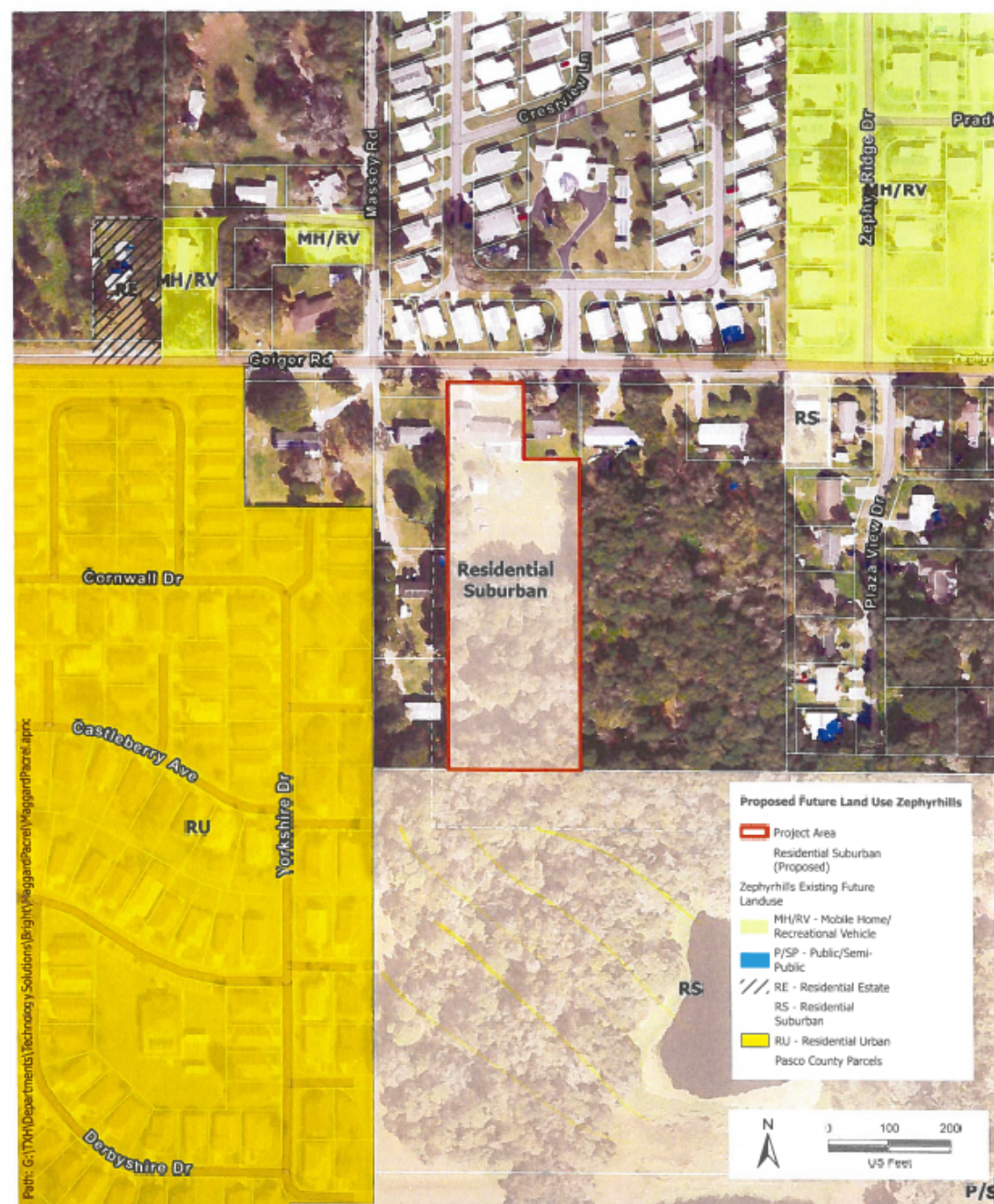


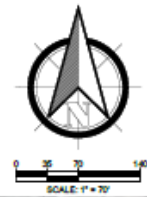
BGE, Inc.

Project No: 9197-00

September 2022

Scale: 1:3,600





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DATE	DATE	
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PROVIDENCE VILLAGE
BLACK MARLIN CAPITAL, LLC

SITE PLAN EXHIBIT

37518 GEIGER ROAD ZEPHYRHILLS, FL 33542

THIS DRAWING HAS BEEN DISCLOSED AND
REPRODUCED UNLAWFULLY BY
JOHNSON, P.E. ON 05/24/2016
HEREBY VIOLATING THE PENALTY
LAWS OF THE STATE OF TEXAS
ARTICLE 11, SECTION 17, PENAL CODE, TEXAS
UNLAWFULLY REPRODUCED
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BY JOHNSON, P.E.
AT 1:00 PM
DATE

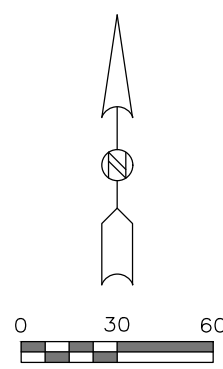
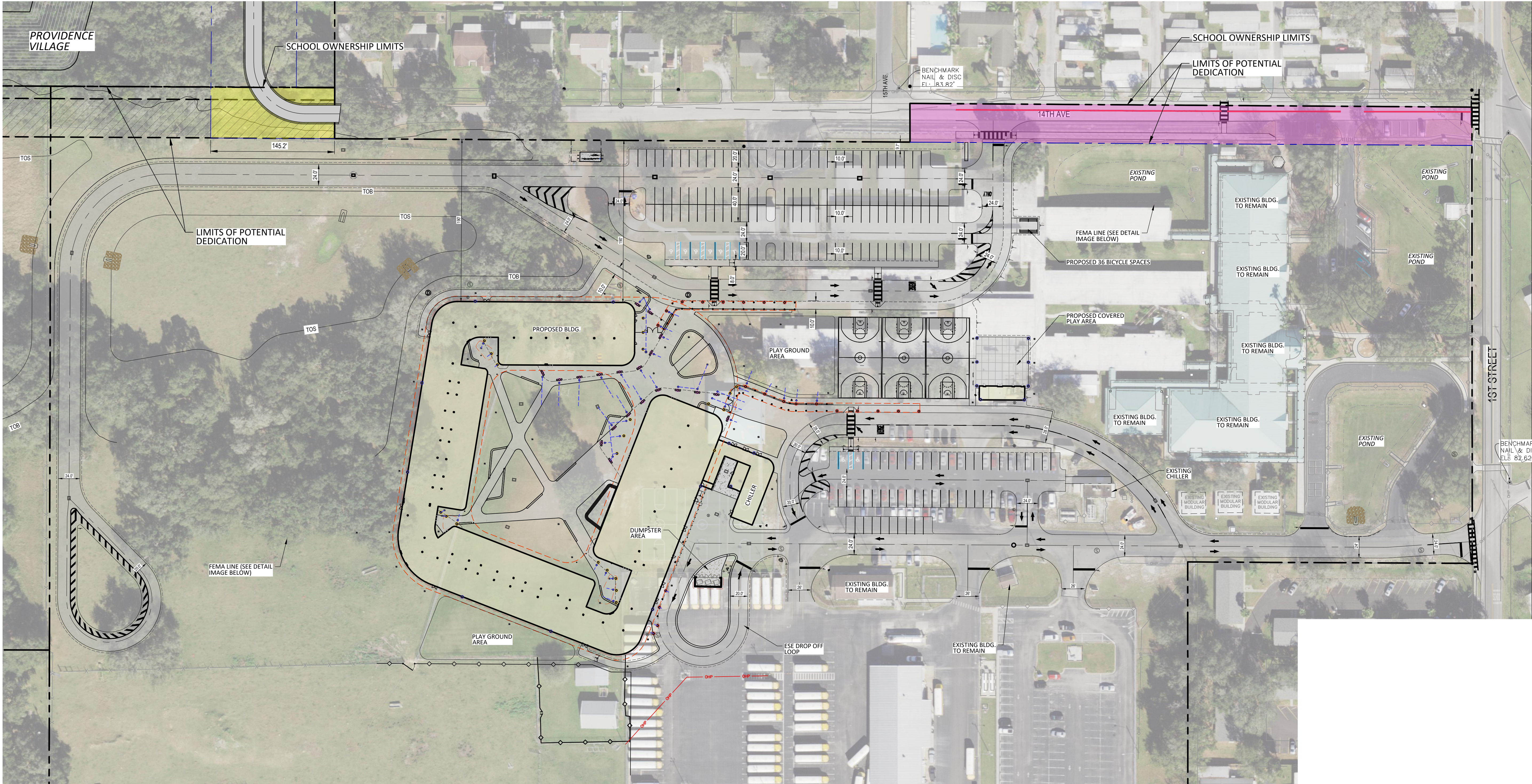
NOT FOR
CONSTRUCTION

MATTHEW A. JOHNSON
P.E. No. 80732

DATE

SHEET NUMBER
C000 Page

PH1102020pas20207 W Zephyrhills ES040607 2024 C4020207 CLX EXHIBIT Planning - Jan 07, 2024 @ 2:28pm - 1/04/24



WEST ZEPHYRHILLS ELEMENTARY SCHOOL

PASCO COUNTY SCHOOLS

37900 14TH AVE., ZEPHYRHILLS, FL 33542

Project number
2326

DISTRIBUTION

DATE	MILESTONE
02/20/24	ERP No. 2
03/28/24	REV 01
04/19/24	SWFWMD Comments
05/01/24	100% CDs

PRELIMINARY SITE
PLAN

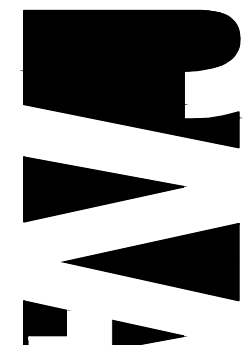
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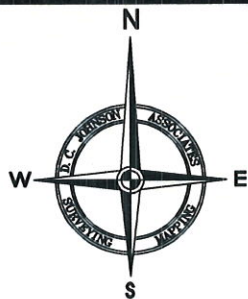


PLANNING ENGINEERING
CONSTRUCTION ADMIN.
NEW PORT RICHEY
FLORIDA 34854
FOX 727-849-8020
CA# 00009572

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Wannemacher Jensen
Architects, Inc.
132 Mirror Lake Drive N, Unit 301
St Petersburg, Florida 33701-3214
(727) 822-5566
www.wjarc.com
AF94244
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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)

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

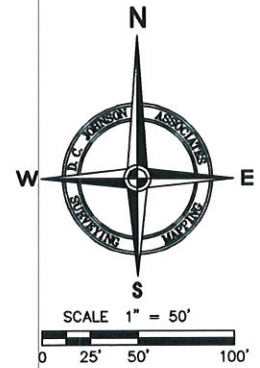
Florida Licensed Business No. LB 4514
11911 S. Curley St. San Antonio, FL 33576
(352) 588-2768 survey@dcjohnson.com
www.dccjohnson.com

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 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.

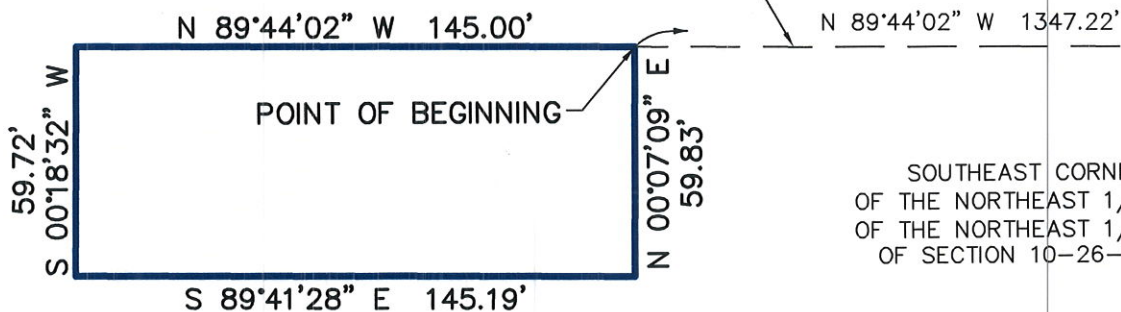
Containing 0.20 acres, more or less.



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
Florida Licensed Surveyor
License Number: 3653
Date: 07/2024
For D.C. Johnson & Associates, Inc.
Not valid without the signature of Daniel C. Johnson, 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

FW: Geiger Rd

Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>

Tue 7/16/2024 11:48 AM

To: Carlos Maldonado <CMaldonado@ci.zephyrhills.fl.us>

See email


Todd Vandenberg
Planning Director

City of Zephyrhills

5335 8th Street

Zephyrhills, FL, 33542

PH: 813-780-0000 Ext. 3505

FAX: 813-780-0005

ci.zephyrhills.fl.us

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From: Christopher Hanning <channing@pascocountyfl.net>

Sent: Friday, July 12, 2024 4:08 PM

To: Tina Russo <trusso@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>

Cc: Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>

Subject: RE: Geiger Rd
EXTERNAL EMAIL

Todd,

The information I shared with Tina yesterday is about as up-to-date as I have.

We plan on installing the safety edge with our rehab project. The only thing I really cannot tell you is exactly when the road will be rehabbed. The new Pasco County MSTU was just passed by the BCC, but the exact millage rate has not yet been determined and probably won't be until September and this may affect the timing of the project.

However, our (Public Works) plan is to tackle our Major roads, including Geiger, as soon as we get funding and the "ok" to proceed, which would probably be around mid to late October. We hope to have the Majors completed by the end of the calendar year, but there are a lot of variables in play. I will do my best to keep you and the rest of the team informed as we get closer to our new fiscal year and scheduling becomes more solid.

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>

Sent: Friday, July 12, 2024 3:55 PM

To: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Christopher Hanning <channing@pascocountyfl.net>

Cc: Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>

Subject: FW: Geiger Rd

Todd,

This came from Christopher this past week, hope this helps.

Pasco MPO is currently working on some ROW survey for Geiger and Wire Road for the next step needed to move forward with sidewalk projects.

Just a reminder the ROW survey is more about feasibility of the sidewalk and location.

Geiger will need other counter measures before the sidewalk and soon as possible after the paving. Example, stripping and signage.

Great news on the safety edge being added, so exciting and grateful for Public Works supporting this project!

Tina

From: Christopher Hanning <channing@pascocountyfl.net>

Sent: Wednesday, July 10, 2024 11:19 AM

To: Tina Russo <trusso@pascocountyfl.net>

Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>

Subject: RE: Geiger Rd

Good morning Tina,

Please pardon the delay in communicating with you and your team. And thank you for "poking" me to make sure I'm still around... 😊

I was finally able to speak with my Engineering Manager to discuss reaching out to FDOT for possible safety money for use of the safety edge. After giving him the added cost of asphalt for the safety edge and the additional width for the road base, we decided that Public Works will fund the paving of Geiger Road with the safety edge through our paving program. We feel the very low additional cost for this enhancement is not worth the additional effort, time, and paperwork that would be necessary for FDOT.

As I stated earlier, we have the "verbal" from our paving contractor to use the safety edge (they have the necessary attachment), we just haven't gotten anything in writing yet. I feel confident that this will not be an issue, but just wanted to make you aware. As soon as we get written confirmation and our funding in place for FY25, then we can get Geiger Road scheduled!

Thank you,

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>

Sent: Tuesday, July 9, 2024 2:09 PM

To: Christopher Hanning <channing@pascocountyfl.net>

Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>

Subject: FW: Geiger Rd

Chris,

How are we doing with the Geiger Rd, reclamation and safety edge. MPO is working with traffic operations and the city on several safety measures for this road. The road reclamation and safety edge is the first priority. Can you provide an update please, thanks.

From: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>

Sent: Tuesday, July 9, 2024 1:49 PM

To: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>

Cc: William Poe <WPoe@ci.zephyrhills.fl.us>; mmaggard@shumaker.com; Rodney Corriveau, AICP <RCorriveau@ci.zephyrhills.fl.us>

Subject: Geiger Rd

Good afternoon, Tania and Tina. Last night at our City Council meeting the Planning Department presented reports on two development projects on Geiger Rd. I informed the Council that our latest communication with the County indicated a goal of trying to get started with construction of Geiger Rd at the beginning of next year. The Council has agreed to proceed with the ordinances on these two projects and upcoming two public hearings, but asked if I

would reach out and see if there is a way to formalize / confirm that the project and timetable is confirmed / budgeted. Thanks,



Todd Vandeberg
Planning Director

City of Zephyrhills
5335 8th Street
Zephyrhills, FL, 33542
PH: 813-780-0000 Ext. 3505
FAX: 813-780-0005
ci.zephyrhills.fl.us



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CUSA18A7

BUSINESS ITEMS/PUBLIC HEARING 3.4

Providence Village Future Land Use Map Amendment and Rezoning

First Reading **ORDINANCE NO. 1483-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE MAP CHANGING FROM RES-9 (PASCO COUNTY) TO RS (RESIDENTIAL SUBURBAN) AND COUNTY R-3 (PASCO COUNTY) TO CITY R-3 (MEDIUM DENSITY RESIDENTIAL) DESCRIBED AS 37518 GEIGER ROAD, ZEPHYRHILLS, FL 33542, IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1483-24 on the First Reading

Issue:

A petition for future land use map amendment and rezoning for 3 acres (MOL) located on the south side of Geiger Rd. The proposed future land use is RS (Residential Suburban) and the proposed zoning is R-3 (Medium density residential).

Background:

Staff report with data and analysis is attached.

Attachment(s):

1. 31026723v2 - Ordinance 1483-24 Providence Village Rezoning and FLUMA Small-Scale
2. Providence Village Staff Report
3. Providence Village Power Point
4. 14th Ave Sketch (1)
5. 14th Ave 2nd Sketch
6. email for Geiger Rd

Fiscal Impact:

Staff Recommendation:

Staff and Planning Commission recommend approval.

ORDINANCE NO. 1483-24

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE MAP CHANGING FROM PASCO COUNTY RES-9 TO RS (RESIDENTIAL SUBURBAN) AND THE ZONING DESIGNATION FROM PASCO COUNTY R-4 TO CITY R-3 (MEDIUM DENSITY RESIDENTIAL) DESCRIBED AS 37518 GEIGER ROAD, ZEPHYRHILLS, FL 33542, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapter 163 and 166, Florida Statutes, to rezone property within the City Limits upon receipt of written consent of the landowner, together with the approval of the City Council of said rezoning duly expressed by Ordinance; and

WHEREAS, due public notice of hearing on the proposed rezoning was given by the City Council, as required by the Zephyrhills Land Development Code, as amended, and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the City Council has determined that the proposed amendment meets the criteria for a Small-Scale Comprehensive Plan Amendment pursuant to Section 163.3184, Florida Statutes, and the Zephyrhills Comprehensive Plan; and

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapter 163, Florida Statutes, to amend the Future Land Use Map of the City's territorial boundaries upon receipt of written consent of the landowners, together with the approval of the City Council of said Future Land Use Map amendment duly expressed by Ordinance; and

WHEREAS, the City has complied with all requirements and procedures of Florida law in processing this amendment to the City of Zephyrhills Comprehensive Plan including, but not limited to, §163.3184, Florida Statutes; and

WHEREAS, the Zephyrhills Planning Commission, on June 18, 2024, held a public meeting on the proposed amendment to the Comprehensive Plan with due public notice, pursuant to §163.3174, Florida Statutes, and recommended approval to the City Council; and

WHEREAS, the proposed Future Land Use Map amendment meets the criteria of a small-scale Future Land Use Map amendment and is consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council has determined that R-3 (Medium Density Residential) zoning designation classification would be appropriate, would promote the general welfare, and would encourage proper development within the City; and

WHEREAS, the City Council has determined that the RS (Residential Suburban) future land use map classification would be appropriate, would promote the general welfare of the City, and would encourage proper development within the City; and

WHEREAS, the City Council desires to hereby formally adopt the Amendment to the City's Comprehensive Plan changing the zoning designation classification and the Future Land Use Map amendment for the subject property.

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 and 166, Florida Statutes, and under the home rule powers of the City.

Section 3. Rezoning and Future Land Use Map Amendment.

The following described lands, lying and being situated in Pasco County and being annex into the boundaries of the City of Zephyrhills, Florida by Ordinance No.: 1485-, to wit:

Parcel/Tax I.D. Number: 10-26-21-0000-00400-0000

Physical Address: 37518 Geiger Road, Zephyrhills, FL 33542.

Legal Description: The West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 26 South, Range 21 East, Pasco County, Florida. LESS the West 120 feet thereof, the North 25 feet thereof, and the East 90 feet of the North 150 feet thereof.

Acreage: 3.00 Acres, MORE OR LESS.

shall now have a zoning designation of R-3 (Medium Density Residential) and the future land use map classification is hereby amended to RS (Residential Suburban).

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Conflict Severability.

That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date.

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1483-24 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 22nd day of July 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
Council President

The foregoing Ordinance No. 1483-24 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 8th day of August 2024.

Attest: _____
Lori L. Hillman, City Clerk, MMC

Kenneth M. Burgess, Jr.
Council President

The foregoing Ordinance No: 1483-24 was approved by me this 8th day of August 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

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

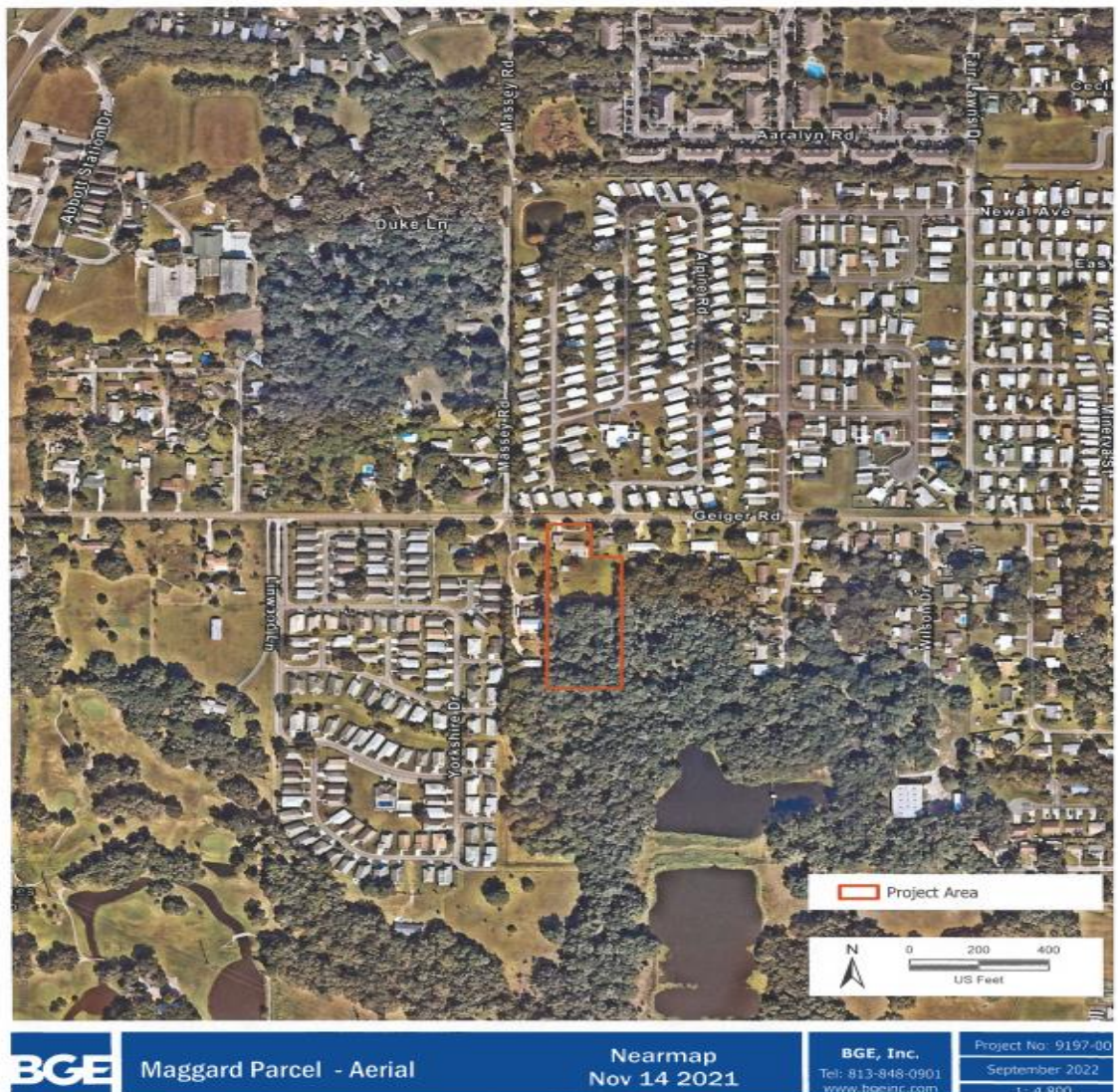


Figure 1 – Location Map

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.¹



Figure 2 – Aerial Map

Courtesy of BGE, Inc.

¹ '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 comments²; 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.

² According to Jeffrey R. Jenkins, MPA, AICP in a letter dated February 8th, 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.

- 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 Analysis³

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.

³ 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. ⁴ 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. ⁵
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. ⁶

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

⁴ Email received June 19, 2023 from Utilities Director John Bostic.

⁵ Email received June 19, 2023 from Utilities Director John Bostic.

⁶ 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:

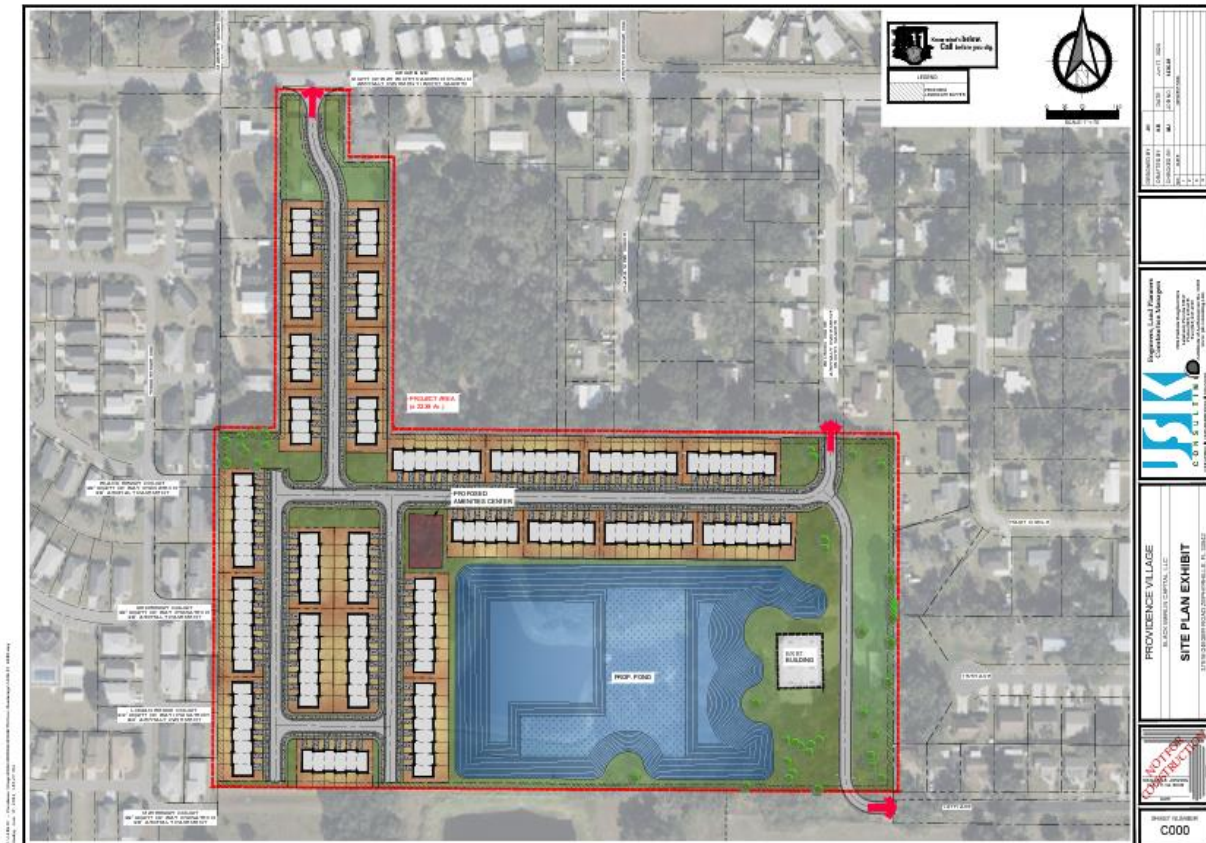


Figure 7 – Proposed Site Plan (illustrative purposes only)

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.



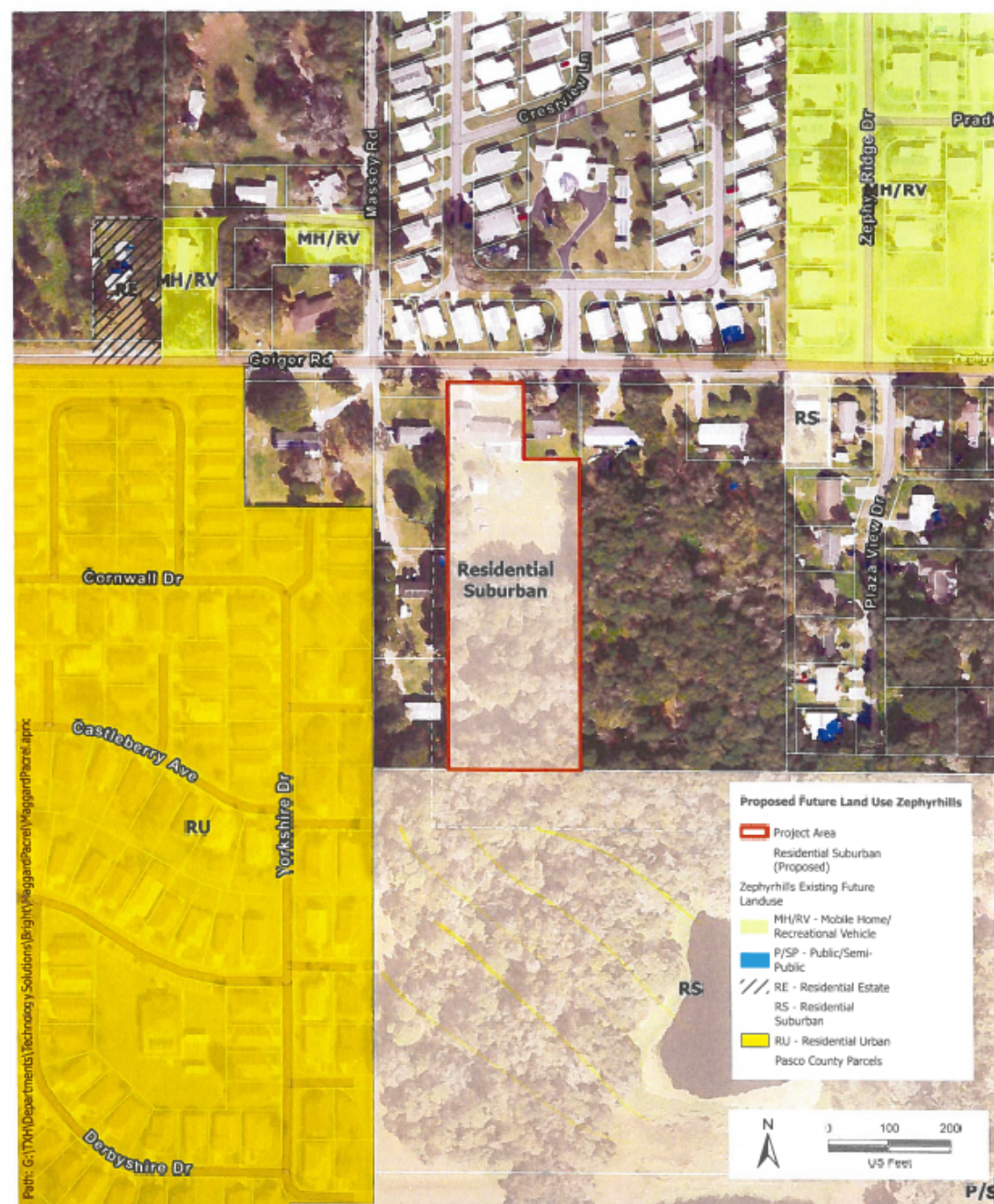


BGE, Inc.

Project No: 9197-00

September 2022

Scale: 1:3,600





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 402.027, 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

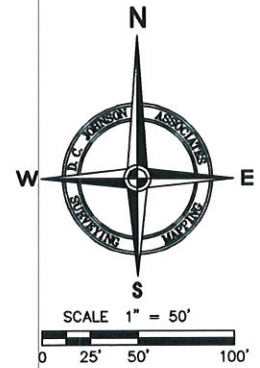
Florida Licensed Business No. LB 4514
11911 S. Curley St. San Antonio, FL 33576
(352) 588-2768 survey@dcjohnson.com
www.dccjohnson.com

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 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.

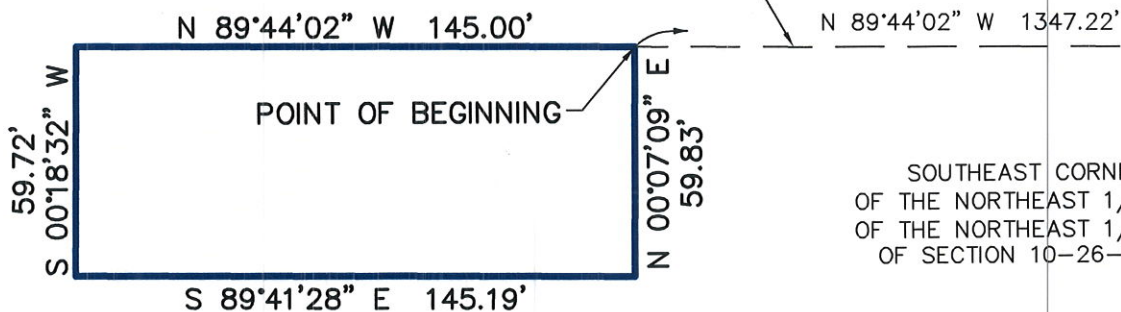
Containing 0.20 acres, more or less.



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
Florida Licensed Surveyor
License Number: 3653
Date: 07/2024
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

FW: Geiger Rd

Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>

Tue 7/16/2024 11:48 AM

To: Carlos Maldonado <CMaldonado@ci.zephyrhills.fl.us>

See email

**Todd Vandenberg**
Planning Director

City of Zephyrhills

5335 8th Street

Zephyrhills, FL, 33542

PH: 813-780-0000 Ext. 3505

FAX: 813-780-0005

ci.zephyrhills.fl.us

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From: Christopher Hanning <channing@pascocountyfl.net>**Sent:** Friday, July 12, 2024 4:08 PM**To:** Tina Russo <trusso@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>**Cc:** Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>**Subject:** RE: Geiger Rd**EXTERNAL EMAIL**

Todd,

The information I shared with Tina yesterday is about as up-to-date as I have.

We plan on installing the safety edge with our rehab project. The only thing I really cannot tell you is exactly when the road will be rehabbed. The new Pasco County MSTU was just passed by the BCC, but the exact millage rate has not yet been determined and probably won't be until September and this may affect the timing of the project.

However, our (Public Works) plan is to tackle our Major roads, including Geiger, as soon as we get funding and the "ok" to proceed, which would probably be around mid to late October. We hope to have the Majors completed by the end of the calendar year, but there are a lot of variables in play. I will do my best to keep you and the rest of the team informed as we get closer to our new fiscal year and scheduling becomes more solid.

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>**Sent:** Friday, July 12, 2024 3:55 PM**To:** Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Christopher Hanning <channing@pascocountyfl.net>**Cc:** Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>**Subject:** FW: Geiger Rd

Todd,

This came from Christopher this past week, hope this helps.

Pasco MPO is currently working on some ROW survey for Geiger and Wire Road for the next step needed to move forward with sidewalk projects.

Just a reminder the ROW survey is more about feasibility of the sidewalk and location.

Geiger will need other counter measures before the sidewalk and soon as possible after the paving. Example, stripping and signage.

Great news on the safety edge being added, so exciting and grateful for Public Works supporting this project!

Tina

From: Christopher Hanning <channing@pascocountyfl.net>

Sent: Wednesday, July 10, 2024 11:19 AM

To: Tina Russo <trusso@pascocountyfl.net>

Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>

Subject: RE: Geiger Rd

Good morning Tina,

Please pardon the delay in communicating with you and your team. And thank you for "poking" me to make sure I'm still around... 😊

I was finally able to speak with my Engineering Manager to discuss reaching out to FDOT for possible safety money for use of the safety edge. After giving him the added cost of asphalt for the safety edge and the additional width for the road base, we decided that Public Works will fund the paving of Geiger Road with the safety edge through our paving program. We feel the very low additional cost for this enhancement is not worth the additional effort, time, and paperwork that would be necessary for FDOT.

As I stated earlier, we have the "verbal" from our paving contractor to use the safety edge (they have the necessary attachment), we just haven't gotten anything in writing yet. I feel confident that this will not be an issue, but just wanted to make you aware. As soon as we get written confirmation and our funding in place for FY25, then we can get Geiger Road scheduled!

Thank you,

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>

Sent: Tuesday, July 9, 2024 2:09 PM

To: Christopher Hanning <channing@pascocountyfl.net>

Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>

Subject: FW: Geiger Rd

Chris,

How are we doing with the Geiger Rd, reclamation and safety edge. MPO is working with traffic operations and the city on several safety measures for this road. The road reclamation and safety edge is the first priority. Can you provide an update please, thanks.

From: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>

Sent: Tuesday, July 9, 2024 1:49 PM

To: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>

Cc: William Poe <WPoe@ci.zephyrhills.fl.us>; mmaggard@shumaker.com; Rodney Corriveau, AICP <RCorriveau@ci.zephyrhills.fl.us>

Subject: Geiger Rd

Good afternoon, Tania and Tina. Last night at our City Council meeting the Planning Department presented reports on two development projects on Geiger Rd. I informed the Council that our latest communication with the County indicated a goal of trying to get started with construction of Geiger Rd at the beginning of next year. The Council has agreed to proceed with the ordinances on these two projects and upcoming two public hearings, but asked if I

would reach out and see if there is a way to formalize / confirm that the project and timetable is confirmed / budgeted. Thanks,



Todd Vandeberg
Planning Director

City of Zephyrhills
5335 8th Street
Zephyrhills, FL, 33542
PH: 813-780-0000 Ext. 3505
FAX: 813-780-0005
ci.zephyrhills.fl.us



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CUSA18A7

BUSINESS ITEMS/PUBLIC HEARING 3.5

Medical Marijuana Treatment Centers Moratorium

Second 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."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1484-24 on the Second Reading

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 second 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 8th 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 22nd 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 22nd 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

MEMORANDUM

TO: Annexation of 4.155 acres (located off Geiger Road across from Wedgwood Manor), and an assignment of R-3 (Medium Density) zoning designation and future land use of RS (Residential Suburban) for a proposed approximately 30-31 unit single-family attached townhome community.

FROM: Staff is coordinating with the County for improvements to Geiger Road. *Please see analysis and policy review for further discussion on this and other important information.*

DATE: July 22, 2024

SUBJ: Black Marlin Annexation
First Reading **ORDINANCE NO. 1485-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS PARCEL NUMBER 03-26-21-0010-11700-0020 ZEPHYRHILLS FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."**
A. Council President opens the Public Hearing
B. Council President closes the Public Hearing
C. City Council considers Ordinance No. 1485-24 on the First Reading

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 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 22, 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

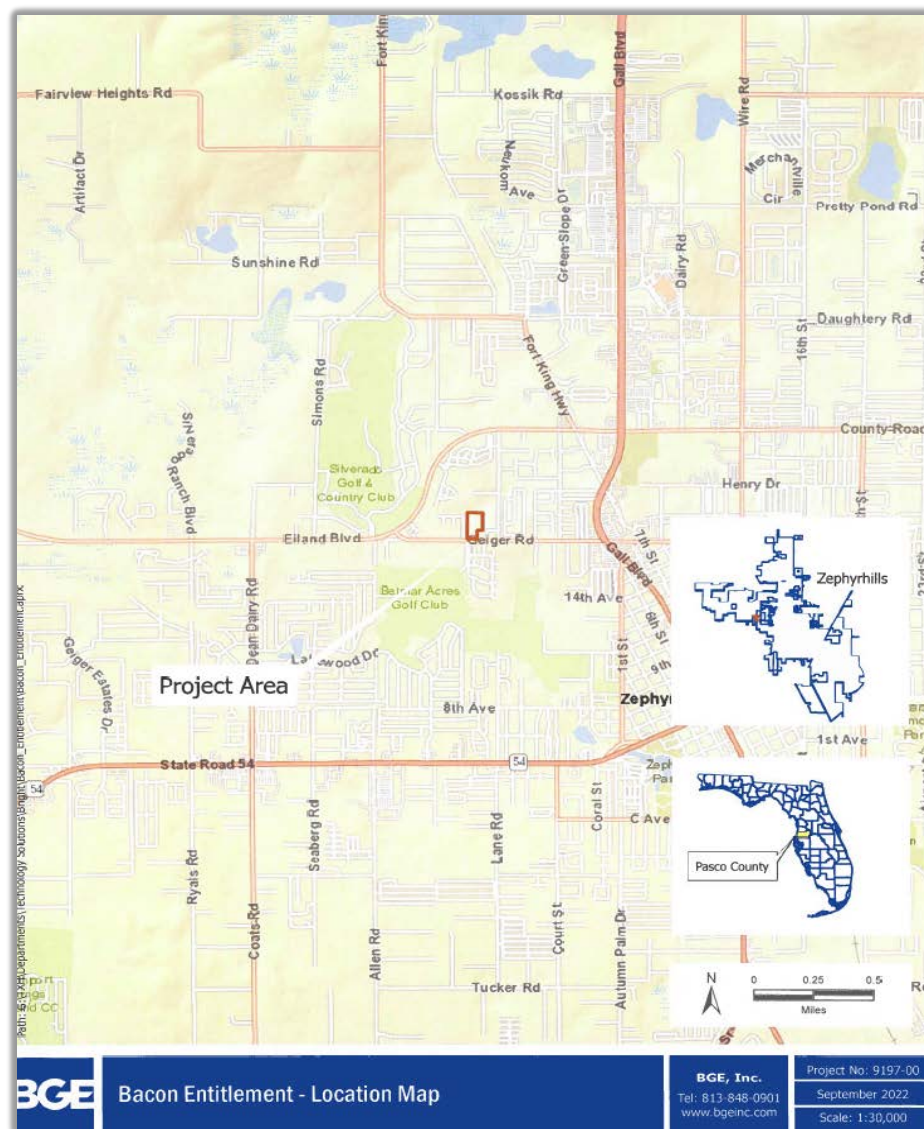


Figure 1 – Location Map

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.¹



Figure 2 – Aerial Map

Courtesy of BGE, Inc.

¹ '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 comments²; 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/coordinating 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>	Approximately 30-31

² According to Jeffrey R. Jenkins, MPA, AICP in a letter dated February 8th, 2023 to Todd Vandeberg.

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.

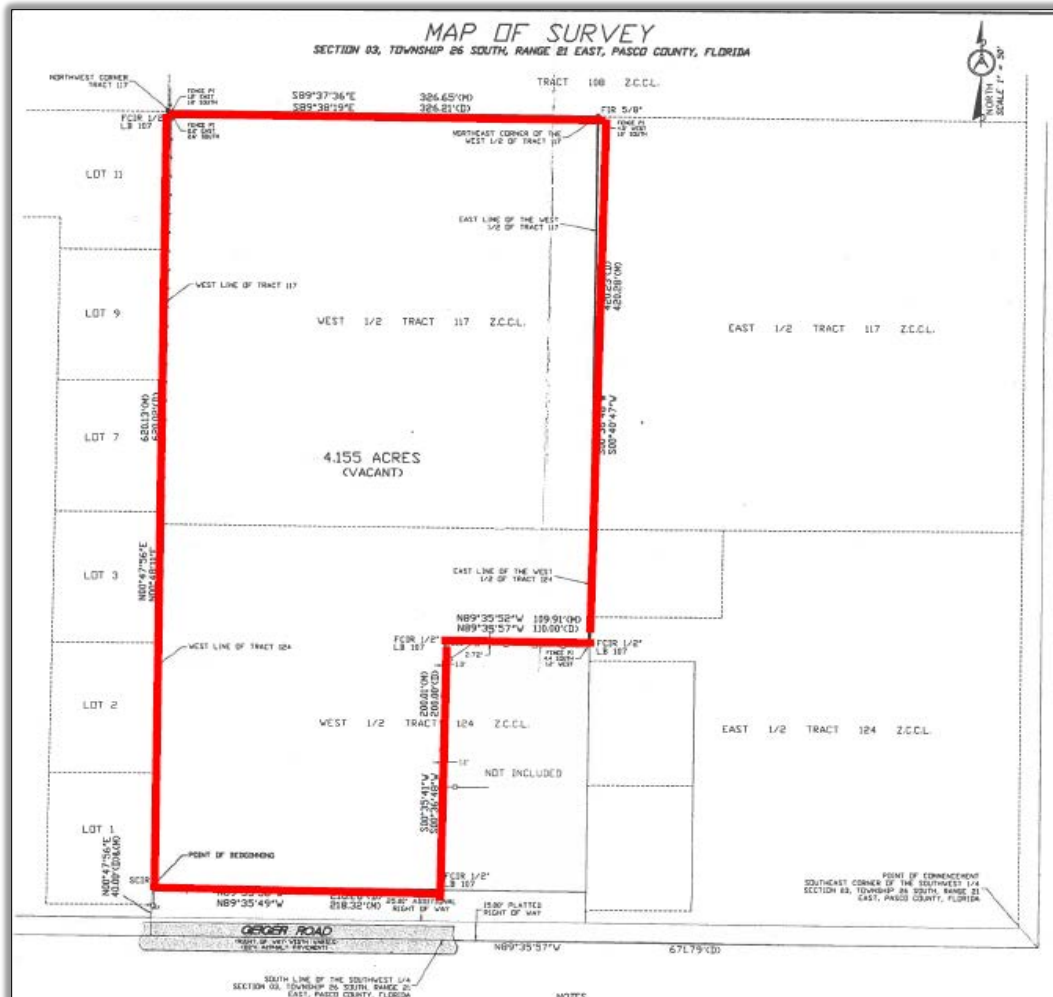


Figure 3 – Proposed Property Annexation Area Map

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 approximately 30-31 townhomes is generally just slightly higher than the existing development patterns in the area (around 6-7 DU per acre). 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 (**unit count is now approximately 30-31**) 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 Analysis³

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 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. ⁴ 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. ⁵
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. ⁶

⁴ Email received June 19, 2023 from Utilities Director John Bostic.

⁵ Email received June 19, 2023 from Utilities Director John Bostic.

⁶ 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 an approximately 30-31-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:

Residential Suburban- 2.5 to 7.5 units/gross acre; the project will contain a max. density of 7.5 dwelling units per acre. 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. The property is within the Basins of Special Concern.

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.

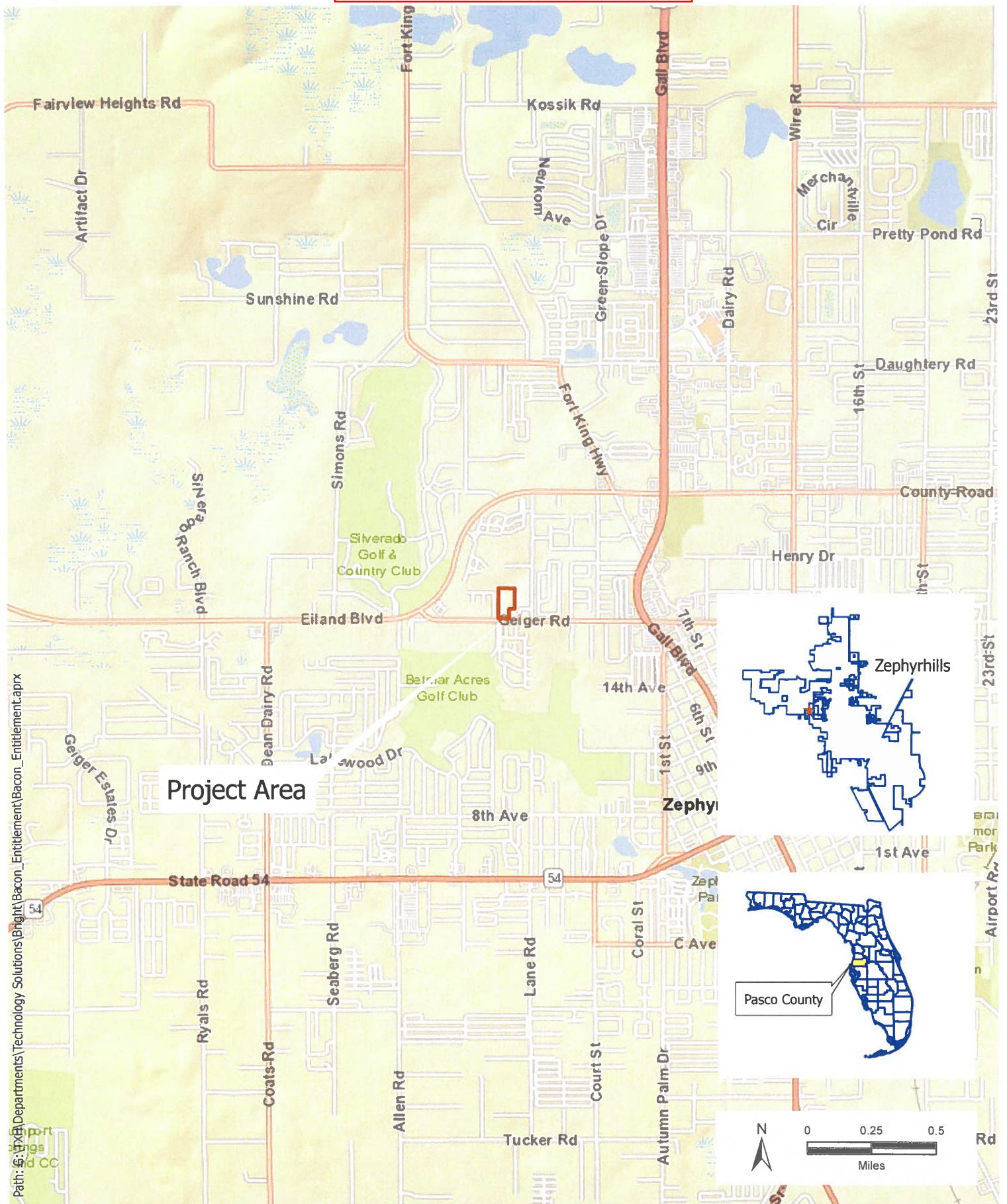
V. RECOMMENDATION

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. For conditions of approval, please see DRAFT Ordinance No. 1485-24.

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

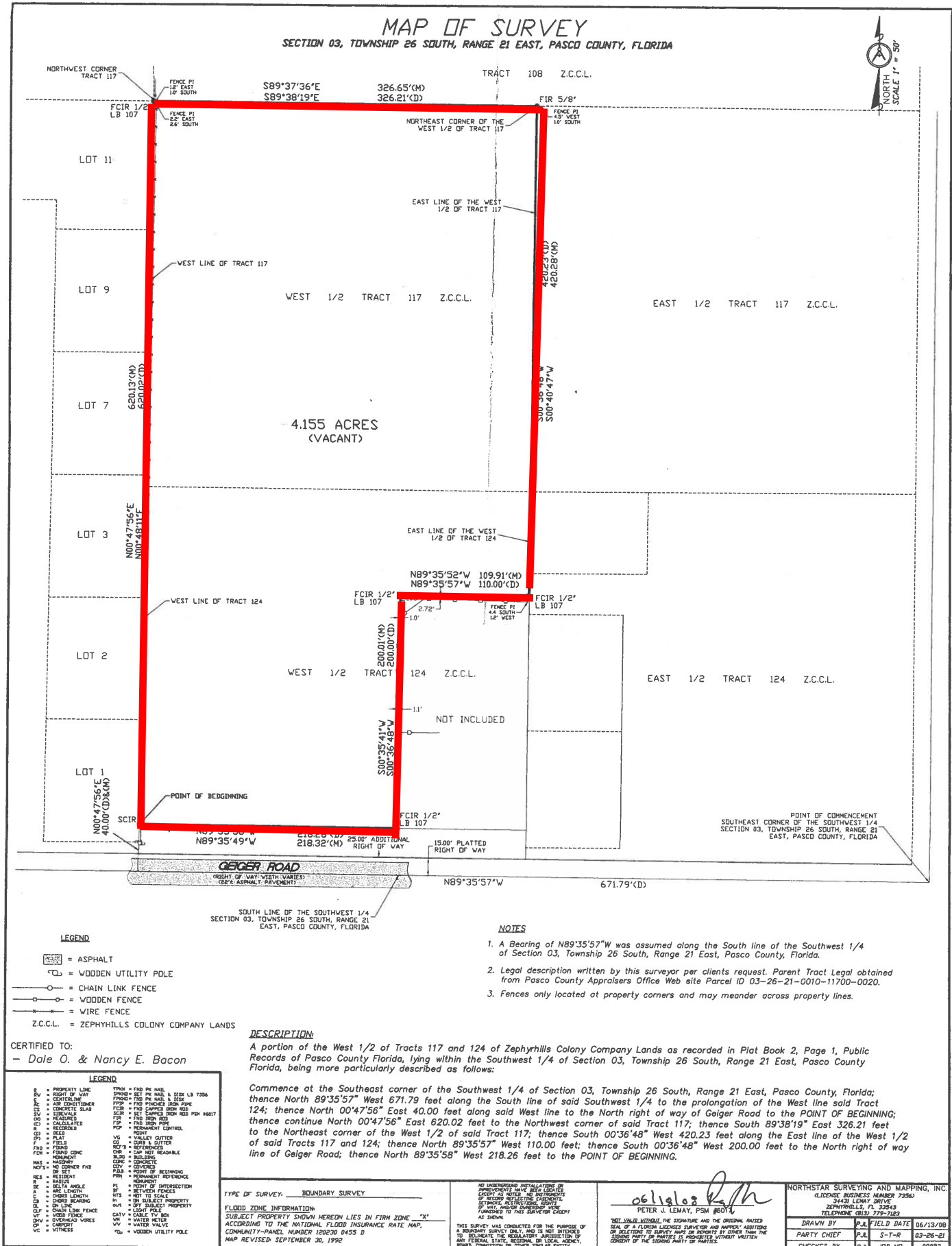


FIGURE FOUR - TRANSPORTATION MAP



FIGURE FIVE - PROPOSED FLU MAP

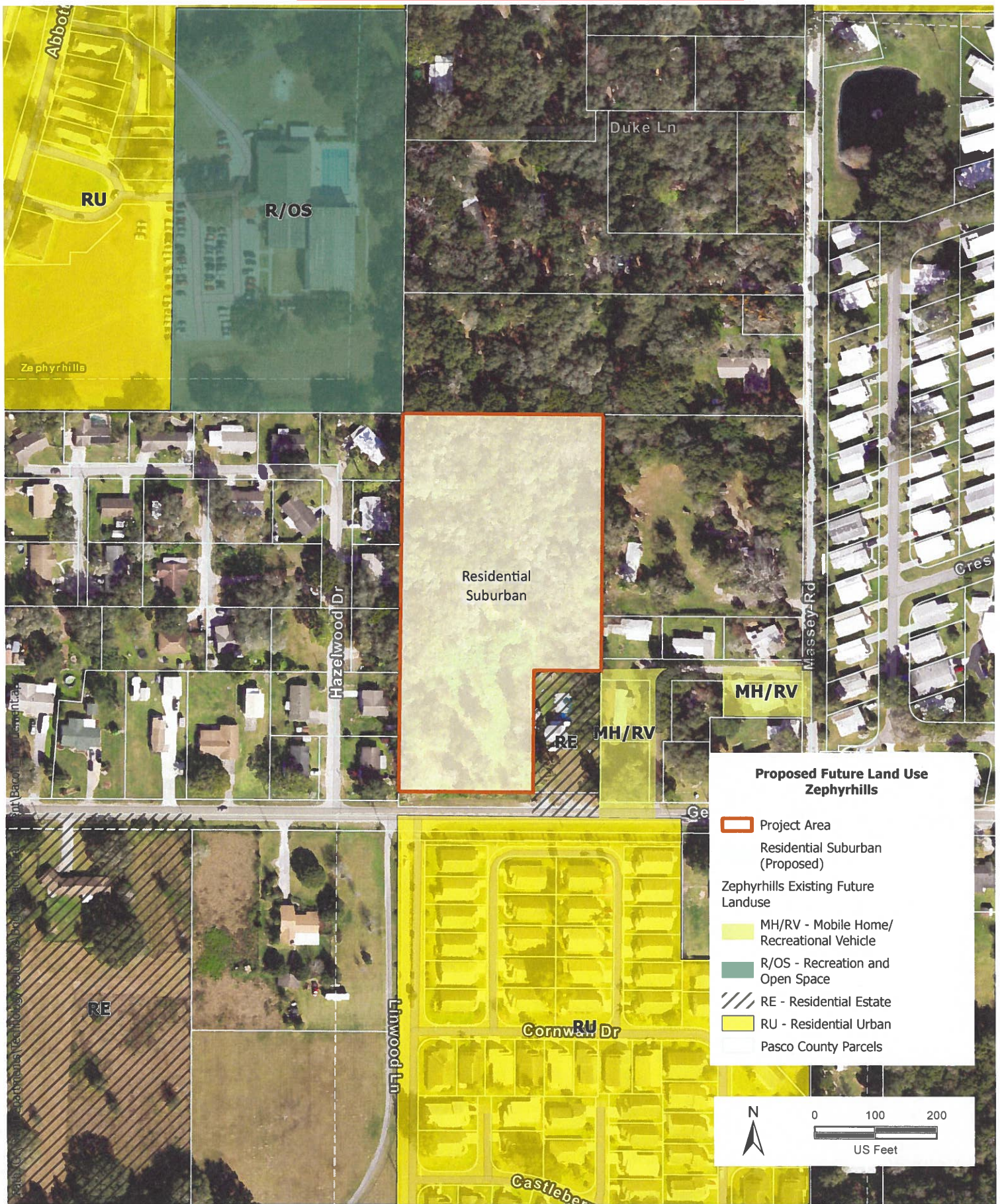
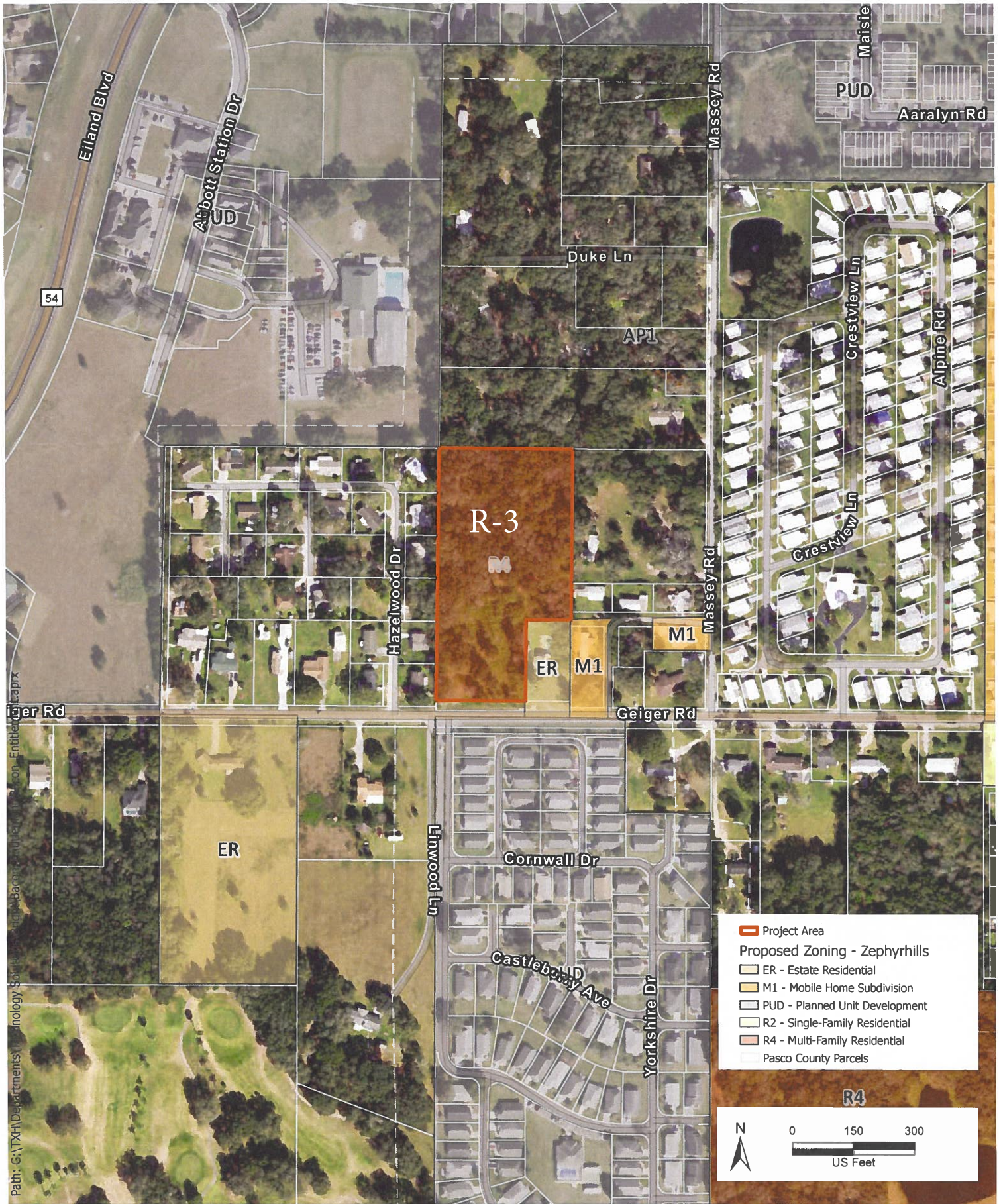


FIGURE SIX - PROPOSED ZONING MAP





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

School Impacts*	School Capacity	2022-23 Current Enrollment	Percent of Capacity	Enrollment with Proposed Development	Percent of Capacity with Proposed Development
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](#)

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

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 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



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From: Panos Kontses <pkontses@pascocountyfl.net>
Sent: Thursday, June 6, 2024 2:48 PM
To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <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

From: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>
Sent: Thursday, June 6, 2024 1:49 PM
To: Tina Russo <trusso@pascocountyfl.net>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Panos Kontses <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
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From: Tina Russo <trusso@pascocountyfl.net>

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

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

Cc: Tania Gorman <tgorman@pascocountyfl.net>; Panos Kontses <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
www.pascocountyfl.net

"Serving our community to create a better future."

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
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Panos

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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

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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
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Zephyrhills, FL, 33542
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From: Christopher Hanning <channing@pascocountyfl.net>
Sent: Wednesday, May 22, 2024 3:08 PM
To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>; Jeffrey M. Moncalian <jmoncalian@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>; Venkat Vattikuti <vvattikuti@pascocountyfl.net>; Jeffrey M. Moncalian <jmoncalian@pascocountyfl.net>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>

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

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

Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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



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From: Christopher Hanning <channing@pascocountyfl.net>

Sent: Friday, May 10, 2024 2:30 PM

To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>; Jeffrey M. Moncalian <jmoncalian@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>

Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Wednesday, May 1, 2024 9:41 AM
To: Christopher Hanning <channing@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>; Jeffrey M. Moncalian <jmoncalian@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Thursday, April 18, 2024 2:17 PM
To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Thursday, April 18, 2024 8:58 AM
To: Christopher Hanning <channing@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Wednesday, April 17, 2024 11:06 AM
To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Thursday, April 11, 2024 4:01 PM
To: Shepherd, Melissa <MShepherd@jmt.com>; Christopher Hanning <channing@pascocountyfl.net>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <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>

Sent: Monday, April 8, 2024 8:51 AM

To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Tina Russo <trusso@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Duran, Emmeth <Emmeth.Duran@dot.state.fl.us>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Zinn, Michael <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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>

Sent: Friday, April 5, 2024 12:46 PM

To: Tina Russo <trusso@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Duran, Emmeth <Emmeth.Duran@dot.state.fl.us>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>; Shepherd, Melissa <MShepherd@jmt.com>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>;

Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Zinn, Michael <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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
  

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From: Tina Russo <trusso@pascocountyfl.net>

Sent: Friday, April 5, 2024 8:58 AM

To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Tania Gorman <tgorman@pascocountyfl.net>; Duran, Emmeth <Emmeth.Duran@dot.state.fl.us>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>; Shepherd, Melissa <MShepherd@jmt.com>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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

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
www.pascocountyfl.net

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<https://www.pascocountyfl.net/323/MPOTransportation-Planning>

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

Sent: Thursday, April 4, 2024 3:47 PM

To: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>;

Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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



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From: Tania Gorman <tgorman@pascocountyfl.net>
Sent: Thursday, March 28, 2024 12:41 PM
To: Tina Russo <trusso@pascocountyfl.net>; Christopher Hanning <channing@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>
Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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>
Sent: Thursday, March 28, 2024 11:49 AM
To: Christopher Hanning <channing@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Tania Gorman <tgorman@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>
Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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>

Sent: Thursday, March 28, 2024 10:56 AM

To: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Tania Gorman <tgorman@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>
Cc: Tina Russo <trusso@pascocountyfl.net>; Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <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>>>
Sent: Wednesday, March 27, 2024 11:32 AM
To: 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>>>; Christopher Hanning <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>>>

Sent: Tuesday, March 26, 2024 3:26 PM

To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us<<mailto:TVandeberg@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>>>; Christopher Hanning

<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 Vandeberg

<TVandeberg@ci.zephyrhills.fl.us<<mailto:TVandeberg@ci.zephyrhills.fl.us>>>

Sent: Tuesday, March 26, 2024 1:47 PM

To: Tania Gorman <tgorman@pascocountyfl.net<<mailto:tgorman@pascocountyfl.net>>>

Cc: Tina Russo <trusso@pascocountyfl.net<<mailto:trusso@pascocountyfl.net>>>; Clayton T. Watkins

<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

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[AF41DC82]

<<https://www.instagram.com/cityofzephyrhills/><<https://www.instagram.com/cityofzephyrhills/>>>

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From: [Todd Vandeberg](#)
To: ["Christopher Hanning"](#); [Tina Russo](#)
Cc: [Tania Gorman](#); [Amy D. Davis](#); [William Poe](#); [Rodney Corriveau, AICP](#)
Subject: RE: Geiger Rd
Date: Friday, July 12, 2024 4:15:03 PM

Thanks Chris for the follow-up email below. Appreciate it!

image



Todd Vandeberg
Planning Director
City of Zephyrhills
5335 8th Street
Zephyrhills, FL, 33542
PH: 813-780-0000 Ext. 3505
FAX: 813-780-0005
ci.zephyrhills.fl.us



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From: Christopher Hanning <channing@pascocountyfl.net>
Sent: Friday, July 12, 2024 4:08 PM
To: Tina Russo <trusso@pascocountyfl.net>; Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>
Subject: RE: Geiger Rd

EXTERNAL EMAIL

Todd,

The information I shared with Tina yesterday is about as up-to-date as I have.

We plan on installing the safety edge with our rehab project. The only thing I really cannot tell you is exactly when the road will be rehabbed. The new Pasco County MSTU was just passed by the BCC, but the exact millage rate has not yet been determined and probably won't be until September and this may affect the timing of the project. However, our (Public Works) plan is to tackle our Major roads, including Geiger, as soon as we get funding and the "ok" to proceed, which would probably be around mid to late October. We hope to have the Majors completed by the end of the calendar year, but there are a lot of variables in play. I will do my best to keep you and the rest of the team informed as we get closer to our new fiscal year and scheduling becomes more solid.

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>
Sent: Friday, July 12, 2024 3:55 PM
To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Christopher Hanning <channing@pascocountyfl.net>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>
Subject: FW: Geiger Rd

Todd,
This came from Christopher this past week, hope this helps.
Pasco MPO is currently working on some ROW survey for Geiger and Wire Road for the next step needed to move forward with sidewalk projects.
Just a reminder the ROW survey is more about feasibility of the sidewalk and location.
Geiger will need other counter measures before the sidewalk and soon as possible after the paving.
Example, stripping and signage.
Great news on the safety edge being added, so exciting and grateful for Public Works supporting this project!
Tina

From: Christopher Hanning <channing@pascocountyfl.net>
Sent: Wednesday, July 10, 2024 11:19 AM
To: Tina Russo <trusso@pascocountyfl.net>
Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>
Subject: RE: Geiger Rd

Good morning Tina,

Please pardon the delay in communicating with you and your team. And thank you for “poking” me to make sure I’m still around...

I was finally able to speak with my Engineering Manager to discuss reaching out to FDOT for possible safety money for use of the safety edge. After giving him the added cost of asphalt for the safety edge and the additional width for the road base, we decided that Public Works will fund the paving of Geiger Road with the safety edge through our paving program. We feel the very low additional cost for this enhancement is not worth the additional effort, time, and paperwork that would be necessary for FDOT.

As I stated earlier, we have the “verbal” from our paving contractor to use the safety edge (they have the necessary attachment), we just haven’t gotten anything in writing yet. I feel confident that this will not be an issue, but just wanted to make you aware. As soon as we get written confirmation

and our funding in place for FY25, then we can get Geiger Road scheduled!

Thank you,

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>
Sent: Tuesday, July 9, 2024 2:09 PM
To: Christopher Hanning <channing@pascocountyfl.net>
Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>
Subject: FW: Geiger Rd

Chris,
How are we doing with the Geiger Rd, reclamation and safety edge. MPO is working with traffic operations and the city on several safety measures for this road. The road reclamation and safety edge is the first priority. Can you provide an update please, thanks.

From: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>
Sent: Tuesday, July 9, 2024 1:49 PM
To: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>
Cc: William Poe <WPoe@ci.zephyrhills.fl.us>; mmaggard@shumaker.com; Rodney Corriveau, AICP <RCorriveau@ci.zephyrhills.fl.us>
Subject: Geiger Rd

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image



*Todd Vandenberg
Planning Director
City of Zephyrhills
5335 8th Street
Zephyrhills, FL, 33542
PH: 813-780-0000 Ext. 3505
FAX: 813-780-0005
ci.zephyrhills.fl.us*



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CUSA18A7

From: [Todd Vandeberg](#)
To: ["Christopher Hanning"; Tina Russo](#)
Cc: [Tania Gorman](#); [Amy D. Davis](#); [William Poe](#); [Rodney Corriveau, AICP](#)
Subject: RE: Geiger Rd
Date: Friday, July 12, 2024 4:15:03 PM

Thanks Chris for the follow-up email below. Appreciate it!

image



Todd Vandeberg
Planning Director
City of Zephyrhills
5335 8th Street
Zephyrhills, FL, 33542
PH: 813-780-0000 Ext. 3505
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From: Christopher Hanning <channing@pascocountyfl.net>
Sent: Friday, July 12, 2024 4:08 PM
To: Tina Russo <trusso@pascocountyfl.net>; Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>
Subject: RE: Geiger Rd

EXTERNAL EMAIL

Todd,

The information I shared with Tina yesterday is about as up-to-date as I have.

We plan on installing the safety edge with our rehab project. The only thing I really cannot tell you is exactly when the road will be rehabbed. The new Pasco County MSTU was just passed by the BCC, but the exact millage rate has not yet been determined and probably won't be until September and this may affect the timing of the project. However, our (Public Works) plan is to tackle our Major roads, including Geiger, as soon as we get funding and the "ok" to proceed, which would probably be around mid to late October. We hope to have the Majors completed by the end of the calendar year, but there are a lot of variables in play. I will do my best to keep you and the rest of the team informed as we get closer to our new fiscal year and scheduling becomes more solid.

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>
Sent: Friday, July 12, 2024 3:55 PM
To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Christopher Hanning <channing@pascocountyfl.net>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>
Subject: FW: Geiger Rd

Todd,
This came from Christopher this past week, hope this helps.
Pasco MPO is currently working on some ROW survey for Geiger and Wire Road for the next step needed to move forward with sidewalk projects.
Just a reminder the ROW survey is more about feasibility of the sidewalk and location.
Geiger will need other counter measures before the sidewalk and soon as possible after the paving.
Example, stripping and signage.
Great news on the safety edge being added, so exciting and grateful for Public Works supporting this project!
Tina

From: Christopher Hanning <channing@pascocountyfl.net>
Sent: Wednesday, July 10, 2024 11:19 AM
To: Tina Russo <trusso@pascocountyfl.net>
Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>
Subject: RE: Geiger Rd

Good morning Tina,

Please pardon the delay in communicating with you and your team. And thank you for “poking” me to make sure I’m still around...

I was finally able to speak with my Engineering Manager to discuss reaching out to FDOT for possible safety money for use of the safety edge. After giving him the added cost of asphalt for the safety edge and the additional width for the road base, we decided that Public Works will fund the paving of Geiger Road with the safety edge through our paving program. We feel the very low additional cost for this enhancement is not worth the additional effort, time, and paperwork that would be necessary for FDOT.

As I stated earlier, we have the “verbal” from our paving contractor to use the safety edge (they have the necessary attachment), we just haven’t gotten anything in writing yet. I feel confident that this will not be an issue, but just wanted to make you aware. As soon as we get written confirmation

and our funding in place for FY25, then we can get Geiger Road scheduled!

Thank you,

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>
Sent: Tuesday, July 9, 2024 2:09 PM
To: Christopher Hanning <channing@pascocountyfl.net>
Cc: Amy D. Davis <adavis@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>
Subject: FW: Geiger Rd

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CUSA18A7

ORDINANCE NO. 1485-24

**AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA
ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED
WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS
PARCEL NUMBER 03-26-21-0010-11700-0020 ZEPHYRHILLS
FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044,
FLORIDA STATUTES, AS AMENDED.**

WHEREAS, Black Marlin Capital LLC, owner of the lands hereinafter described in Section 1 below, and have requested and consented through a Petition for Annexation for approximately 4.155 acres of property (MOL) described in Section 1 below to be annexed into the boundaries of the City of Zephyrhills; and

WHEREAS, the City Council has determined that said property is contiguous to the municipal boundaries of the City, that the area of annexation is reasonably compact, and currently lies within unincorporated Pasco County, and that the annexation of said property will not result in the creation of any enclave; and

WHEREAS, the City is authorized by Section 171.044, Florida Statutes, to annex contiguous and infill areas, and to extend the City limits upon receipt of written consent of the landowner together with the approval of the City Council after published notice and public hearings; and

WHEREAS, the City Council finds that the Ordinance number, heading, brief description of the area to be annexed and a map depicting where the lands are to be annexed are located was properly published and advertised as request by Florida Statutes; and

WHEREAS, all other procedural and notice requirements mandated by Florida Statutes and the City's Land Development Code has been followed and satisfied; and

WHEREAS, the City Council has reviewed and evaluated the Petition submitted and has determined that all owners of said lands have signed the Petition and that the annexation of said lands into the City is in the public interest and is consistent with the City's Comprehensive Plan and Land Development Code.

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.

The City of Zephyrhills, Florida, is authorized by the legislature of the State of Florida, pursuant to Section 171.044, Florida Statutes, and pursuant to the Charter of the City of Zephyrhills, to annex contiguous or infill areas and to extend the City limits or territorial boundaries upon receipt of written consent of all owners of land contained in the area to be annexed, together with the approval of the City Council of the City of Zephyrhills, of said annexation duly expressed by Ordinance.

Section 3. Annexation.

The following described lands, lying and being situated in Pasco County, to wit:

Parcel/Tax I.D. Number: 03-26-21-0010-11700-0020

Physical Address: N/A

Legal Description: A portion of the West 1/2 of Tracts 117 and 124 of Zephyrhills Colony Company Lands as recorded in Plat Book 2, Page 1, Public Records of Pasco County Florida, lying within the Southwest 1/4 of Section 03, Township 26 South, Range 21 East, Pasco County Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of Section 03, Township 26 South, Range 21 East, Pasco County, Florida; thence North 89°35'57" West 671.79 feet along the South line of said Southwest 1/4 to the prolongation of the West line said Tract 124; thence North 00°47'56" East 40.00 feet along said West line to the North right of way of Geiger Road to the POINT OF BEGINNING; thence continue North 00°47'56" East 620.02 feet to the Northwest corner of said Tract 117; thence South 89°38'19" East 326.21 feet to the Northeast corner of the West 1/2 of said Tract 117; thence South 00°36'48" West 420.23 feet along the East line of the West 1/2 of said Tracts 117 and 124; thence North 89°35'57" West 110.00 feet; thence South 00°36'48" West 200.00 feet to the North right of way line of Geiger Road; thence North 89°35'58" West 218.26 feet to the POINT OF BEGINNING.

Acreage: 4.155 Acres, more or less.

It is the intention of the City Council of the City of Zephyrhills, Florida to annex the above-described lands to said City within its territorial limits and the boundary lines of said City are hereby redefined and extended so as to include said area of lands within its territorial limits upon the final passage of this Ordinance subject to the following conditions:

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 prior to the issuance of any CO, (as determined by the City), that Pasco County commits to make significant roadway improvements to Geiger 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. The owner will enter into a Developer's Agreement with the City prior to Site Plan Approval to construct a trail from Massey Road east to Harriet Street or contribute to the sidewalk mitigation fund in an amount equal to the cost of construction of said trail. If the right of way is not sufficient, as determined by the City, to construct the proposed trail or a portion thereof, a sidewalk may be constructed in lieu of a trail for that portion or portions of the proposed trail.
4. At the Site Development Plan review stage, the owner, owner's arborist, and Staff shall walk the property and identify trees to be saved (with the aid of a completed arborist report). Pursuant to Section 7.06.04 Tree Removal Guidelines, of the City of Zephyrhills Land Development Code, a maximum of 50% of trees shall be allowed to be removed.

Section 4. Prerequisites Satisfied.

Said lands are contiguous to or is infill of the present City limits of the City of Zephyrhills. That said lands are now unincorporated and lie in the same County as said City, and when annexed would form a compact addition to the incorporated territory of said City. That the owners of said lands contained in the said area to be annexed have given written consent to have such annexation for said area.

Section 5. Effective Date.

 This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1485-24 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 22nd day of July 2024.

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

The foregoing Ordinance No. 1485-24 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 8th day of August 2024.

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

The foregoing Ordinance No: 1485-24 was approved by me this 8th day of August 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

BUSINESS ITEMS/PUBLIC HEARING 3.7

Black Marlin Future Land Use Map Amendment and Rezoning

First Reading **ORDINANCE NO. 1486-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE MAP CHANGING FROM R-1 MH (PASCO COUNTY) TO RS (RESIDENTIAL SUBURBAN) AND THE ZONING DESIGNATION FROM PASCO COUNTY RMH TO CITY R-3 (MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 4.155 ACRES OF REAL PROPERTY HAVING PARCEL NUMBER 03-26-21-0010-11700-0020, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE."**

- A. Council President opens the Public Hearing
- B. Council President closes the Public Hearing
- C. City Council considers Ordinance No. 1486-24 on the First Reading

Issue:

Annexation of 4.155 acres (located off Geiger Road across from Wedgwood Manor), and an assignment of R-3 (Medium Density) zoning designation and future land use of RS (Residential Suburban) for a proposed approximately 30-31 unit single-family attached townhome community.

Background:

Staff is coordinating with the County for improvements to Geiger Road. *Please see analysis and policy review for further discussion on this and other important information.*

Attachment(s):

1. ANX 16-22 Staff Report for Black Marlin Townhomes July 22 2024_1
2. ANX 16-22 Attachments for Black Marlin Annexation Rezone FLUMA July 22 2024_1
3. ANX 16-22 Update on Geiger Road from Pasco County
4. 31026720v2 - Ordinance 1486-24 Black Marlin Rezoning and FLUMA Small-Scale

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

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 22, 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

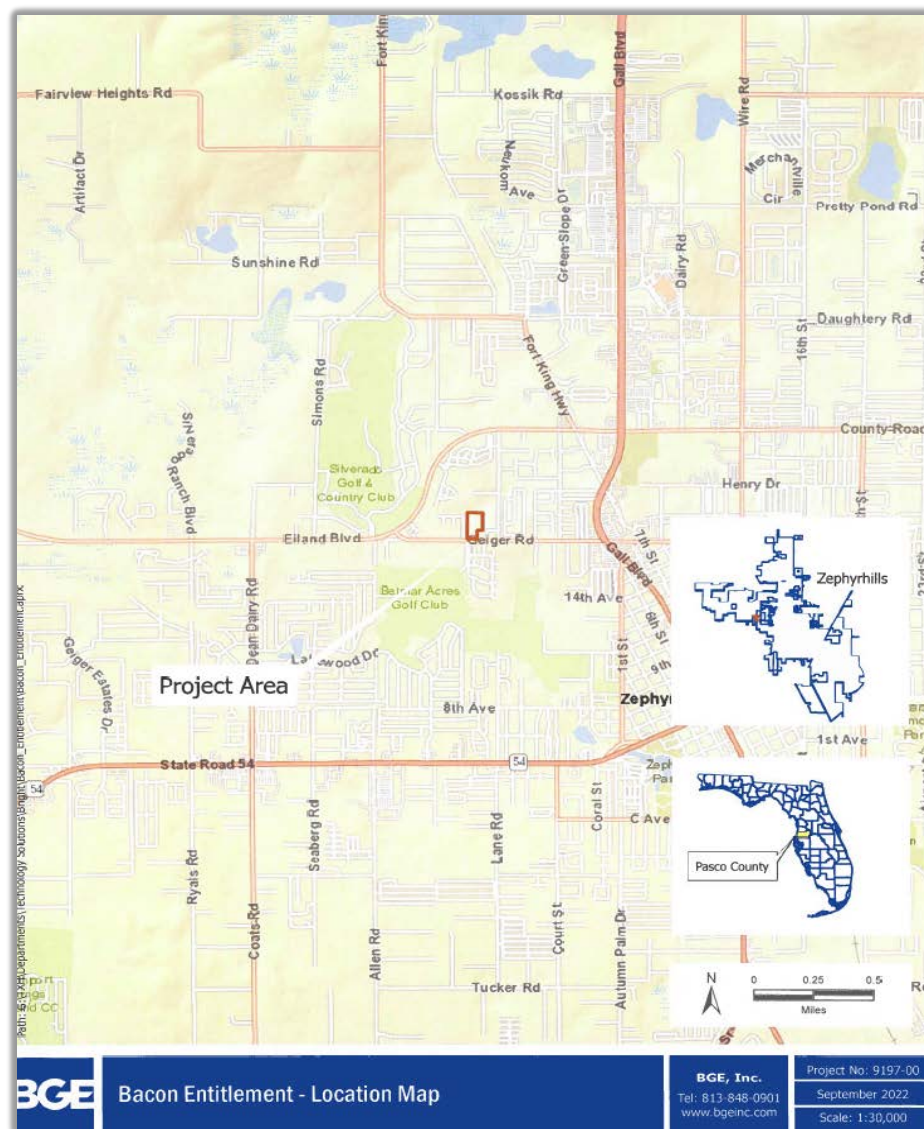


Figure 1 – Location Map

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.¹



Figure 2 – Aerial Map

Courtesy of BGE, Inc.

¹ '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 comments²; 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/coordinating 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>	Approximately 30-31

² According to Jeffrey R. Jenkins, MPA, AICP in a letter dated February 8th, 2023 to Todd Vandeberg.

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.

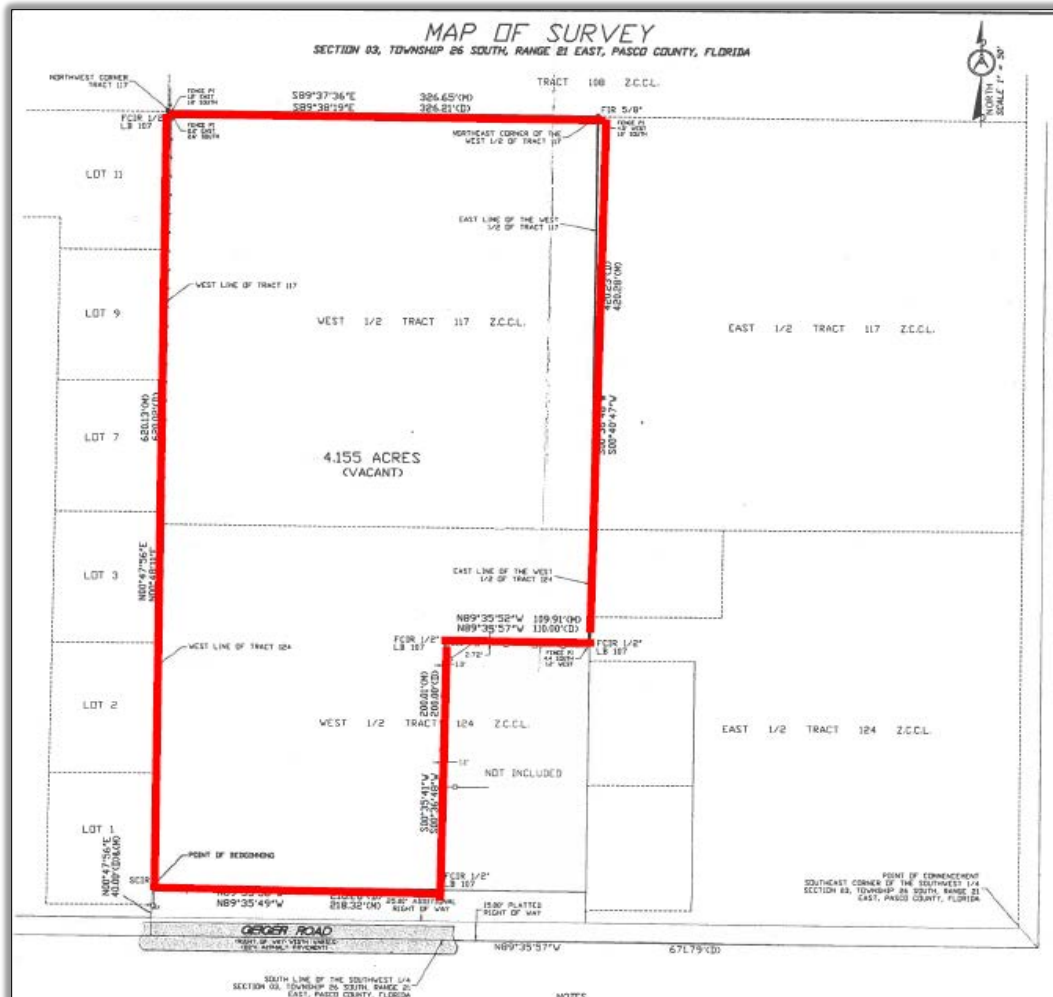


Figure 3 – Proposed Property Annexation Area Map

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 approximately 30-31 townhomes is generally just slightly higher than the existing development patterns in the area (around 6-7 DU per acre). 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 (**unit count is now approximately 30-31**) 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 Analysis³

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 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. ⁴ 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. ⁵
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. ⁶

⁴ Email received June 19, 2023 from Utilities Director John Bostic.

⁵ Email received June 19, 2023 from Utilities Director John Bostic.

⁶ 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 an approximately 30-31-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:

Residential Suburban- 2.5 to 7.5 units/gross acre; the project will contain a max. density of 7.5 dwelling units per acre. 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. The property is within the Basins of Special Concern.

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.

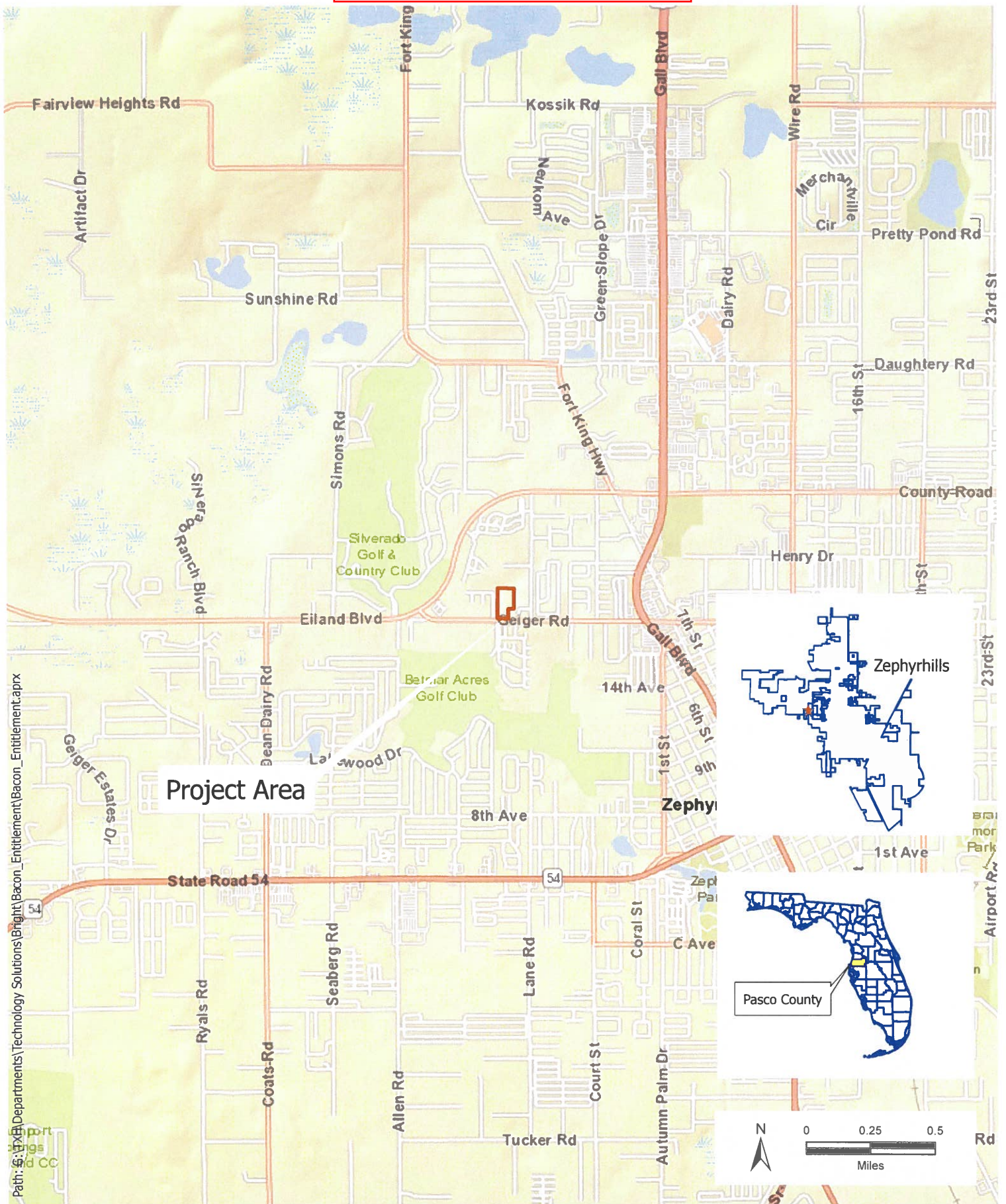
V. RECOMMENDATION

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. For conditions of approval, please see DRAFT Ordinance No. 1485-24.

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 FOUR - TRANSPORTATION MAP

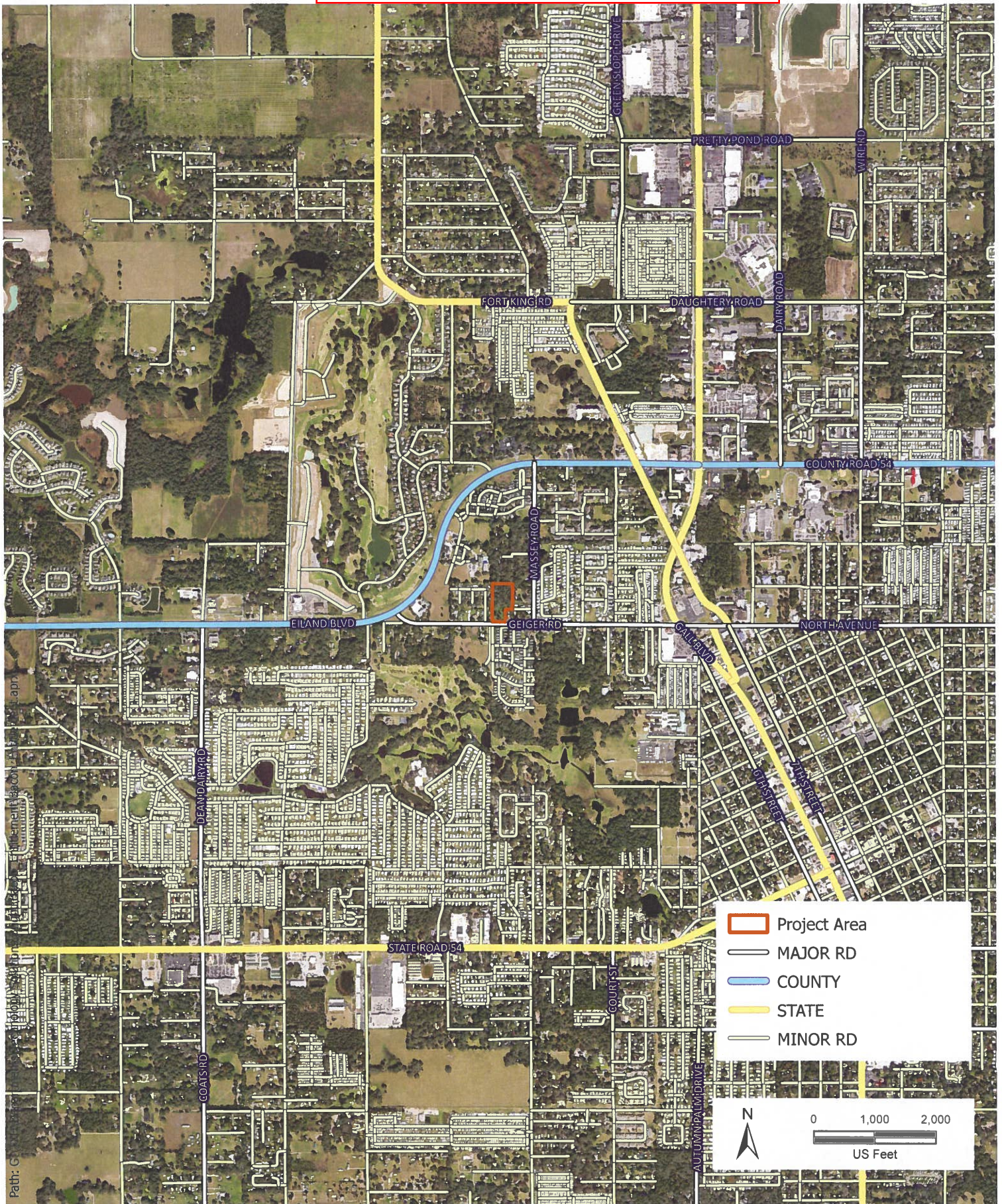


FIGURE FIVE - PROPOSED FLU MAP

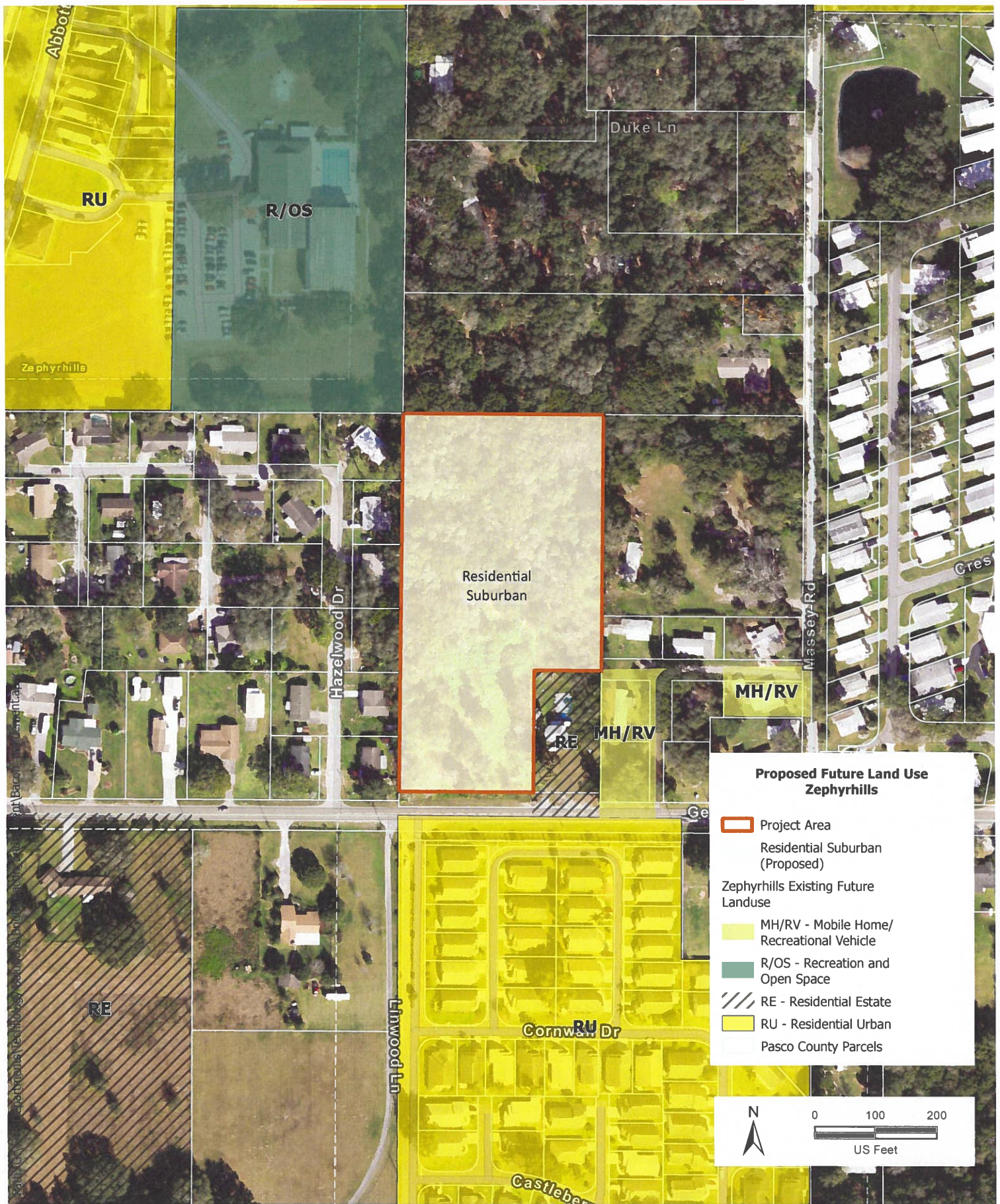
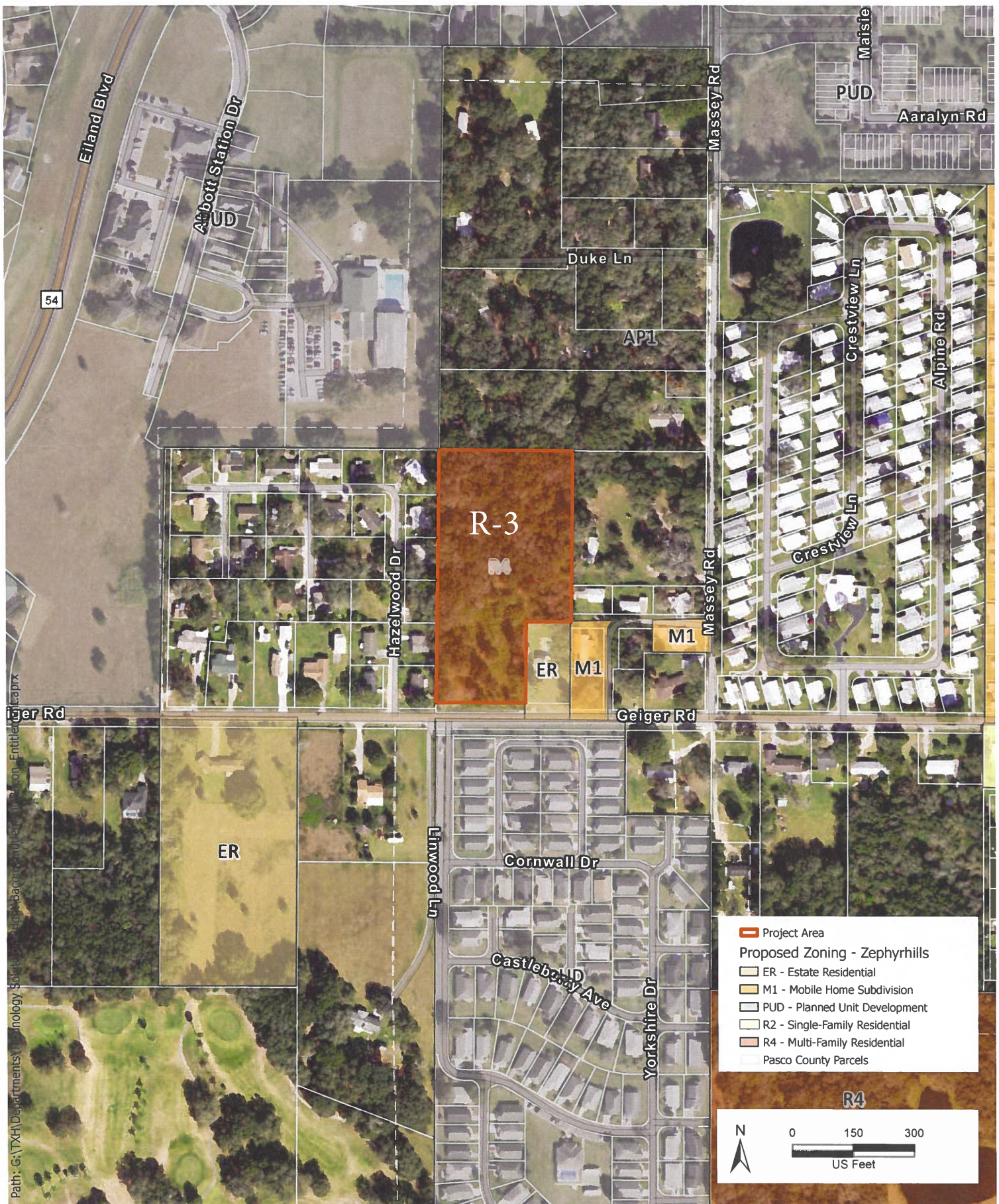


FIGURE SIX - PROPOSED ZONING MAP





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

School Impacts*	School	2022-23 Current Enrollment	Percent of Capacity	Enrollment with Proposed Development	Percent of Capacity with Proposed Development
School	Capacity				
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](#)

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

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 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



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From: Panos Kontses <pkontses@pascocountyfl.net>
Sent: Thursday, June 6, 2024 2:48 PM
To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <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

From: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>
Sent: Thursday, June 6, 2024 1:49 PM
To: Tina Russo <trusso@pascocountyfl.net>
Cc: Tania Gorman <tgorman@pascocountyfl.net>; Panos Kontses <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



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From: Tina Russo <trusso@pascocountyfl.net>

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

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

Cc: Tania Gorman <tgorman@pascocountyfl.net>; Panos Kontses <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
www.pascocountyfl.net

"Serving our community to create a better future."

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
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[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

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

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



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

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

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

Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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



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From: Christopher Hanning <channing@pascocountyfl.net>

Sent: Friday, May 10, 2024 2:30 PM

To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>; Jeffrey M. Moncalian <jmoncalian@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>

Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>

Sent: Wednesday, May 1, 2024 9:41 AM

To: Christopher Hanning <channing@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>; Jeffrey M. Moncalian <jmoncalian@pascocountyfl.net>; Amy D. Davis <adavis@pascocountyfl.net>

Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>

Sent: Thursday, April 18, 2024 2:17 PM

To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>

Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Thursday, April 18, 2024 8:58 AM
To: Christopher Hanning <channing@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Wednesday, April 17, 2024 11:06 AM
To: Tina Russo <trusso@pascocountyfl.net>; Shepherd, Melissa <MShepherd@jmt.com>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Elliot E. Shoberg <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>
Sent: Thursday, April 11, 2024 4:01 PM
To: Shepherd, Melissa <MShepherd@jmt.com>; Christopher Hanning <channing@pascocountyfl.net>
Cc: Ainsley Caldwell <acaldwell@pascocountyfl.net>; Tania Gorman <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>

Sent: Monday, April 8, 2024 8:51 AM

To: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Tina Russo <trusso@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Duran, Emmeth <Emmeth.Duran@dot.state.fl.us>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Zinn, Michael <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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 Vandenberg <TVandenberg@ci.zephyrhills.fl.us>

Sent: Friday, April 5, 2024 12:46 PM

To: Tina Russo <trusso@pascocountyfl.net>; Tania Gorman <tgorman@pascocountyfl.net>; Duran, Emmeth <Emmeth.Duran@dot.state.fl.us>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>; Shepherd, Melissa <MShepherd@jmt.com>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>;

Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Zinn, Michael <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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



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From: Tina Russo <trusso@pascocountyfl.net>

Sent: Friday, April 5, 2024 8:58 AM

To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us>; Tania Gorman <tgorman@pascocountyfl.net>; Duran, Emmeth <Emmeth.Duran@dot.state.fl.us>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>; Shepherd, Melissa <MShepherd@jmt.com>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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

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
www.pascocountyfl.net

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<https://www.pascocountyfl.net/323/MPOTransportation-Planning>

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

Sent: Thursday, April 4, 2024 3:47 PM

To: Tania Gorman <tgorman@pascocountyfl.net>; Tina Russo <trusso@pascocountyfl.net>; Christopher Hanning <channing@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>

Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>;

Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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



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From: Tania Gorman <tgorman@pascocountyfl.net>
Sent: Thursday, March 28, 2024 12:41 PM
To: Tina Russo <trusso@pascocountyfl.net>; Christopher Hanning <channing@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>
Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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>
Sent: Thursday, March 28, 2024 11:49 AM
To: Christopher Hanning <channing@pascocountyfl.net>; Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Tania Gorman <tgorman@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>
Cc: Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <eshoberg@pascocountyfl.net>; Michael Zinn <michael.zinn@dot.state.fl.us>; Duran, Emmeth <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>

Sent: Thursday, March 28, 2024 10:56 AM

To: Todd Vandenberg <TVandenberg@ci.zephyrhills.fl.us>; Tania Gorman <tgorman@pascocountyfl.net>; William Poe <WPoe@ci.zephyrhills.fl.us>; Shane LeBlanc <sleblanc@ci.zephyrhills.fl.us>
Cc: Tina Russo <trusso@pascocountyfl.net>; Clayton T. Watkins <cwatkins@pascocountyfl.net>; Ainsley Caldwell <acaldwell@pascocountyfl.net>; Elliot E. Shoberg <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>>>
Sent: Wednesday, March 27, 2024 11:32 AM
To: 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>>>; Christopher Hanning <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>>>

Sent: Tuesday, March 26, 2024 3:26 PM

To: Todd Vandeberg <TVandeberg@ci.zephyrhills.fl.us<<mailto:TVandeberg@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>>>; Christopher Hanning

<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 Vandeberg

<TVandeberg@ci.zephyrhills.fl.us<<mailto:TVandeberg@ci.zephyrhills.fl.us>>>

Sent: Tuesday, March 26, 2024 1:47 PM

To: Tania Gorman <tgorman@pascocountyfl.net<<mailto:tgorman@pascocountyfl.net>>>

Cc: Tina Russo <trusso@pascocountyfl.net<<mailto:trusso@pascocountyfl.net>>>; Clayton T. Watkins

<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/>>>

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[Go to our Website]<<http://www.pascocountyfl.net>>

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CUSA18A7

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To: ["Christopher Hanning"; Tina Russo](#)
Cc: [Tania Gorman](#); [Amy D. Davis](#); [William Poe](#); [Rodney Corriveau, AICP](#)
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Date: Friday, July 12, 2024 4:15:03 PM

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image



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CUSA18A7

ORDINANCE NO. 1486-24

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE MAP CHANGING FROM R-1 MH (PASCO COUNTY) TO RS (RESIDENTIAL SUBURBAN) AND THE ZONING DESIGNATION FROM PASCO COUNTY RMH TO CITY R-3 (MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 4.155 ACRES OF REAL PROPERTY HAVING PARCEL NUMBER 03-26-21-0010-11700-0020, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapter 163 and 166, Florida Statutes, to rezone property within the City Limits upon receipt of written consent of the landowner, together with the approval of the City Council of said rezoning duly expressed by Ordinance; and

WHEREAS, due public notice of hearing on the proposed rezoning was given by the City Council, as required by the Zephyrhills Land Development Code, as amended, and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the City Council has determined that the proposed amendment meets the criteria for a Small-Scale Comprehensive Plan Amendment pursuant to Section 163.3184, Florida Statutes, and the Zephyrhills Comprehensive Plan; and

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapter 163, Florida Statutes, to amend the Future Land Use Map of the City's territorial boundaries upon receipt of written consent of the landowners, together with the approval of the City Council of said Future Land Use Map amendment duly expressed by Ordinance; and

WHEREAS, the City has complied with all requirements and procedures of Florida law in processing this amendment to the City of Zephyrhills Comprehensive Plan including, but not limited to, §163.3184, Florida Statutes; and

WHEREAS, the Zephyrhills Planning Commission, on June 18, 2024, held a public meeting on the proposed amendment to the Comprehensive Plan with due public notice, pursuant to §163.3174, Florida Statutes, and recommended approval to the City Council; and

WHEREAS, the proposed Future Land Use Map amendment meets the criteria of a small-scale Future Land Use Map amendment and is consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Council has determined that R-3 (Medium Density Residential) zoning designation classification would be appropriate, would promote the general welfare, and would encourage proper development within the City; and

WHEREAS, the City Council has determined that the RS (Residential Suburban) future land use map classification would be appropriate, would promote the general welfare of the City, and would encourage proper development within the City; and

WHEREAS, the City Council desires to hereby formally adopt the Amendment to the City's Comprehensive Plan changing the zoning designation classification and the Future Land Use Map amendment for the subject property.

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 and 166, Florida Statutes, and under the home rule powers of the City.

Section 3. Rezoning and Future Land Use Map Amendment.

The following described lands, lying and being situated in Pasco County and being annex into the boundaries of the City of Zephyrhills, Florida by Ordinance No.: 1485-, to wit:

Parcel/Tax I.D. Number: 03-26-21-0010-11700-0020

Physical Address: N/A

Legal Description: A portion of the West 1/2 of Tracts 117 and 124 of Zephyrhills Colony Company Lands as recorded in Plat Book 2, Page 1, Public Records of Pasco County Florida, lying within the Southwest 1/4 of Section 03, Township 26 South, Range 21 East, Pasco County Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of Section 03, Township 26 South, Range 21 East, Pasco County, Florida; thence North 89°35'57" West 671.79 feet along the South line of said Southwest 1/4 to the prolongation of the West line said Tract 124; thence North 00°47'56" East 40.00 feet along said West line to the North right of way of Geiger Road to the POINT OF BEGINNING; thence continue North 00°47'56" East 620.02 feet to the Northwest corner of said Tract 117; thence South 89°38'19" East 326.21 feet to the Northeast corner of the West 1/2 of said Tract 117; thence South 00°36'48" West 420.23 feet along the East line of the West 1/2 of said Tracts 117 and 124; thence North 89°35'57" West 110.00 feet; thence South 00°36'48" West 200.00 feet to the North right of way line of Geiger Road; thence North 89°35'58" West 218.26 feet to the POINT OF BEGINNING.

Acreage: 4.155 Acres, MORE OR LESS.

shall now have a zoning designation of R-3 (Medium Density Residential) and the future land use map classification is hereby amended to RS (Residential Suburban).

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Conflict Severability.

That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date.

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1486-24 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 22nd day of July 2024.

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

The foregoing Ordinance No. 1486-24 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 8th day of August 2024.

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

The foregoing Ordinance No: 1486-24 was approved by me this 8th day of August 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

STAFF REPORT

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.
First Reading ORDINANCE NO. 1489-24 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, APPROVING A REZONING - PUD (PLANNED UNIT DEVELOPMENT) MASTER PLAN AMENDMENT TO THE GAGNE – CHANCEY ROAD PLANNED UNIT DEVELOPMENT FOR THE PROPERTY IDENTIFIED AS 3356 PAUL S BUCHMAN HIGHWAY, ZEPHYRHILLS, FL 33540; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE."
A. Council President opens the Public Hearing
B. Council President closed the Public Hearing
C. City Council considers Ordinance No. 1489-24 on the First Reading

Date: July 22, 2024

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)

A. Analysis:

1. 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.
2. 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.
3. 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.
4. 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.
5. Comprehensive Plan Consistency - The PUD minor modification is consistent with the City's Comprehensive Plan.

II. DATA & ANALYSIS

Staff & Planning Commission recommend approval of the petition for the Gagne PUD amendment with conditions.

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

ORDINANCE NO. 1489-24

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WHEREAS, due public notice of hearing on the proposed rezoning was given by the City Council, as required by the Zephyrhills Land Development Code, as amended, and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the Planning Commission, sitting as the Local Planning Agency, did hold a public hearing on April 20, 2021 to consider said proposed Rezoning - PUD Master Plan amendment and has recommended approval; and

WHEREAS, the City Council has determined that the PUD (PLANNED UNIT DEVELOPMENT) zoning - master plan amendment would be appropriate, would promote the general welfare, and would encourage proper development within the City; and

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

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Section 2. Authority.

This Ordinance is enacted pursuant to Chapter 163 and 166, Florida Statutes, and under the home rule powers of the City.

Section 3. Planned Unit Development Master Plan Amendment for 3356 Paul S. Buchman Hwy, Zephyrhills, FL 33540.

The following described Planned Unit Development (“PUD”) is hereby amended as it applies to the and the following lands, lying and being situated in Pasco County, to wit:

PUD: 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.

Physical Address: 3356 Paul S Buchman Hwy, Zephyrhills FL 33540.

Parcel ID Number: 23-26-21-0020-08000-0000

Legal Description: The legal description is attached hereto as Exhibit “A” and by reference made apart hereof are being amended in accordance with the PUD Plan and Conditions of Approval.

Section 4: Amended PUD Master Plan.

An Amended Master Plan for PUD-0016-22 Gagne PUD is is attached hereto as Exhibit “B” and by reference made apart hereof.

Section 5: Amended Conditions of Approval.

The “Conditions of Approval” are attached hereto as Exhibit “C” and by reference made apart hereof.

Section 6: Site Plan Renderings.

The site plan renderings, elevations, landscape drawings and concept plans are attached hereto as composite Exhibit “D” and by reference made apart hereof.

Section 6: Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: Conflict Severability

If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 8: Effective Date

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1489-24 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 22nd day of July 2024.

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

The foregoing Ordinance No. 1489-24 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 8th day of August 2024.

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

The foregoing Ordinance No: 1489-24 was approved by me this 8th day of August 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

LEGAL DESCRIPTION:

A parcel of land being a portion of TRACTS 65, 79 and 80 in Section 23, Township 26 South, Range 21 East, together with portions of Right-of-Ways, ZEPHYRHILLS COLONY COMPANY, as recorded in Plat Book 1, page 55 of the Public Records of Pasco County, Florida, lying within the Northeast 1/4 of the Southeast 1/4, of Section 23, Township 26 South, Range 21 East, Pasco County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of Section 24, Township 26 South, Range 21 East, of Pasco County, Florida; thence S01°47'15"W, along the West line of the Northwest 1/4 of said Section 24, (being the basis of bearings for this legal description), for 81.76 feet to the point of intersection with the Westerly line of the CSX Railroad Right-of-Way, same being the point of intersection with a non-tangent curve, concave Northeasterly, same also being the Northeast corner of that certain property as described in Official Records Book 7964, page 1218 of the Public Records of Pasco County, Florida; thence the following three (3) courses along the East and South lines and the Westerly extension of the South line of said certain property as described in Official Records Book 7964, page 1218; (1) thence Southeasterly along said Westerly line of the CSX Railroad Right-of-Way, along the arc of said curve, with a radial bearing of N68°31'55"E, having a radius of 4,643.87 feet, a central angle of 04°47'51", an arc length of 388.83 feet, and a chord bearing S23°52'00"E, for 388.72 feet, to the point of tangent; (2) thence continue along said Westerly line of the CSX Railroad Right-of-Way, S25°21'34"E, for 2,252.90 feet to the point of intersection with the North Right-of-Way line of Chancey Road; (3) thence leaving said Westerly line of the CSX Railroad Right-of-Way, S76°02'04"W, along said North Right-of-Way line of Chancey Road, for 1,237.84 feet to the point of intersection with the West line of the Southwest 1/4 of said Section 24; thence leaving said North Right-of-Way line of Chancey Road, S00°17'02"W, along said West line of the Southwest 1/4 of Section 24, for 123.84 feet to the point of intersection with the South Right-of-Way line of Chancey Road; thence continue S00°17'02"W, along said West line of the Southwest 1/4 of Section 24, same being said South Right-of-Way line of Chancey Road, for 20.63 feet; thence leaving said West line of the Southwest 1/4, of Section 24, S76°02'04"W, along said South Right-of-Way line of Chancey Road, for 10.32 feet to the POINT OF BEGINNING; thence leaving said South Right-of-Way line of Chancey Road, S00°17'02"W, for 361.57 feet to the point of intersection with the Easterly extension of the South line of TRACT 80, in Section 23, Township 26 South, Range 21 East, ZEPHYRHILLS COLONY COMPANY, as recorded in Plat Book 1, page 55 of the Public Records of Pasco County, Florida, thence S89°18'49"W, along said Easterly extension of the South line of TRACT 80 and the South lines of TRACTS 80 and 79, respectively, in said Section 23, ZEPHYRHILLS COLONY COMPANY, for 732.26 feet to the point of intersection with the East Right-of-Way of State Road 39; thence leaving said South line of TRACT 79, N24°04'04"W, along said East Right-of-Way of State Road 39, for 151.08 feet to the point of intersection with said South Right-of-Way line of Chancey Road; thence N24°25'27"E, along said South Right-of-Way line of Chancey Road, for 42.76 feet; thence N76°02'04"E, continuing along said South Right-of-Way line of Chancey Road, for 801.62 feet to the POINT OF BEGINNING.

Containing 207,831 square feet or 4.771 acres, more or less.

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: (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.

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 Facility
 - 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.

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.



City of Zephyrhills

Planning Department

5335 8th Street | Zephyrhills, FL 33542

www.ci.zephyrhills.fl.us

813-780-0006

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 (3rd) 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 3rd 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 8th Street | Zephyrhills, FL 33542
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 8th Street | Zephyrhills, FL 33542
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 or 727-849-7588.

Sincerely,



David Fleeman, PE
Vice President, Director of Engineering

c: File 2021-0031-10.01

Letter of Transmittal

Attn:	Todd Vandenberg Planning Director	Date:	July 20, 2023
Address:	City of Zephyrhills 5335 8th Street Zephyrhills, FL 33542	Job/Project No:	
Re:	Gagne PUD Modification Petition	From:	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

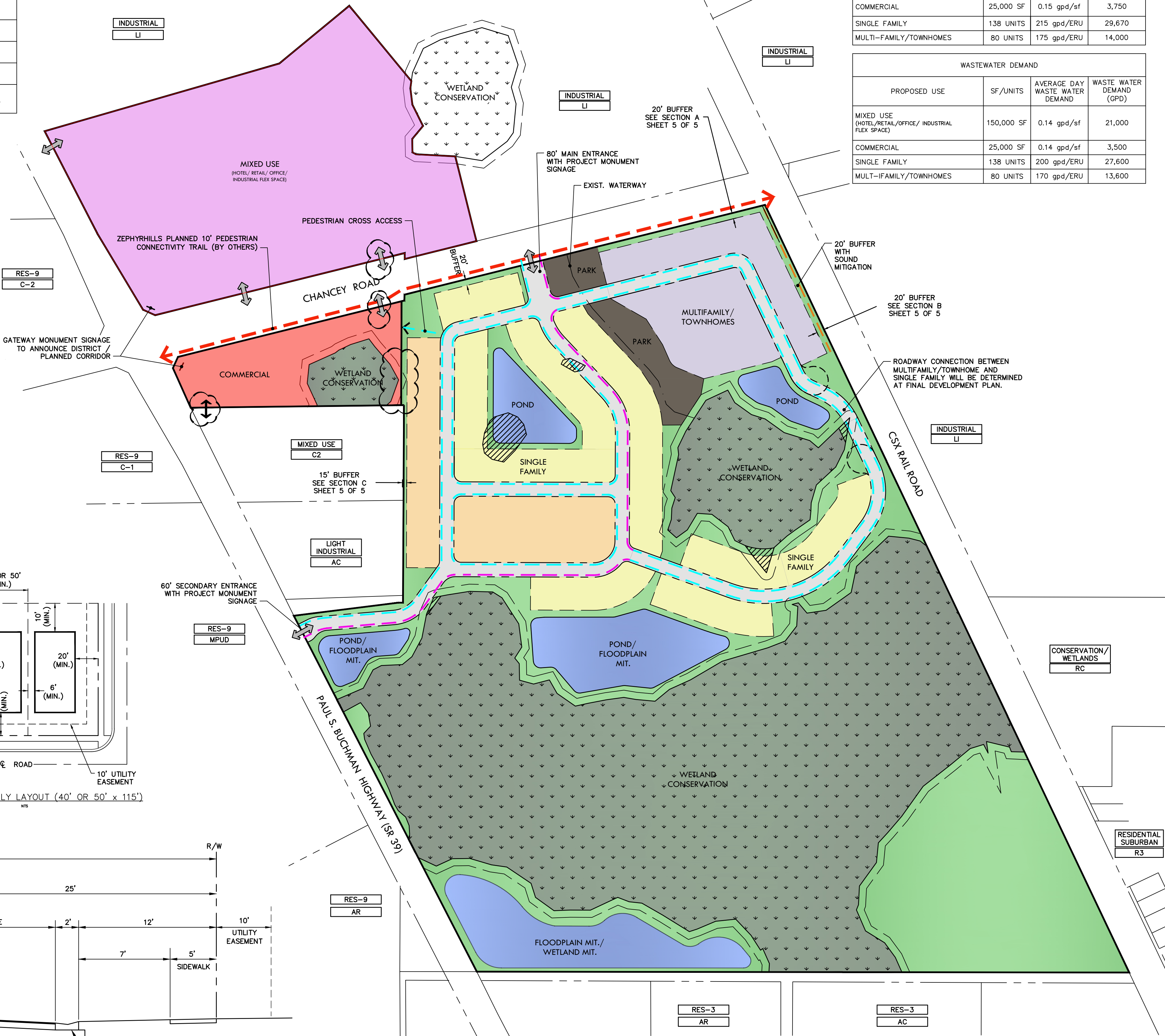
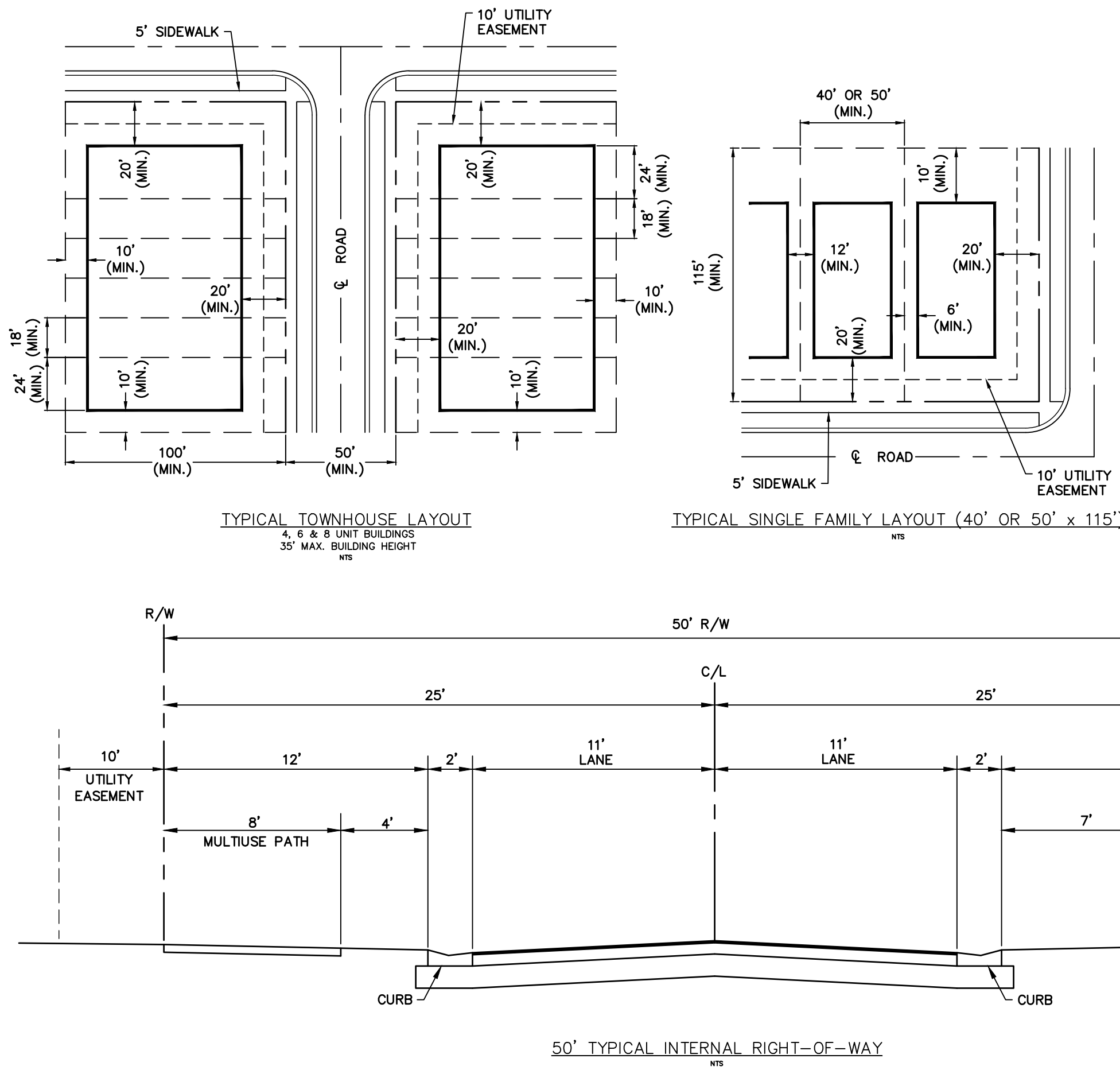
☐ Other: _____

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 (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

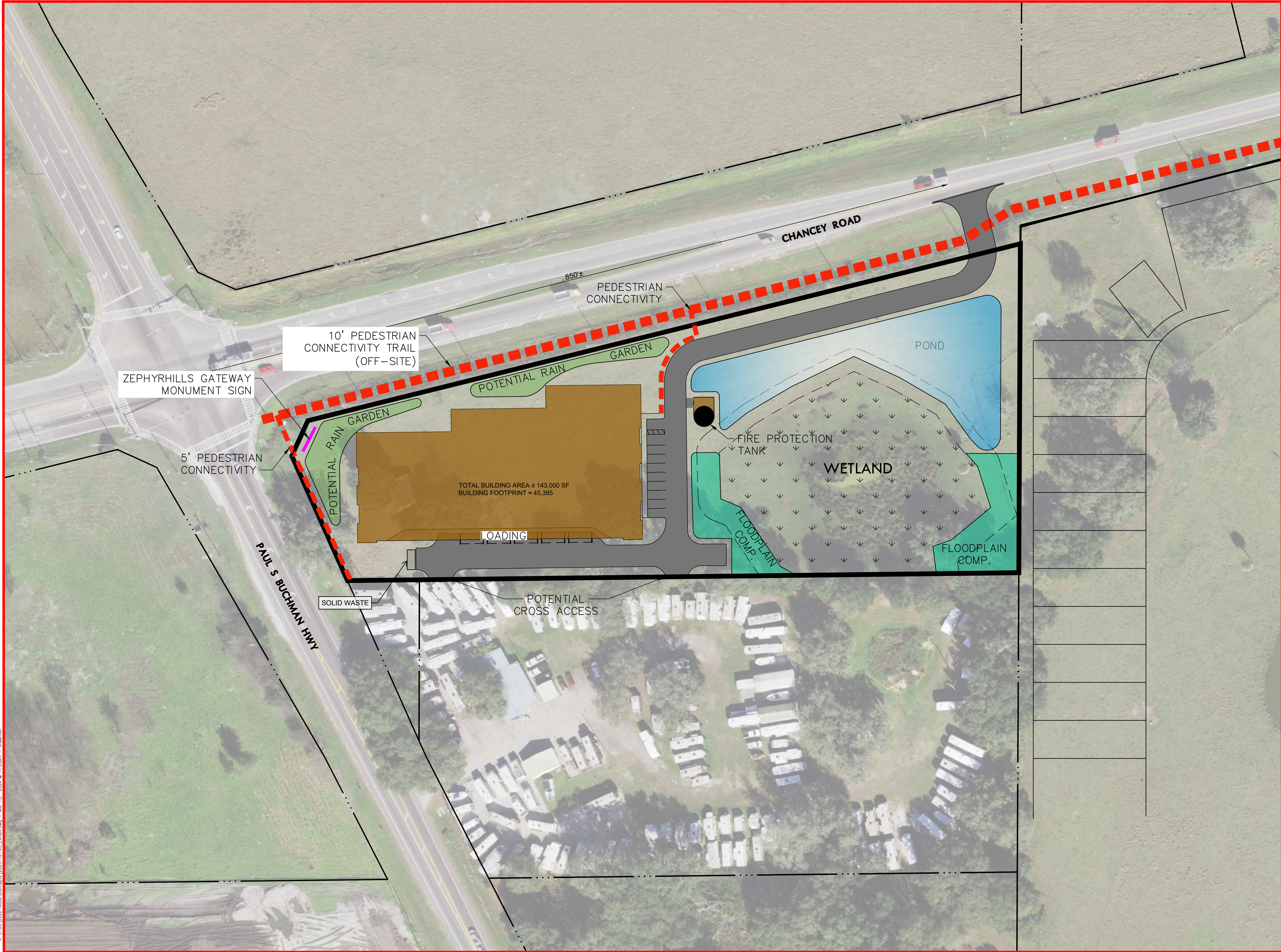
- LEGEND
- SINGLE FAMILY 24.5 AC.
 - 40's
 - 50's
 - MULTI-FAMILY/TOWNHOMES 7.5 AC.
 - COMMERCIAL 3.4 AC.
 - MIXED USE 21.1 AC.
 - PONDS/FLOODPLAIN/WETLAND MITIGATION 10.0 AC.
 - WETLANDS 49.5 AC.
 - PARKS 2.0 AC.
 - OPEN SPACE 21.3 AC.
 - TOTAL AREA 139.3 AC.

- 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



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:
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

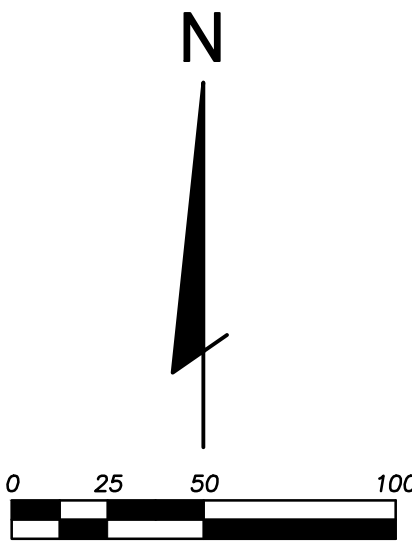
PARKING = 10 SPACES + LOADING

BLDG COVERAGE 30±%
(NOT INCLUDING WETLAND)

FAR = 0.22

BLDG HEIGHT 3-STORY

ZONING: PUD



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.



CREATION DATE:	REVISED DATE:	DRAWN BY:	SHEET NUMBER:
03/08/2022	03/15/2024	BW	1



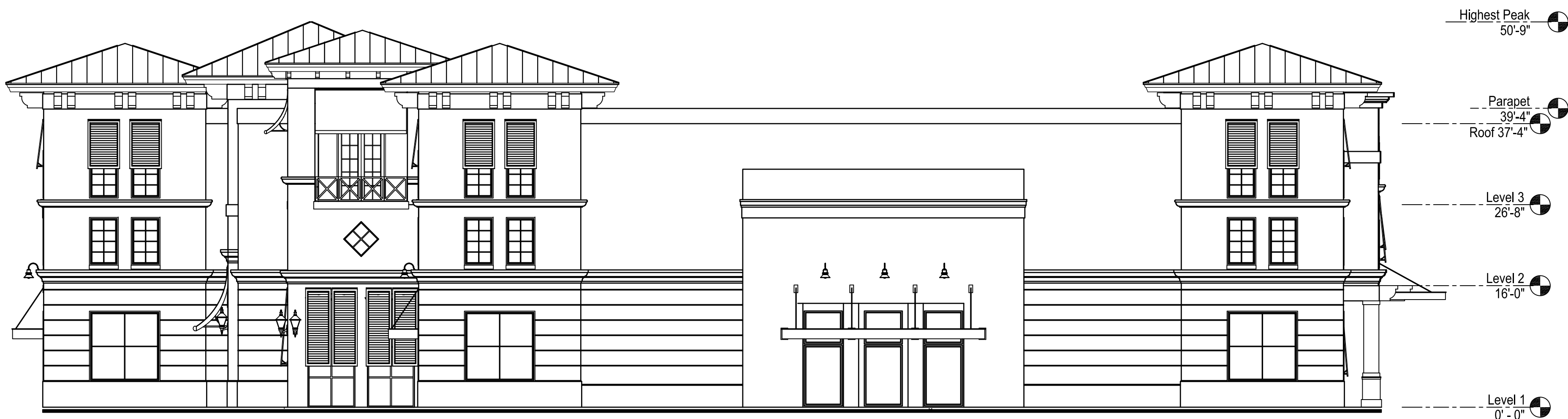
ZEPHYR HILLS

S I T E P L A N



FRONT ELEVATION

SCALE: 3/32" = 1'-0



RIGHT ELEVATION

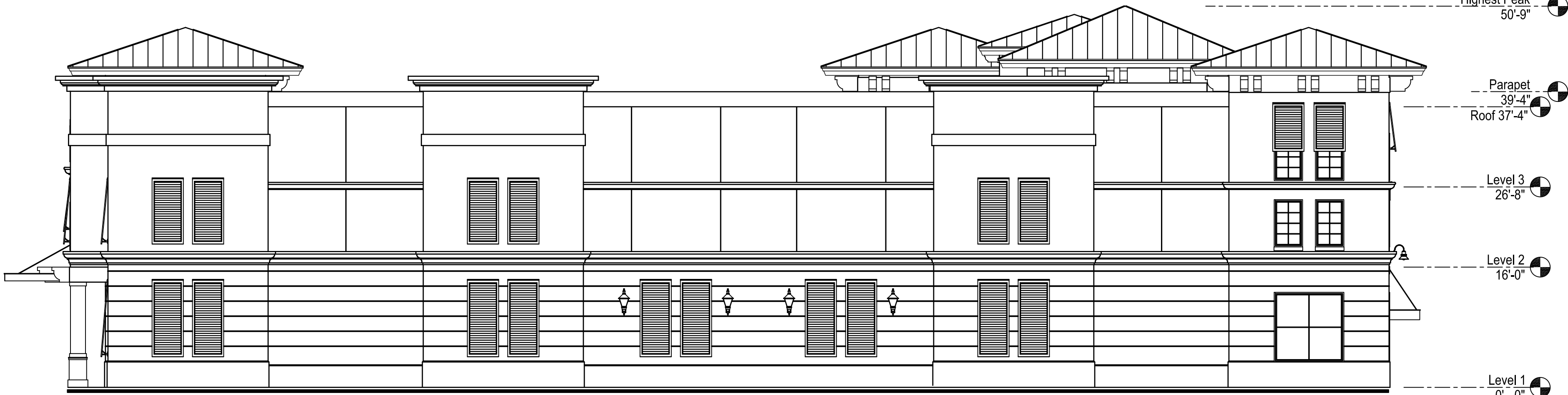
SCALE: 3/32" = 1'-0

Revisions			
By			
Date			
Symbol			
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Sheet Title	Project		
		ELEVATIONS	
		SELF STORAGE - ZEPHYR HILLS	
		ZEPHYR HILLS, FLORIDA	
Scale	3/32" = 1'-0"	Job No.	2023-00312
Date	2/26/24	Drawn By	
Sheet No.			
A400			



REAR ELEVATION

SCALE: 3/32" = 1'-0



LEFT ELEVATION

SCALE: 3/32" = 1'-0

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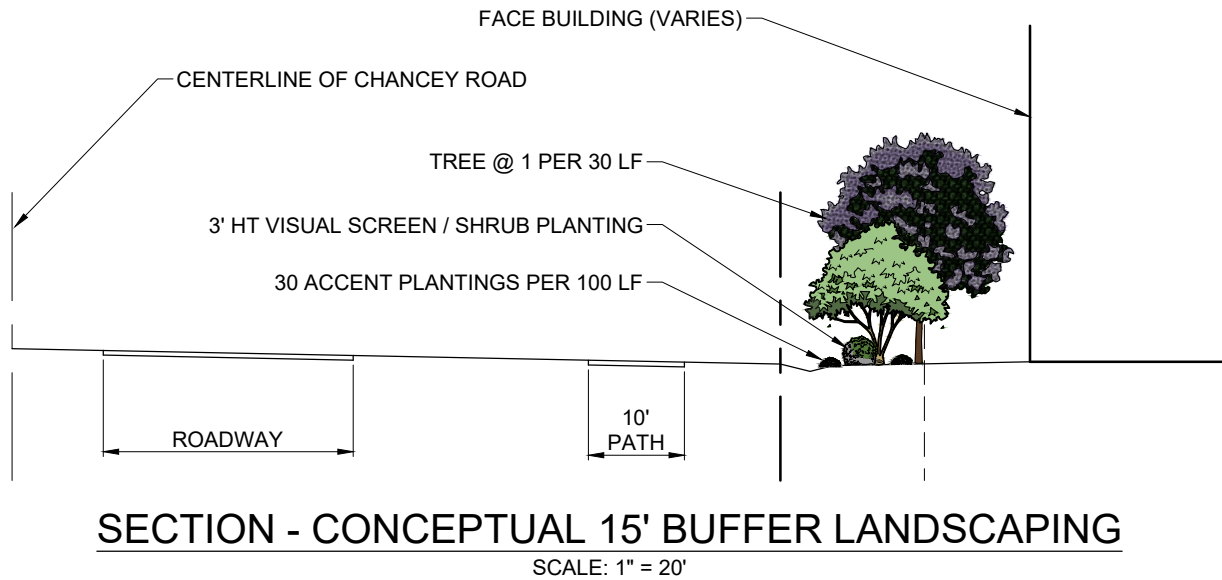
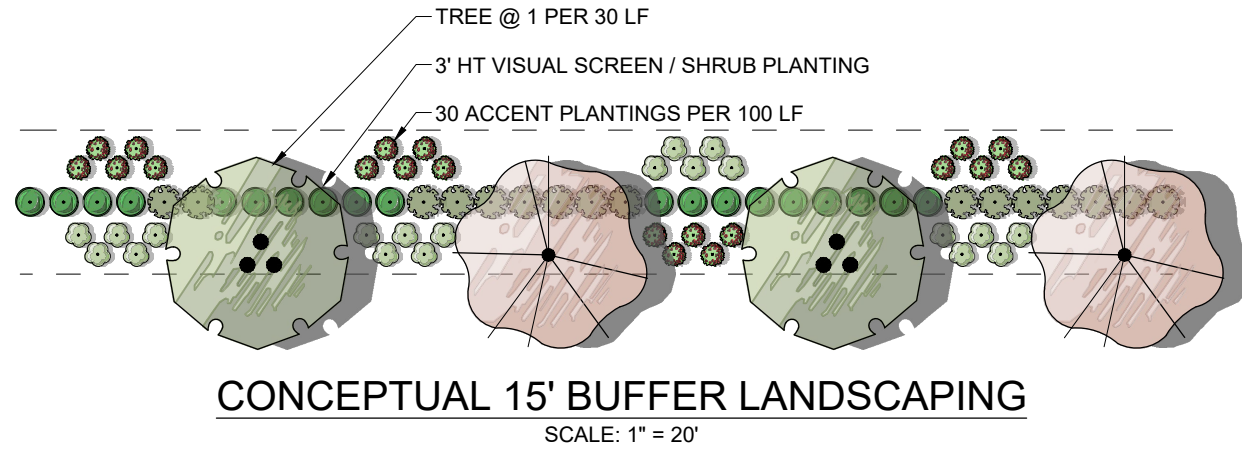


PROJECT NAME:
**ZEPHYRHILLS
GAGNE PARCEL**

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

FINANCE DIRECTOR'S REPORT 4.1

Approval of Tentative Millage Rate

Issue:

The County Tax Assessor has determined the City's total taxable value to be \$1,568,420,492 which is an increase of \$220,053,152 over last year. Of the \$220,053,152 increase, \$131,727,092 is attributed to new construction. The City's current millage rate is 6.25 and the rolled back rate has been calculated to be 5.9552. Listed below are different options in setting the tentative millage rate:

Taxable Value	Millage Rate	Fiscal Year	Levy	95% Budget	Increase	
1,568,420,492 Current Rate	6.25	2025	9,802,628	9,312,497	1,306,566	
1,348,367,340 Last Year	6.25	2024	8,427,296	8,005,931		
1,568,420,492 Rolled Back Rate	5.9552	2025	9,340,258	8,873,245	867,314	0.00%
1,568,420,492	6.10	2025	9,567,365	9,088,997	1,083,066	2.43%
1,568,420,492	6.25	2025	9,802,628	9,312,497	1,306,566	4.95%
1,568,420,492	6.35	2025	9,959,470	9,461,497	1,455,566	6.63%
1,568,420,492	7.00	2025	10,978,943	10,429,996	2,424,065	14.75%
1,568,420,492 Majority Vote	10.2353	2025	16,053,254	15,250,592	7,244,660	63.76%
1,568,420,492 Two-thirds Vote	11.2588	2025	17,658,533	16,775,606	8,769,675	77.30%

Background:

Attachment(s):

1. Certification of Taxable Value

Fiscal Impact:

Staff Recommendation:

The City's staff is recommending that the City Council set the tentative millage rate at 6.25 and set the date for the first public hearing as Tuesday, September 10, 2024, at 6 p.m. The second public hearing will be scheduled for Monday, September 23, 2024, at 6 p.m. The final rate may be decreased from 6.25; however, the rate may not be adjusted upward without mailing each taxpayer a notice.



Reset Form

Print Form

CERTIFICATION OF TAXABLE VALUE

DR-420

R. 5/12

Rule 12D-16.002

Florida Administrative Code

Effective 11/12

Year : 2024	County : Pasco
Principal Authority : City of Zephyrhills	Taxing Authority : City of Zephyrhills - Operating

SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	1,404,638,233	(1)
2.	Current year taxable value of personal property for operating purposes	\$	162,774,178	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	1,008,081	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$	1,568,420,492	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	131,727,092	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$	1,436,693,400	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	1,348,367,340	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	☒ YES ☐ NO	Number 3	(8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	☐ YES ☒ NO	Number 0	(9)
SIGN HERE	Property Appraiser Certification	I certify the taxable values above are correct to the best of my knowledge.		
	Signature of Property Appraiser: Electronically Certified by Property Appraiser		Date : 7/1/2024 3:23:24 PM	

SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-

10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>	6.2500	per \$1,000	(10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$	8,427,296	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$	456,337	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$	7,970,959	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$	98,202,890	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$	1,338,490,510	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>	5.9552	per \$1000	(16)
17.	Current year proposed operating millage rate	6.2500	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	9,802,628	(18)

Continued on page 2

19.	TYPE of principal authority (check one)	☐ County	☐ Independent Special District	(19)
		☒ Municipality	☐ Water Management District	
20.	Applicable taxing authority (check one)	☒ Principal Authority	☐ Dependent Special District	(20)
		☐ MSTU	☐ Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	☒ Yes	☐ No	(21)
DEPENDENT SPECIAL DISTRICTS AND MSTUs			STOP HERE - SIGN AND SUBMIT	
22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>	\$	7,970,959	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>		5.9552 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>	\$	9,340,258	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>	\$	9,802,628	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>		6.2500 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>		4.9500 %	(27)
First public budget hearing		Date : 9/10/2024	Time : 6:00 PM EST	Place : 5335 Eighth Street Zephyrhills 33542
S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.	
	Signature of Chief Administrative Officer :			Date :
	Title :		Contact Name and Contact Title :	
	Mailing Address :		Physical Address :	
	City, State, Zip :		Phone Number :	Fax Number :

Instructions on page 3



Reset Form

Print Form

**MAXIMUM MILLAGE LEVY CALCULATION
PRELIMINARY DISCLOSURE**

For municipal governments, counties, and special districts

DR-420MM-P

R. 5/12

Rule 12D-16.002

Florida Administrative Code

Effective 11/12

Year: 2024		County: Pasco	
Principal Authority: City of Zephyrhills		Taxing Authority: City of Zephyrhills - Operating	
1.	Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	☐ Yes	☒ No (1)
IF YES, STOP STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.			
2.	Current year rolled-back rate from Current Year Form DR-420, Line 16	5.9552	per \$1,000 (2)
3.	Prior year maximum millage rate with a majority vote from 2023 Form DR-420MM, Line 13	9.8663	per \$1,000 (3)
4.	Prior year operating millage rate from Current Year Form DR-420, Line 10	6.2500	per \$1,000 (4)
If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.			
Adjust rolled-back rate based on prior year majority-vote maximum millage rate			
5.	Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$ 1,348,367,340	(5)
6.	Prior year maximum ad valorem proceeds with majority vote (Line 3 multiplied by Line 5 divided by 1,000)	\$ 13,303,397	(6)
7.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$ 456,337	(7)
8.	Adjusted prior year ad valorem proceeds with majority vote (Line 6 minus Line 7)	\$ 12,847,060	(8)
9.	Adjusted current year taxable value from Current Year form DR-420 Line 15	\$ 1,338,490,510	(9)
10.	Adjusted current year rolled-back rate (Line 8 divided by Line 9, multiplied by 1,000)	9.5982	per \$1,000 (10)
Calculate maximum millage levy			
11.	Rolled-back rate to be used for maximum millage levy calculation (Enter Line 10 if adjusted or else enter Line 2)	9.5982	per \$1,000 (11)
12.	Adjustment for change in per capita Florida personal income (See Line 12 Instructions)	1.0569	(12)
13.	Majority vote maximum millage rate allowed (Line 11 multiplied by Line 12)	10.1443	per \$1,000 (13)
14.	Two-thirds vote maximum millage rate allowed (Multiply Line 13 by 1.10)	11.1587	per \$1,000 (14)
15.	Current year proposed millage rate		per \$1,000 (15)
16.	Minimum vote required to levy proposed millage: (Check one)		
☒	a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. Enter Line 13 on Line 17.		
☐	b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. Enter Line 15 on Line 17.		
☐	c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
☐	d. Referendum: The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
17.	The selection on Line 16 allows a maximum millage rate of (Enter rate indicated by choice on Line 16)	10.1443	per \$1,000 (17)
18.	Current year gross taxable value from Current Year Form DR-420, Line 4	\$ 1,568,420,492	(18)

Continued on page 2

Taxing Authority :		DR-420MM-P R. 5/12 Page 2	
19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000)</i>	\$	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000)</i>	\$	15,910,528 (20)
DEPENDENT SPECIAL DISTRICTS AND MSTUs			STOP HERE. SIGN AND SUBMIT.
21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>	\$	0.0000 (21)
22.	Total current year proposed taxes <i>(Line 19 plus Line 21)</i>	\$	0.0000 (22)
Total Maximum Taxes			
23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P)</i>	\$	0 (23)
24.	Total taxes at maximum millage rate <i>(Line 20 plus Line 23)</i>	\$	15,910,528 (24)
Total Maximum Versus Total Taxes Levied			
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	☒ YES ☐ NO (25)	
SIGN HERE	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.
	Signature of Chief Administrative Officer :		Date :
	Title :	Contact Name and Contact Title :	
	Mailing Address :	Physical Address :	
	City, State, Zip :	Phone Number :	Fax Number :

Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.

**MAXIMUM MILLAGE LEVY CALCULATION
PRELIMINARY DISCLOSURE
INSTRUCTIONS**

DR-420MM-P
R. 5/12
Page 3

General Instructions

Each of the following taxing authorities must complete a DR-420MM-P.

- County
- Municipality
- Special district dependent to a county or municipality
- County MSTU
- Independent special district, including water management districts
- Water management district basin

Voting requirements for millages adopted by a two-thirds or a unanimous vote are based on the full membership of the governing body, not on the number of members present at the time of the vote.

This form calculates the maximum tax levy for 2024 allowed under s. 200.065(5), F.S. Counties and municipalities, including dependent special districts and MSTUs, which adopt a tax levy at the final hearing higher than allowed under s. 200.065, F.S., may be subject to the loss of their half-cent sales tax distribution.

DR-420MM-P shows the preliminary maximum millages and taxes levied based on your proposed adoption vote. Each taxing authority must complete, sign, and submit this form to their property appraiser with their completed DR-420, Certification of Taxable Value.

The vote at the final hearing and the resulting maximum may change. After the final hearing, each taxing authority will file a final Form DR-420MM, Maximum Millage Levy Calculation Final Disclosure, with Form DR-487, Certification of Compliance, with the Department of Revenue.

Specific tax year references in this form are updated each year by the Department.

Line Instructions

Lines 5-10

Only taxing authorities that levied a 2024 millage rate less than their maximum majority vote rate must complete these lines. The adjusted rolled-back rate on Line 10 is the rate that would have been levied if the maximum vote rate for 2024 had been adopted. If these lines are completed, enter the adjusted rate on Line 11.

Line 12

This line is entered by the Department of Revenue. The same adjustment factor is used statewide by all taxing authorities. It is based on the change in per capita Florida personal income (s. 200.001(8)(i), F.S.), which Florida Law requires the Office of Economic and Demographic Research to report each year.

Lines 13 and 14

Millage rates are the maximum that could be levied with a majority or two-thirds vote of the full membership of the governing body. With a unanimous vote of the full membership (three-fourths vote of the full membership if the governing body has nine or more members) or a referendum, the maximum millage rate that can be levied is the taxing authority's statutory or constitutional cap.

Line 16

Check the box for the minimum vote necessary at the final hearing to levy your adopted millage rate.

Line 17

Enter the millage rate indicated by the box checked in Line 16. If the proposed millage rate is equal to or less than the majority vote maximum millage rate, enter the majority vote maximum. If a two-thirds vote, a unanimous vote, or a referendum is required, enter the proposed millage rate. For a millage requiring more than a majority vote, the proposed millage rate must be entered on Line 17, rather than the maximum rate, so that the comparisons on Lines 21 through 25 are accurate.

All TRIM forms for taxing authorities are available on our website at
<http://floridarevenue.com/property/Pages/Forms.aspx>

CITY MANAGER'S REPORT 5.1

MiTek Inc. Agreement No. 41-24-20 - Economic Incentive

Issue:

City staff, Pasco Economic Development, and MiTek have been discussing the possible relocation and expansion of MiTek's manufacturing operations for the past several months.

Background:

MiTek owns 110.41 acres of land (Parcels 23-26-21-0020-00200-0010, 23-26-21-0020-00200-0000, 23-26-21-0020-01300-0020, 24-26-21-0010-03900-0010) for the future home to their Zephyrhills manufacturing facility with a total capital investment of approximately \$77 million.

The agreement before the Council requires MiTek to:

- Construct a minimum of 480,000 square feet of light industrial manufacturing;
- Create 155 new jobs to the City of Zephyrhills within the first three years;
- 120 of those jobs will have an average annual wage of at least \$48,650.00, which is 80% of the Median 1 person income of the Tampa MSA;
- Allow the City access to examine the company documents that relate to the terms of this agreement.
-

In exchange for the construction and job creation, the City will:

- Waive/reimburse up to \$430,500 in transportation impact fees;
- Waive/reimburse up to \$432,425 in permit fees;
- Offer a Job Creation Incentive grant equal to the amount of 50% of ad valorem taxes for the first 10 years after receipt of the Certificate of Occupancy. Not to exceed amount of \$2,045,312;
- The City Manager may extend the period for compliance by up to one year for good cause.

Attachment(s):

1. Economic Incentive Agreement - Signed MiTek

Fiscal Impact:

Funding in the amount, not to exceed \$862,925.00 has been budgeted for FY 25 to cover the economic incentives of permit fees and transportation impact fees. Funding in the amount of not

to exceed \$2,045,312.00 will be budgeted in the appropriate future years for job creation incentives.

Staff Recommendation:

Staff recommends approval of agreement 41-24-20 between the City of Zephyrhills and MiTek Inc.

**ECONOMIC INCENTIVE AGREEMENT
BETWEEN THE CITY OF ZEPHYRHILLS AND MITEK, INC.**

THIS AGREEMENT is entered into by and between the City of Zephyrhills, Florida, a municipal corporation, whose principal address is 5335 Eighth Street, Zephyrhills, Florida 33542, hereinafter referred to as the "CITY," and MITEK, INC., a foreign corporation, with a business address of 16023 Swingley Ridge Road, Chesterfield, MO 63017, hereinafter collectively referred to as "COMPANY."

WITNESSETH:

WHEREAS, the City Council of the City of Zephyrhills created Chapter 153: Economic Development Incentive Credit, providing for incentive awards for certain qualified target businesses within the CITY; and

WHEREAS, the City Council of the City of Zephyrhills is desirous of attracting economic investment to the CITY in order to contribute to the economic growth of the CITY, provide gainful prosperity, public health, and general welfare of the people of the CITY; and

WHEREAS, the creation of new employment opportunities for residents of the CITY and the increased tax revenues resulting from the creation of new jobs is beneficial to the local economy; and

WHEREAS, COMPANY, has toured and researched numerous sites for the construction of a 480,000 square foot light industrial building, purchasing real estate, building materials, machinery and equipment representing a capital investment of \$77 Million with the creation of 155 new to the City of Zephyrhills jobs, within the first three (3)

years of opening the new facility, which 120 of those jobs having an average annual wage of at least \$48,650.00 ("the Project").

WHEREAS, the City Council of the City of Zephyrhills recognizes and hereby gives appropriate economic development within the CITY its highest priority and utmost attention in order to encourage the location of such target industries and businesses within the boundaries of the City of Zephyrhills; and

WHEREAS, the COMPANY has met the qualification criteria set forth in Chapter 153 of the Code of Ordinance of the City of Zephyrhills, has been reviewed by the Zephyrhills Economic Development Council who recommends approval to City Council as described herein; and

WHEREAS, the CITY finds and declares that it is in the public's best interest and serves a public purpose to award economic incentives to the COMPANY pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree that the COMPANY is entitled to certain economic incentives as set forth below based upon the following terms and conditions:

1. The WHEREAS clauses are incorporated herein by reference and are represented to be true and correct.
2. The COMPANY is duly authorized to conduct business in the State of Florida.

3. The COMPANY has the corporate power, authority, and legal right to execute, deliver, and perform this agreement. The execution, delivery, and performance of this Agreement by the COMPANY has been duly authorized by all necessary corporate and shareholder action.

4. This incentive agreement is conditioned upon the selection of a City of Zephyrhills location by the COMPANY with Parcel ID Numbers 23-26-21-0020-01300-0020; 23-26-21-0020-00200-0000; and 24-26-21-0010-03900-0010 located northeast of the intersection of Chancey Rd. and Paul S Buchman Hwy where COMPANY will construct a 480,000 square foot light industrial building. With the purchase of the real estate, building materials, construction, machinery and equipment, COMPANY is committed to a capital investment of \$77 million with the creation of approximately 155 new to the City of Zephyrhills jobs, within the first three (3) years of receiving the first certificate of occupancy from the CITY. Before the expiration of three (3) years from the date of receiving the first certificate of occupancy, COMPANY agrees to have 120 jobs having an average annual wage of at least \$48,650.00. COMPANY agrees to maintain at least 120 jobs with an average annual wage of at least \$48,650.00 for the remaining term of this agreement. If at the end of year three (3) from the issuance of the certificate of occupancy, COMPANY has failed to comply with this section, the incentives shall cease and any earned incentives shall be paid back by COMPANY to CITY at the same amount and same rate in which they were received.

5. Based on the COMPANY'S commitment to purchase real property, and construct a 480,000 square foot manufacturing light industrial building located at Parcel ID Number 23-26-21-0020-01300-0020; 23-26-21-0020-00200-0000; and 24-26-21-

0010-03900-0010 located northeast of the intersection of Chancey Rd. and Paul S Buchman Hwy, the CITY is willing to commit to the following additional incentives:

A. The CITY hereby designates its City Manager, or designee, as the Company Designated Liaison within the City of Zephyrhills staff. The CITY commits that the COMPANY shall have priority access to the City Manager, or designee, for the purpose of addressing any questions, issues, approvals, or permits necessary to support the interior tenant improvements and equipment installation for the portion of the industrial building occupied by the COMPANY.

B. CITY agrees to waive or, if waiver is prohibited or restricted by law, reimburse Transportation Impact Fees up to Four Hundred, Thirty Thousand, Five Hundred and 00/100 Dollars (\$430,500.00). CITY agrees to waive or, if waiver is prohibited or restricted by law, reimburse the Permit Fees up to Four Hundred, Thirty-Two Thousand, Four Hundred Twenty-Five and 00/100 Dollars (\$432,425.00). COMPANY can utilize the Transportation Impact Fee and Permit Fee waiver/reimbursements across either a single phase or multiple phases until the cumulative fees specified in this section have been exhausted.

C. For the creation of 155 new to Zephyrhills Jobs, CITY will offer to COMPANY a Job Creation Incentive cash grant equal to the amount of 50% of ad valorem real property taxes and tangible personal property taxes (excluding school taxes, Pasco County taxes, taxes levied by the Southwest Florida Water Management District, special assessments or fees, or taxes levied by any entity other than CITY) paid for the first ten (10) year period that begins the year following the company's receipt of a Certificate of Occupancy The grant is based on the

City's 6.25 Millage on approximately \$77,000,000.00 capital investment in Real Estate, Building(s), Machinery, Equipment, Fixtures and IT infrastructure. The total amount of the grant funds specified in this section shall not exceed \$2,045,312.00.

D. City staff will work with the developer to facilitate and/or expedite procedural assistance for the project.

6. All agreements are subject to approval by majority vote of the City Council of the City of Zephyrhills.

7. The COMPANY shall maintain a place of business in the City of Zephyrhills as well as all personnel records and other documents pertaining to the location and/or creation of a minimum number of permanent new jobs and the retention of such jobs forming the basis of this Agreement. Such records shall be and remain available at the COMPANY'S place of business at all reasonable times during the term of this Agreement and for ten (10) years after Agreement termination.

8. For a period of seventeen (17) years following this Agreement becoming effective, the COMPANY shall not be located within the boundaries of the Zephyrhills Community Redevelopment Agency District or any future Community Development Agency District that is created pursuant to Part III Community Redevelopment of Chapter 163, Florida Statutes.

9. The COMPANY agrees that the CITY or its duly authorized representative shall, until the expiration of ten (10) years after Agreement termination, have access to examine any of the COMPANY'S documents that related to the terms of this Agreement.

10. This Agreement shall become effective upon execution by the CITY and the COMPANY and shall remain in effect for a period of fifteen (15) years. The COMPANY

shall provide the CITY with annual verifications regarding the number of created jobs and the wages paid to those employees while working at the Pasco facility. The documentation shall be in a format approved by CITY and shall include copies of Florida quarterly RT-6 forms and Internal Revenue Service W-2 forms to be made on a calendar year basis and to be submitted to the CITY no later than February 15th of each calendar year.

11. The City Manager or designee may extend the period for compliance by up to one (1) year for good cause shown. If an extension is granted, it shall be documented in writing and all timeframes in the Agreement shall be extended for the same period of time.

12. This Agreement shall not be assigned by either party without the prior written approval of the other. This Agreement shall be binding upon and inure to the benefit of the parties hereto.

13. Whenever either party desires to give notice unto the other, written notice shall be sent via hand delivery, first class mail or overnight carrier to:

CITY:

City Manager
City of Zephyrhills
5335 Eighth Street
Zephyrhills, FL 33542

COMPANY:

MITEK, INC.
c/o Corporate Tax Department
16023 Swingley Ridge Road
Chesterfield, MO 63017

With copy to:

Matthew E. Maggard, Esq.
Shumaker, Loop & Kendrick, LLP
13134 US Highway 301
Dade City, FL 33525

All notices shall be effective upon receipt. Any party may change their representative to get notice or their address by giving notice in this manner without the need of formal amendment of this Agreement.

14. The COMPANY agrees that it will not engage in any action that would create a conflict of interest in the performance of its obligations pursuant to this Agreement with the CITY, or which would violate or cause others to violate the provisions of Chapter 112, Florida Statutes, Part III, relating to ethics in government.

15. The COMPANY hereby certifies that no officer, agent, or employee of the CITY has any material interest as defined in Section 112.312, Florida Statutes, either directly or indirectly, in the business of the COMPANY to be conducted here, and that no such person shall have any such interest at any time during the term of this Agreement.

16. The COMPANY hereby agrees that monies received from the CITY pursuant to this Agreement will not be used for the purpose of lobbying the legislature the judicial branch, or any state or federal agency as defined in Section 216.347, Florida Statutes.

17. This Agreement shall be governed by the laws of Florida and shall be deemed to have been prepared jointly by the COMPANY and the CITY, and any uncertainty or ambiguity existing herein, if any, shall not be interpreted against either party, but shall be interpreted according to the application of the rules of interpretation for arm's-length agreements. Venue for any dispute, claim or action arising out of or related to this Agreement shall be in Dade City, Pasco County, Florida. Each party hereto shall

bear their own attorney's fees and costs in the event of any dispute, claim, action or appeal arising out of or related to this Agreement.

18. The COMPANY does hereby covenant and agree to indemnify, defend, and hold the CITY, its City Council, agents, and employees, harmless from all fines, suits, claims, demands, actions, costs, obligations, attorneys' fees, or liability of any kind related to this Agreement arising out of the negligent actions or willful misconduct of the COMPANY or its agents or employees. The COMPANY also agrees to assume all risk in the operation of its business and shall be solely responsible and answerable for any and all accidents or injuries to persons or property arising out of its performance of this Agreement.

19. The COMPANY assumes total responsibility for salaries, employment benefits, contractual rights and benefits, contract payments, and federal, state, and local employment taxes, if any, attributable to COMPANY personnel or contractors and agrees to indemnify and hold the CITY harmless from any responsibility for same.

20. In performing this Agreement, planning, developing, constructing, equipping, and operating the project, or carrying out any of the activities to be carried out by the COMPANY, the COMPANY will be acting independently, in the capacity of an independent entity and not as a joint venture, partner, associate, employee, agent or representative of the CITY.

21. This Agreement is made for the sole benefit of the parties hereto and their respective successors, including any successor in interest to the COMPANY'S interest in the project, and is not intended to and shall not benefit any third party. No third party shall

have any rights hereunder or as a result of this Agreement or any right to enforce any provisions of this Agreement.

22. The terms and conditions of this Agreement placed upon the CITY are applicable only to the extent they are within and consistent with the constitutional and statutory limitations on the authority of the CITY. Specifically, the parties acknowledge that the CITY is without authority to grant or pledge a security interest in any of the CITY'S revenue sources or property.

23. Public Records. The COMPANY shall comply with the requirements of Florida's Public Records Act, Chapter 119, Florida Statutes. To the extent required by Section 119.0701, Florida Statutes, the COMPANY shall (a) keep and maintain public records required by the CITY to perform the service under the Agreement; (b) upon request from the CITY'S custodian of public records provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided for under Florida's Public Records law; (c) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement term and following completion of this Agreement if the COMPANY does not transfer the records to the CITY; and (d) upon completion of this Agreement, transfer, at no cost to the CITY, all public records in possession of the COMPANY. Upon transfer, the COMPANY shall destroy any duplicate public records that are exempt or confidential and exempt from public records requirements. All records stored electronically must be provided to the CITY in a format that is compatible with the

information technology systems of the CITY. All documentation produced as part of this Agreement will become the property of the CITY. This paragraph shall survive the expiration or termination of this Agreement. **IF THE COMPANY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE COMPANY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 813-780-000, EXT. 3543 OR CITYCLERK@CI.ZEPHYRHILLS.FL.US OR CITY CLERK – CITY OF ZEPHYRHILLS – 5335 8TH STREET – ZEPHYRHILLS, FLORIDA 33542.** Under Florida law, a Company who fails to provide the public records to the CITY within a reasonable time may be subject to penalties under Section 119.10, Florida Statutes, and such non-compliance will constitute a breach of the Agreement and may serve as grounds for termination of this Agreement.

1. Default:

A. For purposes of this Agreement, "event of default" shall mean any of the following:

i. Any representation or warranty made by the COMPANY herein or in any statement, invoice or certificate furnished to the CITY in connection with the performance of the Agreement proves to be untrue in a material respect as of the date of issuance or making thereof and is not corrected or brought into compliance within thirty (30) days after written notice thereof to the COMPANY by the CITY.

ii. The COMPANY materially breaches any covenant contained in this Agreement and such breach shall not be corrected or cured within thirty (30) days after written notice thereof to the COMPANY by the CITY.

iii. The COMPANY fails to provide to the CITY, within thirty (30) days after written notice thereof to the COMPANY by the CITY, the documents, records and information reasonably required by the CITY to verify COMPANY'S performance of its obligations hereunder.

iv. The COMPANY fails to create and maintain the minimum number of qualifying permanent full-time new jobs in the CITY within three (3) years after issuance of the first Certificate of Occupancy and throughout the term of the Agreement.

v. The COMPANY closes its business, or moves out of the City of Zephyrhills, or fails to maintain the use of the building constructed on the real property subject to this agreement, for builder product or connector plate manufacturing, at any time during this Agreement.

B. If, following the receipt of written notice of default from the CITY and the expiration of the thirty (30) day cure period, an event of default has occurred, the COMPANY shall pay the CITY all amounts waived or reimbursed under this agreement, plus interest at the rate of prime plus one percent (1%) from the date of the disbursement to until such payments are received by CITY.

24. Time is of the essence of this Agreement.

25. It is declared to be the intent of the parties that if any section, subsection, sentence, clause, or provision of this Agreement is held invalid, the remainder of this Agreement shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

26. This Agreement constitutes the entire Agreement of the parties with respect to the subject matter hereof, and may not be modified or amended except by a written instrument equal in dignity herewith and executed by the parties to be bound hereby.

27. The COMPANY agrees that no representations have been made by the CITY in order to induce the COMPANY to enter into this Agreement other than as expressly stated in this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the _____ day of _____, 2024.

ATTEST:

CITY OF ZEPHYRHILLS, FLORIDA

By: _____
Lori L. Hillman, City Clerk

By: _____
Kenneth M. Burgess, Jr., Council President

Approved as to Legal Form and Content only
for the reliance by the City of Zephyrhills

Matthew E. Maggard, City Attorney

MITEK, INC., a Missouri corporation

WITNESSES:

Print Name: _____

Print Name: _____

Douglas Krauss

Name: Douglas Krauss

Title: SVP, Global Supply Chain & Mfg.

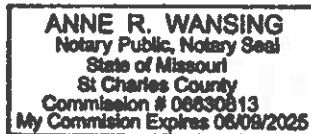
Date: 7/1/2024

STATE OF Missouri
COUNTY OF St. Louis

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 1st day of July, 2024 by
Douglas Krauss as SVP, Global Supply Chain of MITEK, INC., a
Missouri corporation, who ☒ is personally known to me or [] has produced
as identification.

Anne R. Wansing
NOTARY PUBLIC

[NOTARY SEAL]



CITY MANAGER'S REPORT 5.2

Tennis Pro Florida, LLC Agreement No. 37-24-06

Second Amended and Restated Sarah Vande Berg Tennis Center Management Agreement

Issue:

Approval of the amended and restated Sarah Vand Berg Tennis Center Management Agreement

Background:

Mouratoglou Academy Holdings Miami LLC (MAHM), is purchasing a controlling stake in Tennis Pro Florida LLC., thus assuming the contract with the City for management of the Sarah Vande Berg Tennis Center. Staff and the City Attorney met with Pascal Collard and Valentin Demande on the drafting of the attached contract for the management of the SVB Center. Below are the noted changes from the previous agreement:

- **Article 5.1 City/Contractor Responsibilities** - This section allows the contractor to sell and serve alcohol on the Tennis Center property in accordance with all applicable state and local laws and regulations;
- **Article 5.2 City Rights** - This section allows the City to utilize the indoor facility at the center for the City's Summer Recreation Program from the hours of 7:00 a.m. to 1:00 p.m. at no cost to the City;
- **Article 5.3 City Commitments** - The City agrees to work with the Contractor to seek state and/or federal funds to assist with the construction of tennis center improvements such as enlargement of the fitness/gym area, building for medical doctors/physical therapists, and renovation/construction of an Olympic size pool on the adjacent lot;
- **Article 13.4 Ownership of Contractor** - If MAHM desires to sell its ownership, such sale or transfer must be approved by the City; however, approval by the City shall not be unreasonably withheld or delayed;
- **Article 13.5 Name** - MAHM will operate as the Mouratoglou Tennis Center Zephyrhills in Legacy of Sarah Vande Berg. Sarah Vande Berg's name will remain on the mainbuilding of the Tennis Center with review and approval of by the City.

Attachment(s):

1. v2 Second Amended and Restated SVB Management Agreement
2. Mouratoglou International (1)
3. hl-46004176362
4. hl-46004176363
5. hl-46004176364

6. hl-46004176368

Fiscal Impact:

There is no fiscal impact with the approval of this agreement.

Staff Recommendation:

Staff recommends approval of agreement #41-24-21

SECOND AMENDED AND RESTATED
SARAH VANDE BERG TENNIS
CENTER MANAGEMENT
AGREEMENT¹

This SECOND AMENDED AND RESTATED SARAH VANDE BERG TENNIS CENTER MANAGEMENT AGREEMENT (hereinafter "AGREEMENT") is made between the **CITY OF ZEPHYRHILLS**, a Florida municipal corporation (hereinafter "CITY"), and **TENNIS PRO FLORIDA LLC**, a Florida limited liability company ("CONTRACTOR").

WHEREAS, in connection with the acquisition by Mouratoglou Academy Holdings Miami LLC, a Delaware limited liability company ("MAHM"), of a controlling stake in CONTRACTOR, CITY desires to amend its agreement with CONTRACTOR relating to the operation of the CITY'S SARAH VANDE BERG TENNIS CENTER (hereinafter "Tennis Center") as specifically described below; and

WHEREAS, the CITY and CONTRACTOR agree to repeal and replace all previous agreements and addenda entered into up to the date of this AGREEMENT.

NOW, THEREFORE, CITY and CONTRACTOR, for and in consideration of the provisions, mutual promises, covenants and conditions hereinafter set forth or recited, agree as follows:

ARTICLE 1. DEFINITIONS

¹ NTD: It appears from the documentation received to date that the parties entered into the Sarah Vande Berg Tennis Center Management Agreement as of October 11, 2017, which agreement was amended by a First Addendum dated as of November 13, 2017 and repealed and replaced by an Amended Sarah Vande Berg Tennis Center Management Agreement dated as of September 14, 2020. This Amended Agreement was amended by a First Addendum to Amended Agreement dated July 21, 2022, which addendum was repealed and replaced by a Second Addendum dated April 24, 2023 (but effective as of April 10, 2023. We were also provided with a "First Addendum to Sarah Vande Berg Tennis Center Management Agreement" dated November 13, 2023 that expressly refers to the 2017 initial agreement and its "First Addendum" and ignores the Amended Agreement of 2020 and the addenda of 2022 and April 2023. This draft is based on the 2020 Agreement as amended.

1. The Effective Date of this Agreement shall be July __, 2024 and the BEGINNING DATE shall mean on or before October 1, 2020.
2. EXPIRATION DATE shall be September 30, 2040, or if the Agreement is automatically renewed, the renewal expiration date as provided in Section 3.1.
3. FISCAL YEAR shall mean the period beginning October 1st of any year through September 30th of the following year.
4. SARAH VANDE BERG TENNIS CENTER means the property and all improvements located on the Property that the CITY may make available to the CONTRACTOR as provided herein.
5. PROPERTY means the land on which the Tennis Center is located which has a street address of 6585 Simons Rd, Zephyrhills, FL 33541 and a Parcel ID Number of 04-26-21-0000-39900-0010.

ARTICLE 2. GENERAL REQUIREMENTS

§2.1 Management of the Tennis Center. CITY hereby hires CONTRACTOR to manage, supervise, and operate the Tennis Center in accordance with this AGREEMENT. CONTRACTOR has the responsibility and authority to implement operating policies that adhere to policies that are customary with similar types of facilities where applicable and shall take all actions necessary to manage and operate the Tennis Center in a manner that meets standards which are customary with other similar facilities.

§2.2 Independent Contractor. CONTRACTOR is, at all times and for all purposes, an independent contractor with respect to the CITY and the CITY shall not have the authority or responsibility to supervise the day-to-day activities of the CONTRACTOR or CONTRACTOR'S employees. Nothing in this Agreement and its performance shall create an employment or

agency relationship between CITY and CONTRACTOR. Nevertheless, CONTRACTOR agrees to seek advice from CITY and cooperate with CITY in its management of the Tennis Center, and the parties both agree to cooperate with each other regarding the management of the Tennis Center.

§2.3 Use of the Property. CITY grants to CONTRACTOR the use and possession of the Property during the term of this Agreement for the purposes of managing and operating the Tennis Center, subject to the rights of CITY under this Agreement. The CITY has the right to utilize the facility for special events at no cost to the CITY. Examples of special events include but are not limited to, City Christmas Party, Zephyrhills Economic Summit, Municipal Association of Pasco Meetings and Joint Meetings with Pasco County Board of County Commissioners.

§2.4 CITY'S Right to Inspection. CITY and its representatives have the right at all reasonable times to enter upon and to examine and inspect the Tennis Center for any reason. In the event of a default, CITY has the right of access to the Tennis Center that is reasonably necessary to cause the proper maintenance of the Tennis Center.

§2.5 ALTERATIONS to Property. CONTRACTOR shall not make any material alterations to the Property without the express written consent of CITY. A material alteration shall be defined by an action by CONTRACTOR that would require a permit to perform.

ARTICLE 3. TERM

§3.1 Term.. The term of this Agreement shall be for Twenty (20) years commencing on or before October 1, 2020 and expiring on September 30, 2040. There are two (2) subsequent, ten (10) year renewal option, unless terminated earlier under one of the provisions of Article 10 of the Agreement. Nothing in this Article shall be construed as a limitation on either party's right to terminate this Agreement in accordance with Section 10.7 hereof. Both Parties shall issue

its decision, in writing, to renew the Agreement, or allow the Agreement to expire a minimum of six (6) months in advance of the then applicable expiration date, to ensure a smooth transition if a change is to occur following the end of the then current term.

ARTICLE 4. RESPONSIBILITIES OF CONTRACTOR

§4.1 Operation of the Tennis Center. In the management, supervision and operation of the Tennis Center, CONTRACTOR shall:

- a) operate the Tennis Center as a municipal Tennis Center which is open to the general public without discrimination on any basis prohibited by applicable law, regulation or ordinance, subject to fees, rules, and policies approved by the CITY, and within this Agreement;
- b) establish fees upon mutual agreement with CITY but based on comparable market rates for similar facilities and similar reputation;
- c) operate the Tennis Center in a professional, efficient and cost-effective manner and provide quality programs, services, and retail sales;
- d) adhere to best practice financial management principles, and maintain efficient and accurate accounting records in accordance with generally accepted accounting principles in the format defined by the CITY'S Finance Director. CONTRACTOR must provide audited financial statements to the CITY within one hundred and fifty (150) days of the end of each fiscal year.
- e) comply with all applicable federal, state and local laws, ordinances, rules, policies, and regulations;
- f) operate and maintain a clean, well-organized, efficient, customer friendly pro shop, which offers merchandise, a stringing machine and provides quality customer service;

- g) maintain an annual minimum wholesale inventory of \$15,000 of merchandise in the pro shop;
- h) maintain a minimum of Eighty (80) open hours weekly as weather permits and operate the Tennis Center during designated days and hours of operation to be determined by CONTRACTOR with approval by the CITY MANAGER;
- i) establish, develop and implement ongoing, year-round programs and events for all ages, including, but not limited to, instruction, clinics, drills, camps, leagues, tennis socials, fundraisers and tournaments;
- j) ensure quality customer service in the delivery of all aspects of tennis services provided and ensure 100% of both employee and contract staff who are employed at the time of the annual training participate in annual customer service training approved by the CITY;
- k) maintain the Tennis Center in a quality and safe condition;
- l) maintain all personal property, tennis equipment and tennis program supplies owned by CONTRACTOR in good working order;
- m) maintain an organizational membership with the United States Tennis Association (USTA), and either the United States Professional Tennis Association (USPTA), or the Professional Tennis Registry (PTR);
- n) pay all operating expenses of the Tennis Center, except for those expenses which the CITY agrees herein to pay;
- o) Intentionally Omitted;
- p) reserve two (2) tennis courts within the Tennis Center for members to participate in open (non-tournament) play at all times except for specific dates/times preapproved

by the CITY MANAGER on an individual basis;

- q) not conduct tournaments which occupy all tennis courts without CITY approval;
- r) submit all proposed tournaments that will use 4 or more courts to the CITY MANAGER or designee for approval a minimum of 30 days in advance of the tournament date, with no more than two tournaments to be scheduled per month that use the entire facility;
- s) maintain the tennis courts surface using brooms and squeegees/water brooms daily in a clean and safe condition, free of debris, and leaves;
- t) provide and maintain tennis court amenities including items such as: court benches, water and scoring devices;
- u) notify CITY when, in the opinion of CONTRACTOR, any part of the Tennis Center maintained by CITY requires maintenance. Notification should be made in writing, to the CITY MANAGER or his/her designee. If, however, the parties disagree about the condition and/or required maintenance of the CITY maintained facilities, CONTRACTOR will notify CITY in writing of the reasons behind CONTRACTOR'S request. CITY will respond to CONTRACTOR in writing within ten (10) business days of receipt of CONTRACTOR'S written request along with a response and reasoning for any denial of requested maintenance. CITY'S determination regarding the need for maintenance will be final but will not be unreasonable in denying any request for maintenance. Any maintenance requests which were not denied, but failed to uphold in a reasonable time, may be resolved by CONTRACTOR so long as the repair does not exceed \$2,500.00 and costs shall be reimbursed to CONTRACTOR. An annual inspection by both parties will be made to determine any on-going maintenance and

long-term improvements.

- v) CONTRACTOR shall not operate a tennis center or any tennis programming in a fifty (50) miles radius that competes with the Tennis Center as of the BEGINNING DATE without specific written permission from the CITY, but CONTRACTOR may collaborate with competing facilities if beneficial to the success of the Tennis Center.

§4.2 Improvements and Equipment Provided by Contractor.

- (a) Commencing on the BEGINNING DATE, CONTRACTOR agrees to make a contribution of \$300,000.00 which shall be payable over the course of three (3) years and is to be used for capital improvements to the Tennis Center. All capital improvements shall be permanent and shall become property of the CITY. The capital improvements will be:

- i. Restaurant Equipment;
- ii. Benches;
- iii. Padel Courts;
- iv. If \$300,000 contribution is not exhausted, other capital improvements, are to be provided by CONTRACTOR subject to CITY approval.

- (b) CONTRACTOR agrees to provide adequate equipment to the Tennis Center which shall be maintained by CONTRACTOR:

- i. A list of all fitness equipment provided by CONTRACTOR is attached hereto as Exhibit "A".
- ii. The fitness equipment shall be replaced by CONTRACTOR periodically according to generally accepted industry standards.

§4.3 Rules and Policies. CONTRACTOR agrees to conduct business at the Tennis

Center in accordance with the policies of Mouratoglou Tennis Centers worldwide. Additionally, the CONTRACTOR shall provide written notice to the CITY MANAGER when CONTRACTOR makes any substantial changes to its operating procedures or policies affecting the public's use of the Tennis Center, including changes to hours of operation. CONTRACTOR agrees not to utilize the Property without the CITY's prior written approval for any purpose other than for conducting tennis, padel or pickleball programs, fitness center, retail pro shop, food/snack/beverage sales, tennis, padel or pickleball tournaments and tennis, padel or pickleball camps, provided, however, that the CITY's approval shall not unreasonably be withheld.

CONTRACTOR will be permitted to close or partially close the Tennis Center upon notice to the Tennis Center on designated CITY holidays, designated Tennis Center holidays and for inclement weather (on-going rain, temperatures below 40 F, for severe heat or approaching severe weather such as tornadoes). CITY reserves the right to approve the closing of the Tennis Center at times other than as provided in this Agreement.

CONTRACTOR agrees not to make any permanent physical improvements without written approval from the CITY MANAGER. All proposed projects/improvements will be considered on a project by project basis and must be consistent with the overall intended use of the Tennis Center. Requests for CITY MANAGER approval must be made a minimum of ninety (90) days in advance of the proposed installation date of any proposed improvement. The CITY MANAGER is the point of contact for any desired improvements or modification, and will determine the appropriate course of action for CITY approval.

CITY owned property and fixtures located at the Tennis Center as of the beginning date of this Agreement will remain at the Tennis Center for the use of the CONTRACTOR

in the operation of the Tennis Center. However, said property will remain CITY property and shall be returned to the CITY upon request.

§4.4 Promotion of Tennis Center Activities.

- (a) CONTRACTOR agrees to use reasonable efforts to conduct a continuous program of marketing which will include, but is not limited to, maintaining a website, advertising, public relations, and promotional activities to assure that the Tennis Center has an appropriate and ongoing marketing campaign.
- (b) CONTRACTOR may be required to offer Zephyrhills residents the opportunity to register early for all Tennis Center activities if deemed necessary by the CITY MANAGER.
- (c) CITY will provide a specific section on the City's website for marketing of the Tennis Center and Tennis Center programs and events.
- (d) CITY will provide links to the CONTRACTOR website and post events and press releases as content is approved by the CITY. CONTRACTOR will not determine any CITY website written or visual content, nor any CITY press release content. The CITY will work with CONTRACTOR to provide reasonable coverage. CONTRACTOR shall provide CITY content for placement on the CITY website and/or for CITY press release 30 days prior to the proposed date for posting or release, unless otherwise approved by the CITY MANAGER. CONTRACTOR may determine its own website content and content for CONTRACTOR'S press releases.
- (e) CONTRACTOR may develop its own sponsorship programs which are to be sold to advertisers to generate revenue for the Tennis Center. However, any

permanent signs are to be uniform with the Tennis Center design and will require CITY approval.

§4.5 Tennis Center Personnel.

- (a) CONTRACTOR shall provide employees and/or contractors for the Tennis Center, including management and other necessary staff determined by CONTRACTOR to be necessary for the operation of the Tennis Center to the standards customary of Mouratoglou Tennis Centers. All personnel shall be employees of CONTRACTOR or independent sub-contractors of CONTRACTOR, and not employees or independent sub-contractors of CITY.
- (b) CONTRACTOR shall attract and develop professional tennis instructors, which can be employees and/or contractors, who are capable of providing quality tennis instruction services which are generally expected of a quality Tennis Center.
- (c) CONTRACTOR shall ensure that its employees and contractors maintain a professional appearance and demeanor at all times.
- (d) CONTRACTOR shall establish requirements for employees and contractors at least as stringent as those established by the CITY'S personnel policies with respect to CONTRACTOR'S employees and contractors assigned to the Tennis Center, including the responsibility to conduct pre-employment and annual criminal background checks and pre-employment and for-cause drug screenings. CONTRACTOR shall not assign to the Tennis Center, even on a temporary basis, including during the interview process, any person who has not successfully passed or who fails a criminal background check. CONTRACTOR shall make available results of such screenings to CITY. CITY will provide a copy of the CITY'S personnel policies to CONTRACTOR and arrange for CITY'S Director of Human

Resources to meet with and review all applicable policies with CONTRACTOR on an annual basis and upon request of CONTRACTOR. CITY will also inform CONTRACTOR regarding CITY'S current testing and screening procedures and vendors.

- (e) CONTRACTOR shall keep the CITY MANAGER informed about employee and contractor turnover, and policy changes that affect staffing of the Tennis Center.
- (f) CONTRACTOR shall immediately notify the CITY MANAGER of any personnel or other issues that impacts the health, safety or welfare of Tennis Center patrons, or that could prove detrimental to the public image of the Tennis Center and/or the CITY.
- (g) CONTRACTOR shall provide at all times a minimum one full-time tennis professional to provide lessons and coordinate events in accordance with USPTA and/or PTR standards. All Full-time tennis professionals that are hired by the CONTRACTOR shall be required to receive certification through USPTA and/or PTR within one year from date of hire.
- (h) CONTRACTOR shall have a minimum of one staff member or contractor with current CPR Certification on site during tennis-playing hours.

§4.6 Operations Review.

Periodically, but not less than every six months, CONTRACTOR shall meet with CITY (CITY MANAGER or his/her designee and Finance Director) to review the CONTRACTOR'S management, promotional activities, programs, finances, and policy recommendations concerning the Tennis Center. Each six (6) months, CONTRACTOR will provide monthly compiled financial statements without disclosures compiled by an independent Certified Public

Accountant licensed in the State of Florida, and a monthly attendance and program participation report.

§4.7 Performance Measures.

- (a) Participation Levels: The CONTRACTOR must develop and maintain participation levels in overall tennis instruction for youth through seniors. Monthly program participation reports shall be provided by CONTRACTOR to CITY MANAGER every six (6) months.
- (b) Complaints: The CONTRACTOR must respond to all written inquiries (complaint form or email) and complaints from users within seven (7) business days and produce a bi-annual report to the CITY MANAGER regarding the complaints and the CONTRACTOR'S responses. The CITY agrees to also forward any inquiries and complaints it receives to the Tennis Center in writing within two (2) business days.
- (c) Cleanliness of Facility: The CITY will inspect the Tennis Center on a monthly basis.

§4.8 Licenses and Permits. CONTRACTOR shall obtain all licenses and permits required by governmental entities for activities conducted at the Tennis Center. CONTRACTOR will provide a copy of all licenses to the CITY MANAGER.

§ 4.9 Information Technology.

- (a) CONTRACTOR will be responsible for all technical support for software and hardware utilized in the management of the Tennis Center.
- (b) CONTRACTOR will be responsible for obtaining private internet service necessary for the operation of the Tennis Center.
- (c) CONTRACTOR will be responsible for obtaining the phone service

necessary for the operation of the Tennis Center.

§4.10 CONTRACTOR'S Responsibility for Furnishings and Equipment.

CONTRACTOR shall provide all necessary equipment and furnishings for the operation of the Tennis Center, including, but not limited to, office furniture and supplies, and other equipment needed for the successful operation of the Tennis Center. Said items shall be permanent and owned by CITY. However, if CONTRACTOR provides any sports memorabilia for the Tennis Center, the memorabilia will remain the property of the CONTRACTOR.

ARTICLE 5. CITY / CONTRACTOR RIGHTS AND RESPONSIBILITIES

§ 5.1 CITY / CONTRACTOR responsibilities.

- (a) CITY will review and provide all signage to be placed on and around the Tennis Center with the goal to ensure the consistency of all signage. CONTRACTOR will help CITY determine signage needs prior to creation of and placement of signage.
- (b) CONTRACTOR will identify and determine standards and provide for Tennis Center amenities such as benches (including on-court benches) and tables, with the goal to ensure consistency. All standards and amenities shall be mutually approved by CONTRACTOR and the CITY MANAGER or his/her designee.
- (c) CITY shall be responsible for the construction and maintenance/repair of major Building/Site elements (including, but not limited to, the roof, utilities, HVAC, parking lot, sidewalks, landscape installation, parking lot and landscape lighting on the exterior of the complex) hard/concrete tennis

- courts, on-court fencing, court fencing and perimeter fencing) and pay for all related necessary repairs to the physical conditions of the Tennis Center
- (d) CONTRACTOR shall be responsible for the maintenance of tennis related items including, but not limited to, the clay and grass tennis courts, tennis court nets, shade structures, walls, doors, flooring, turf and landscape areas (including landscape lighting), hardscape areas, permanent seating, trails and walkways. CONTRACTOR shall also be responsible for all general clean-up, including providing for interior janitorial services.
 - (e) CONTRACTOR shall be responsible for the maintenance of all landscaping and sod, including routine cutting, pruning, mowing, and fertilizing. Any plants, shrubs, trees, etc. that die, must be replaced by CONTRACTOR within a reasonable time.
 - (f) CITY shall be responsible for maintaining and repairing all plumbing, electrical, lighting fixtures, heating, ventilating and air conditioning, natural gas, systems and fixtures (light bulbs, lamps and air conditioning filters shall be provided by CONTRACTOR).
 - (g) CONTRACTOR will provide day-to-day general clean-up in preparation for and following, all Tennis Center related classes, programs, events, and activities. CONTRACTOR agrees to maintain the Tennis Center in a good and operational condition. CONTRACTOR shall assist the CITY by notifying the CITY in writing of any specific needs for repair, and the CITY will respond to the CONTRACTOR in writing with an estimated timeline for repair.
 - (h) CONTRACTOR shall be responsible for monthly statements for services for

water, sewer, electricity, natural gas, and security (alarm monitoring) expenses. CONTRACTOR is not responsible for the maintenance or repairs of said items.

- (i) CITY shall install and maintain an automated external defibrillator (AED) at the Tennis Center.
- (j) Except as provided in Section 5.2(b), CITY grants CONTRACTOR the exclusive right to conduct all intended activities at the Tennis Center (including but not limited to fitness, instruction, leagues and tournaments), unless otherwise waived by CONTRACTOR, and the CITY will not compete with the Tennis Center and will not permit the use of CITY owned tennis courts by other individuals or entities for profit-making purposes.
- (k) CONTRACTOR is hereby authorized by CITY to sell and serve alcoholic beverages on the Tennis Center property in accordance with all applicable state and local laws and regulations governing the sale and consumption of alcohol in the State of Florida. CONTRACTOR shall be solely responsible for obtaining and maintaining all necessary licenses, permits and approvals required for the sale of alcohol at the Tennis Center. CONTRACTOR shall comply with all applicable laws, rules and regulations related to the sale and service of alcohol, including but not limited to 'The Beverage Law' which is defined as chapters 561, 562, 563, 564, 565, 567, and 568 of the Florida Statutes."

§ 5.2 CITY RIGHTS

- (a) CITY shall prominently display signage, provided by the CITY that highlights

the Tennis Center as a CITY facility; provides contact information for Tennis Center user comments, questions and concerns;

- (b) CITY may utilize the Tennis Center for CITY meetings at no charge. CITY will provide CONTRACTOR with at least thirty (30) days' notice of requested upcoming usage and will coordinate with CONTRACTOR to schedule joint functions and use of meeting space to avoid scheduling conflicts with previously scheduled tournaments, events or programs.
- (c) CITY may conduct interim surveys as needed to regularly benchmark user satisfaction on programs, services and facilities.
- (d) CITY may utilize the Indoor Tennis Center for the CITY's Summer Recreation Program (hereinafter "Summer Rec") for the Academic Summer as defined year to year by the Pasco County School District. CITY shall have use of the indoor facility daily from 7:00 am – 1:00 pm and shall have exclusive use of the number of courts and other space in such indoor facility as enrollment requires from year to year but at no less than one indoor tennis court. The space required by enrollment shall be at the sole discretion of CITY. CITY's use of the indoor tennis facility for Summer Rec shall be at no cost to the CITY.

§ 5.3 CITY COMMITMENTS

CITY agrees to work with CONTRACTOR and appropriate elected officials at the State and Federal level to seek State and/or Federal funds to assist with construction of the below listed improvements. CITY shall assist CONTRACTOR in procuring construction services, providing construction management monitoring, and other necessary activities to assist in completion of the listed improvements. CITY is in no way committing to

funding construction, design or engineering of any of the listed projects and CITY support is contingent upon receipt of State or Federal funds to fully fund the project or projects:

Enlargement of the Tennis Center fitness/gym area;

- a. Enlargement of the Tennis Center fitness/gym area;
- b. Building of a medical center for doctors, physical therapists, massage therapists and other wellness services and products; and
- c. Renovation/construction of an Olympic or semi-Olympique pool on a lot adjacent to the Tennis Center.

ARTICLE 6. CONSIDERATION

§6.1 Revenues Due to CITY. During the first three (3) years of this agreement, from the date of opening of the Tennis Center, there shall be no revenues due to the CITY. Subsequent to year three (3), CONTRACTOR shall pay CITY fifteen percent (15%) of the Tennis Center's first \$100,000.00 net income. For net income of \$100,000.01 through \$200,000.00, CONTRACTOR shall pay CITY twelve percent (12%) of the Tennis Center's net income. For net income of \$200,000.01 and above, CONTRACTOR shall pay CITY eight percent (8%) of the Tennis Center's net income. Beginning in the fourth year, CONTRACTOR shall tender quarterly payments to CITY on or before April 15th, July 15th, October 15th, and January 15th each year. Revenues due to the CITY for year four (4) shall be paid in equal monthly installments through years five (5) and six (6) along with revenues from those respective years. In determining the amount of the 4th year quarterly payments, CONTRACTOR shall use the net income from year three as a revenue estimate. After final net income is calculated each fiscal year, any adjustments for underpayment or overpayment, shall be factored into the next quarterly payment. The following areas of sales of the Tennis Center are excluded from being included in

the net income calculations for this subsection: (a) alcoholic beverage revenue, (b) retail/merchandise revenue, and (c) revenue from advertising/sponsorship sales. All other revenues generated from the Tennis Center, including but not limited, Food sales, Tutoring Tuition, Lessons, Rentals, and Memberships. For purposes of calculating net income, each equity owner's salary shall not exceed \$100,000.00 per year. After the appropriate percentage of net income is paid to CITY, the CONTRACTOR is free to provide distributions to the equity owner's if funds are available.

ARTICLE 7. FINANCES

§7.1 Fees and Charges.

- a) Court rental fees to be charged at the Tennis Center shall be recommended by the Contractor and any future subsequent changes with approved by the CITY Council. CITY and CONTRACTOR agree that fees should be sufficient to pay operating expenses, but also be competitive with an emphasis to provide everyone an opportunity to participate.
- b) All patrons of the Tennis Center shall be charged according to a published schedule of court fees and charges. CONTRACTOR does not have to charge court fees for the use of the tennis courts at the Tennis Center by (i) guests playing with employees of CONTRACTOR, (ii) touring pros, former pros, and/or (iii) participants in charity events. Otherwise, neither CONTRACTOR nor CONTRACTOR'S employees, agents or sub-contractors shall waive any court fees without CITY MANAGER approval.

§7.2 Annual Operating Budget.

- a) CONTRACTOR shall submit any proposed improvements and budget requests to the CITY MANAGER by April 1st of each year for review of potential impact to the CITY'S operating budget and capital improvements budget after an annual inspection and

review of facility.

ARTICLE 8. ACCOUNTING, REPORTS, AND AUDITS

§8.2 Annual Financial Review. Within 90 days after the close of each fiscal year of the CITY, CONTRACTOR shall submit to CITY Finance Director a financial review certified by CONTRACTOR, covering the specific financial condition and performance of the Tennis Center. The financial review must span the fiscal year then ended. Included with the financial review must be statements for the fiscal year reviews by an independent CPA licensed in the State of Florida. CITY reserves the right to require audited financial statements in lieu of reviewed financial statements, with the difference in cost paid for by the CITY. If an audit is required and the audit report does not contain an "unqualified opinion," the Contractor will provide a written plan for correcting the cause that prevented an unqualified opinion within twenty business days, to be reviewed and approved by the CITY'S Finance Director.

§8.3 CITY'S Right to Inspect and Audit. CITY has the right to inspect the books, records, invoices, deposits, sales slips, canceled checks, and other financial data or transactions of CONTRACTOR'S operation of the Tennis Center at reasonable times during normal business hours.

§8.4 Location of Records. CONTRACTOR shall store all current fiscal year Tennis Center records at the Tennis Center.

§8.5 Fiduciary Relationship. CONTRACTOR has a fiduciary duty to CITY in all of CONTRACTOR'S financial obligations to CITY in accordance with this Agreement, including, but not limited to, faithfully accounting, depositing, and reporting all payments hereunder.

ARTICLE 9. INDEMNITY AND INSURANCE.

§9.1 INDEMNITY BY CONTRACTOR. CONTRACTOR ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR AND AGREES TO FULLY INDEMNIFY, HOLD HARMLESS AND DEFEND CITY AND ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF A PERSON OR DAMAGE TO PROPERTY, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, THE OPERATION OF THE TENNIS CENTER, AND THE PERFORMANCE, ATTEMPTED PERFORMANCE OR NONPERFORMANCE OF THE WORK AND SERVICES DESCRIBED HEREUNDER OR IN ANY WAY RESULTING FROM OR ARISING OUT OF THE MANAGEMENT, SUPERVISION, AND OPERATION OF THE TENNIS CENTER UNDER THIS AGREEMENT, INCLUDING THE WORK, SERVICES, OPERATIONS AND LEGAL DUTIES OF CONTRACTOR, ITS OFFICERS, AGENTS, SERVANTS, EMPLOYEES, SUBCONTRACTORS, OR LICENSEES, IF ANY, REGARDLESS OF WHETHER SUCH INJURY, DEATH, OR DAMAGE IS CAUSED IN PART BY THE CITY'S NEGLIGENCE. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED AS WAIVING ANY DEFENSE OF THE PARTIES UNDER FLORIDA LAW, INCLUDING THE DEFENSE OF SOVERIGN IMMUNITY FROM SUIT OR LIABILITY. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

§9.2 INDEMNITY BY CITY. CITY ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR AND AGREES TO FULLY INDEMNIFY, HOLD HARMLESS AND DEFEND CONTRACTOR, ITS PARENT COMPANIES, AND THEIR RESPECTIVE MANAGERS,

MEMBERS, OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF A PERSON OR DAMAGE TO PROPERTY, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, A BREACH BY CITY OF ITS REPRESENTATIONS, WARRANTIES AND COVENANTS CONTAINED IN THIS AGREEMENT. IN CONNECTION WITH THIS INDEMNIFICATION OBLIGATION, CITY HEREBY IRREVOCABLY WAIVES ANY DEFENSE BASED ON SOVERIGN IMMUNITY FROM SUIT OR LIABILITY.

§9.3 Insurance.

- (a) **WORKERS' COMPENSATION:** Coverage is to apply for all employees for statutory limits in compliance with the applicable state and federal laws. The policy must include Employers' Liability with a limit of \$500,000 each accident, \$500,000 each employee, \$500,000 policy limit for disease.
- (b) **COMMERCIAL GENERAL LIABILITY - OCCURRENCE FORM REQUIRED:** CONTRACTOR shall maintain commercial general liability (CGL) insurance with a limit of not less than \$500,000 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this location/project in the amount of \$1,000,000. Products and completed operations aggregate shall be \$1,000,000. CGL insurance shall be written on an occurrence form and shall include bodily injury and property damage liability for premises, operations, independent contractors, products and completed operations, contractual liability, broad form property damage and property damage resulting from explosion, collapse or underground

(x, c, u) exposures, personal injury and advertising injury. Damage to premises shall be included at \$100,000.

- (c) **COMMERCIAL AUTOMOBILE LIABILITY INSURANCE:** CONTRACTOR shall maintain automobile liability insurance for any business vehicles with a limit of not less than \$1,000,000 each accident for bodily injury and property damage liability. Such insurance shall cover liability arising out of any auto (including owned, hired and non-owned autos, but not personal vehicles), if any. The policy shall be endorsed to provide contractual liability coverage.
- (d) **EVIDENCE OF INSURANCE:** The CONTRACTOR shall furnish the CITY with Certificates of Insurance. The Certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. The CITY is to be specifically included as an additional insured on all policies except Workers' Compensation. In the event the insurance coverage expires prior to the completion of the project, a renewal certificate shall be issued 30- days prior to said expiration date. The policy shall provide a 30-day notification clause in the event of cancellation or modification to the policy. All certificates of insurance must be on file with and approved by the CITY before the commencement of any work activities.

§9.4 No Liens or Mortgages by Contractor. CONTRACTOR agrees to pay for all materials, equipment, and labor used in connection with the performance of this AGREEMENT when and as bills or claims become due. CONTRACTOR agrees not to allow any lien or mortgage to be placed on the Property, fixtures, equipment, or other improvements at the Tennis

Center regardless of whether said fixtures, equipment or improvements were provided by the CONTRACTOR without the prior written consent of CITY. CONTRACTOR shall indemnify, hold harmless and protect the premises, fixtures, equipment and the CITY from and against any claims, liens or mortgages.

ARTICLE 10. TERMINATION

§10.1 For Default. Either party may terminate this Agreement in accordance with this article for a default by the other party.

§10.2 What Constitutes a Default.

- (1) The following events constitute a default by CONTRACTOR:
 - (a) a breach of the fiduciary obligations of CONTRACTOR including, but not limited to, those under Sections 6.1, 7.1, and 8.5 of this Agreement;
 - (b) filing by CONTRACTOR of a voluntary petition for protection under federal bankruptcy laws, or the failure to obtain the dismissal of an involuntary petition under federal bankruptcy laws within 30 days after filing;
 - (c) the inability of CONTRACTOR to provide an unqualified opinion in any required annual audit report as described in Article 8;
 - (d) a failure of CONTRACTOR to perform its duties under this Agreement; or
 - (e) The commission by CONTRACTOR or any of CONTRACTOR'S employees or contractors of a felony or crime of moral turpitude if the CITY, in its sole discretion, reasonably believes that the act suggests that the employee constitutes a threat to the users of the Tennis Center or the public at large, or that the act could, on becoming public knowledge, impair the public's confidence or trust in the CITY or CONTRACTOR or the personnel at the

Tennis Center or in the operation of CITY government in general.

- (f) The failure to cure a default of any term of this agreement after being provided thirty (30) days written notice.
- (2) The following events constitute a default by CITY:
 - (a) A failure on the part of the City to maintain the Tennis Center in a good and operational condition, fulfill all of its obligations under this AGREEMENT regarding the physical maintenance of the Tennis Center, and make timely repairs as requested by Contractor in accordance with 5.1(c) of this AGREEMENT.
 - (b) A failure of CITY to perform any of its duties under this Agreement.

§10.3 Correction.

- (1.) CONTRACTOR shall have 30 days after written notice from CITY specifying the nature of a default under Section 10.2(1)(a)(c) or (d) or Section 10.2(1)(e) because of the commission of an offense by an employee of CONTRACTOR, to correct the default (including without limitation, terminating the employment of an employee who causes a default of the agreement under Section 10.2(1)(e) by committing a felony or crime of moral turpitude), provided that this provision shall not apply unless CONTRACTOR shall immediately place such employee on leave or re-assign such employee to another location. If the default is of such a nature that it cannot reasonably be corrected within 30 days, the CITY may grant CONTRACTOR additional time as may be reasonably necessary to correct the default so long as CONTRACTOR diligently pursues the correction, and takes all reasonable measures to insure the safety of the public and fulfillment of

CONTRACTOR'S other obligations hereunder.

- (2) CITY shall have 30 days after written notice from CONTRACTOR specifying the nature of a default under Section 10.2(2) to cure the default. If the default is of such a nature that it cannot reasonably be corrected within 30 days, the CONTRACTOR may grant CITY additional time as may be reasonably necessary to correct the default so long as CITY diligently pursues the correction, and takes all reasonable measures to insure the safety of the public and fulfillment of CITY'S other obligations hereunder.

§10.4 Election to Terminate.

- (1) If CONTRACTOR is in default, CITY may elect to terminate this Agreement pursuant to this article by giving written notice of default to CONTRACTOR subject to the following: If the default is under Section 10.2(1)(b) or is under Section 10.2(1)(e) because of the commission of an offense by CONTRACTOR, this AGREEMENT shall terminate immediately upon delivery of written notice from CITY to CONTRACTOR of its election to terminate the agreement. If the default is under Section 10.2(d) or is under Section 10.2(e) because of the commission of an offense by an employee of CONTRACTOR, this AGREEMENT shall terminate upon expiration of the correction period if correction has not been made pursuant to Section 10.3, and CITY delivers to CONTRACTOR written notice of its election to terminate the AGREEMENT via certified mail.
- (2) CONTRACTOR may elect to terminate this AGREEMENT pursuant to this article by giving written notice of default to CITY. This AGREEMENT shall terminate upon expiration of the correction period if correction has not occurred pursuant to Section

10.3 and CONTRACTOR delivers written notice to CITY of its election to terminate the AGREEMENT via certified mail.

§10.5 Remedy for Certain Defaults.

- (a) If CONTRACTOR defaults under Section 10.2(1)(a), CONTRACTOR shall pay all amounts due CITY at the time of its default under the terms of this Agreement.
- (b) CONTRACTOR may withhold fees owed to CITY if CITY fails to maintain the Tennis Center per this Agreement.

§10.6 Lien. CITY has, at all times, a valid security interest to secure payment of all fees and other sums of money becoming due under this Agreement from CONTRACTOR and to secure payment of any damages or loss that CITY may suffer by reason of CONTRACTOR'S breaching any covenant, agreement, or condition contained in this Agreement. The security interest covers all goods, wares, equipment, fixtures, furniture, and other personal property of CONTRACTOR that is now on the Property or placed on the Property at some later date, and all proceeds attributable to them. This property may not be removed from the premises without CITY's consent until all arrearages in fees and all other sums of money then due the CITY under this AGREEMENT have been paid and discharged, and all the covenants, agreements, and conditions of this lease have been fully complied with and performed by CONTRACTOR.

If CONTRACTOR is in default, CITY may, in addition to any other remedies provided in this AGREEMENT or by law, after giving reasonable notice of the intent to take possession and giving an opportunity for a hearing on the issue, enter on the Property and take possession of any goods, wares, equipment, fixtures, furniture, and other personal property, but not including any sports memorabilia provided by CONTRACTOR, situated on the premises, without liability

for trespass or conversion, and sell the property at public or private sale, with or without having the property at the sale, after giving CONTRACTOR reasonable notice of the time and place of any public sale or of the time after which any private sale is to be made. CITY or its assigns may buy any items to be sold at such a sale unless they are prohibited from doing so by law. Unless otherwise provided by law, and without excluding any other manner of giving CONTRACTOR reasonable notice, the reasonable notice requirement is met if notice is given at least ten (10) days before the time of sale. The proceeds from any such disposition, less any expenses connected with taking possession, holding, and selling the property (including reasonable attorney's fees and other expenses), will be applied as a credit against the indebtedness secured by the security interest granted in this section. Any surplus will be paid to CONTRACTOR or as otherwise required by law, and CONTRACTOR will pay any deficiencies immediately.

ARTICLE 11. ASSIGNMENT AND DELEGATION

Neither party shall assign or delegate this AGREEMENT without the prior written consent of the other party.

ARTICLE 12. NOTICES

All notices to the parties shall be in writing and shall be sent by certified mail, return receipt requested, to the addressees and addresses specified below (Contact information may be updated by party requiring update providing written notice):

All notices to CONTRACTOR shall be sent to:

**Tennis Pro Florida, LLC
3988 Aldea Way
Wesley Chapel, FL 33543**

With copy, which shall not constitute notice, to:

**Abitbol & Cherry, LLP
15 Hudson Yards**

New York, NY 10001
Attention: Pierre N. Abitbol, Esq.
e-mail: pierre.a@abitbolaw.com

All notices to CITY shall be sent to:

William C. Poe, Jr., City Manager
City of Zephyrhills
5335 Eighth Street
Zephyrhills, FL 33542
(813) 780-0000
wpoe@ci.zephyrhills.fl.us

with copy to:

Matthew E. Maggard, Esq.
Shumaker, Loop & Kendrick, LLP
13134 US Highway 301
Dade City, FL 33525
(352) 458-4700
mmaggard@shumaker.com

ARTICLE 13. MISCELLANEOUS

§13.1 Construction. This Agreement shall not be construed against the drafting party.

§13.2 Non-Waiver. No waiver of any breach of any term or condition of this AGREEMENT shall be construed to waive any subsequent breach of the same or any other term or condition of this Agreement.

§13.3 Partnerships with CONTRACTOR. Any proposed partnerships (other than commercial contracts with vendors, suppliers and services providers) between CONTRACTOR and a Third Party must be approved by CITY in advance; it being agreed that execution of this AGREEMENT by CITY constitutes CITY's approval of MAHM's acquisition of a controlling stake in CONTRACTOR. All agreements between CONTRACTOR and Third Parties are subject to, and shall be bound by, this AGREEMENT. CONTRACTOR shall ensure that all agreements entered into with Third Parties shall include a provision informing the Third Party that they are

bound by this AGREEMENT.

§13.4 Ownership of CONTRACTOR. If at any time, MAHM desires to sell its ownership interest in CONTRACTOR resulting in MAHM no longer owning a majority interest, such sale or transfer must be approved by the CITY; however, approval by the CITY shall not be unreasonably withheld or delayed. The new majority shareholder shall be required to assume responsibility for the obligations of "CONTRACTOR" identified in the AGREEMENT; provided that such new majority holder meets all mutually agreed upon standards set forth in the AGREEMENT.

§13.5 Name. Notwithstanding anything herein to the contrary, CONTRACTOR shall be authorized to operate as the 'MOURATOGLOU TENNIS CENTER ZEPHYRHILLS in legacy of Sarah Vande Berg'. The main building of the Tennis Center shall display the Sarah Vande Berg name subject to review and approval by CITY.

ARTICLE 14. SEVERABILITY

If any provision of this AGREEMENT is held to be invalid or unenforceable as applied in a particular case for any reason, those circumstances shall not have the effect of rendering the provision invalid or unenforceable in any other case. The invalidity of one or more phrases, sentences, clauses, or sections in this AGREEMENT shall not affect the remaining portions of the Agreement.

ARTICLE 15. GOVERNING LAW

This AGREEMENT shall be governed by and construed under the laws of the State of Florida, and venue in any proceeding relating to this Agreement shall be in Dade City, Pasco County, Florida.

ARTICLE 16. BINDING CLAUSE

This AGREEMENT shall be binding upon the parties, their heirs, executors, administrators, devisees, legatees, trustees, successors, and assigns.

ARTICLE 17. PUBLIC RECORDS

Pursuant to section 119.0701, Florida Statutes, for any tasks performed by CONTRACTOR on behalf of the CITY, CONTRACTOR shall: (a) keep and maintain all public records, as that term is defined in chapter 119, Florida Statutes ("Public Records"), required by the CITY to perform the work contemplated by this Agreement; (b) upon request from the CITY'S custodian of public records, provide the CITY with a copy of the requested Public Records or allow the Public Records to be inspected or copied within a reasonable time at a cost that does not exceed the costs provided in chapter 119, Florida Statutes, or as otherwise provided by law; (c) ensure that Public Records that are exempt or confidential and exempt from Public Records disclosure requirements are not disclosed except as authorized by law for the duration of the term of this Agreement and following completion or termination of this Agreement, if Contractor does not transfer the records to the CITY in accordance with (d) below; and (d) upon completion or termination of this Agreement, (i) if the CITY, in its sole and absolute discretion, requests that all Public Records in possession of Contractor be transferred to the CITY, Contractor shall transfer, at no cost, to the CITY, all Public Records in possession of CONTRACTOR within thirty (30) days of such request or (ii) if no such request is made by the CITY, CONTRACTOR shall keep and maintain the Public Records required by the CITY to perform the work contemplated by this Agreement. If CONTRACTOR transfers all Public Records to the CITY pursuant to (d)(i) above, CONTRACTOR shall destroy any duplicate Public Records that are exempt or confidential and exempt from Public Records disclosure requirements within thirty (30) days of transferring the Public Records to the CITY and provide the CITY with written confirmation that such records have been destroyed within thirty (30) days of

transferring the Public Records. If CONTRACTOR keeps and maintains Public Records pursuant to (d)(ii) above, CONTRACTOR shall meet all applicable requirements for retaining Public Records. All Public Records stored electronically must be provided to the CITY, upon request from the CITY'S custodian of public records, in a format that is compatible with the information technology of the CITY. If CONTRACTOR does not comply with a Public Records request, or does not comply with a Public Records request within a reasonable amount of time, the CITY may pursue any and all remedies available in law or equity including, but not limited to, specific performance. The provisions of this section only apply to those tasks in which CONTRACTOR is acting on behalf of CITY.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 813-780-000, EXT. 3543 OR CITYCLERK@ZEPHYRHILLS.FL.US OR CITY CLERK – CITY OF ZEPHYRHILLS – 5335 EIGHTH STREET – ZEPHYRHILLS, FLORIDA 33542.

ARTICLE 18. ENTIRE AGREEMENT

This Agreement and the attached exhibit(s) listed below constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this AGREEMENT. Each Party agrees to sign two originals and provide one of the original of the signature page to the other party.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of July __, 2024.

CITY OF ZEPHYRHILLS, FLORIDA

ATTEST:

By: _____
Lori L. Hillman, City Clerk

By: _____
Kenneth M. Burgess, Council President

Approved as to Legal Form and Content

Matthew E. Maggard, City Attorney

Witnesses:

TENNIS PRO FLORIDA, LLC

Signature

Printed Name

Signature

Printed Name

By: _____

Printed Name: _

Title: _____



1

PATRICK MOURATOGLOU

THE COACH
CHAMPIONS MAKER
N°1 COACH ON SOCIAL MEDIA
UNIQUE METHODOLOGY





PATRICK MOURATOGLOU

One of the most recognizable personalities in the world of tennis.

CHAMPIONS MAKER

10 Grand Slam titles & 2 gold medals with Serena Williams

FOUNDER OF UTS

The world's most innovative tennis league

CHAMPSEED FOUNDATION

10 years helping today's talents becoming tomorrow champions

MOURATOGLOU ACADEMY

Since 1996
Founder & President

NETFLIX

Who is Patrick Mouratoglou ?





CHAMPIONS MAKER

HOLGER RUNE

Spotted by PM at age 13, "The Danish Machine" went on to win Roland Garros at 16, becoming the second youngest Junior Grand Slam winner. Currently ATP world n.6.

COCO GAUFF

Spotted by PM at age 10, she became the youngest US Open champion since Monica Seles in 1991.

SERENA WILLIAMS

Holds an Open Era record of 23 Grand Slam titles, including 10 won with PM and 2 Olympic gold medals.

STEFANOS TSITSIPAS

Spotted by PM at age 15, he reached 2 Grand Slam finals as well as a career-high of No.3.

GRIGOR DIMITROV

Spotted by PM at age 14, he climbed his way from Top 500 to Top 50 under Patrick's guidance.





THE N°1 COACH ON SOCIAL MEDIA



663K



526K



383K

+3,4M
Followers

ACROSS ALL PLATFORMS, SURPASSING
9 out of 10 TOP ATP/WTA PLAYERS
(WITHIN TOP 200)



1,4M



41K





EXPERIENCE THE MOURATOGLOU METHODOLOGY IN EACH AND EVERY CENTER

Coaches in our centers are all **trained** and **certified** with the **Mouratoglou Methodology** taught at the Mouratoglou Academy in France. They will have a mix of expertise coaching children and adults, from beginners to advanced players.

Coaches do wear **professional looking & coordinated Mouratoglou Coach attire**, aligned with MA Nice standards as well.

Head Coach Trainer - **Johan Van Herck** - Former top-60 ATP player; Former Captain of the Belgian Davis Cup and Fed Cup teams; Former National Technical Manager of the Belgian Tennis Federation.



2

OUR TENNIS BUSINESSES

N°1 ACADEMY IN THE WORLD
UTS
MOURATOGLU INTERNATIONAL





OUR TENNIS BUSINESSES

THE N°1 TENNIS ACADEMY IN THE WORLD

SHAPING CHAMPIONS SINCE 1996

+250

TENNIS & SCHOOL STUDENTS

45

DIFFERENT NATIONALITIES

+5000

TENNIS CAMPERS PER YEAR

All year round, from beginners
to high performance players

38

CLAY & HARD COURTS,
OUTDOOR & COVERED, INCL. 2 CENTER COURTS,
PADEL COURTS

MOURATOGLOU
— ACADEMY —





LIVE THE UTS EXPERIENCE



UTS is Tennis 2.0 - the next disruptive league in a major global sport.

2024 second round action scheduled in **New-York City** in **August 2024**



10

TOP 10 PLAYERS
have participated

+100

Broadcasted in
COUNTRIES

21

YEARS YOUNGER
than regular ATP
fans

+17M

MILLION FANS
part of UTS ecosystem

+35

**MILLION
HOUSEHOLDS**
reached globally

+58M

IMPRESSIONS
on UTS' social media



WATCH UTS
TRAILER



MOURATOGLOU INTERNATIONAL

+25 years of expertise in tennis center management worldwide.



JUMEIRAH
Dubai (2020)



COSTA NAVARINO
Greece (2021)



EPSOM COLLEGE
*Kuala Lumpur
(2022)*



CALA DI VOLPE
Sardinia (2023)



CHINA
Beijing (2024)



NEW-YORK
(Launch in Aug. 2024)



**MELBOURNE
AUSTRALIA**
(Launch in 2027)



**RITZ CARLTON
NAPLES, USA**
(Launch in July 24)



**HORSESHOE BAY
TEXAS, USA**
(June 2024)



MOURATOGLOU INTERNATIONAL

Join a continuously expanding network of centers worldwide.



3

CENTERS PORTFOLIO

MTC DUBAI

MTC GREECE

MTP EPSOM

MTC SARDINIA

MTC BEIJING

MTC NAPLES

MTC TEXAS

MTC NEW-YORK

MTC BALI

MTA AUSTRALIA





**MOURATOGLOU
TENNIS CENTER**
Jumeirah



CENTERS PORTFOLIO

INAUGURATED IN
DEC. 2020

Located in the Jumeirah Beach Hotel and the Jumeirah Madinat, **two of the most prestigious hotels in Dubai.**

Jumeirah Beach Hotel won the **2021 Winner of Dubai's Leading Beach Resort** World Travel Awards.

10 brand new hard courts + **3** Padel courts.

Used as training base by the **best players in the world** several times a year.

Offers **private & group lessons, court rentals, camps and full-time** training programs.

DISCOVER THE WEBSITE





**MOURATOGLOU
TENNIS CENTER**
COSTA NAVARINO



CENTERS PORTFOLIO

INAUGURATED IN
JUN. 2021

GREECE



Partnership with **COSTA NAVARINO**, the largest & most acclaimed luxury resort in Europe, featuring several 5-star hotels, incl. The W.

Located in the Peloponnese, in the south-east.

The Westin was voted among the **Best Resort Hotels in Europe** in 2017, 2020 and 2021⁽¹⁾.

17 state-of-the-art tennis, padel and pickleball courts with breathtaking views of the Ionian Sea, incl. **clay, hard & grass surfaces.**

DISCOVER THE WEBSITE



INAUGURATED IN
JAN. 2022

MALAYSIA

EPSOM, PRESTIGIOUS
BRITISH SCHOOL, EST.
165 YEARS AGO



350 STUDENTS ON SITE, from 3 to 18
years old (prep, junior, and high school).

Asia's first **Tennis & School programme**, near
Kuala Lumpur (Malaysia).

School with boarding and sports facilities
including **11 tennis courts**, an **Olympic size
swimming pool**, football pitch, gym etc.



MOURATOGLOU
TENNIS CENTER
SARDINIA



CENTERS PORTFOLIO

INAUGURATED IN
JUN. 2023

SARDINIA

HOTEL CALA DI VOLPE,
ONE OF THE MOST LUXURIOUS
HOTELS IN THE WORLD



4 tennis courts + **2** padel courts with a
range of programs **100%** tailored to clients'
needs and levels.

Experience the **Mouratoglou Methodology**
and sharpen your racket sports skills in of the
most **exclusive summer destination** across
Europe.

LAUNCH IN
APR. 2024

BEIJING, CHN

BRAND-NEW MULTISPORTS CENTER
AT THE HEART OF CHINA'S CAPITAL CITY

13 state-of-the-art **tennis hard courts**, including
6 indoor tennis courts + **7** outdoor tennis &
pickleball.

Unprecedented partnership with Yuan Li Sports, a leading sports management company in East Asia.

World-class facilities to bring Mouratoglou's proven methodology on Chinese soil, nurture **young local talents** and cater to **international exclusive clientele's needs**.



MOURATOGLOU
TENNIS CENTER
HORSESHOE BAY



CENTERS PORTFOLIO

LAUNCH IN
JUN. 2024

HORSESHOE BAY, TEXAS

AN EXCEPTIONAL RESORT FEATURING
AN EXCLUSIVE MARINA AND 4 GOLF COURSES



4 tennis clay courts, **8** tennis hard
courts, and **14** pickleball courts only 1 hour
away from Austin.

Mouratoglou's **first tennis center** in Texas in
an elite resort and members env aligning
perfectly with the brand's vision of excellence.



**MOURATOGLOU
TENNIS CENTER**
NAPLES TIBURÓN

LAUNCH IN
JULY. 2024

NAPLES, FLORIDA

THE RITZ CARLTON NAPLES TIBURON,
A STATE OF THE ART FACILITY STUNNING GOLF
COURSES AND SURROUNDINGS



4 outdoor Har-tru tennis courts 10 minutes
away from the beach with exceptional services
offerings.

Mouratoglou's **first tennis center** in Florida
and first partnership with the Ritz-Carlton.



**MOURATOGLOU
TENNIS CENTER
NEW YORK**



CENTERS PORTFOLIO

Planned for
END of 2024

HACKENSACK, NJ

STATE-OF-THE-ART CENTER
RIGHT NEXT TO THE MOST DYNAMIC
CITY IN THE WORLD.



7 indoor **tennis hard court**, **8** pickleball
courts including 4 indoor & 4 outdoor courts.

Mouratoglou's world-renowned expertise
at the service of a brand new center located a
few miles away from New York-City.

Secure your **membership** to live out the
most exclusive experience in the city that
never sleeps.

Planned for
END of 2025

BALI, INDONESIA

GET READY TO DISCOVER THE
BALINESE SPIRIT, ALL WHILE ENJOYING:

Our **8** covered tennis courts with a mix of
red clay and **hard court**

Our **4** covered padel tennis courts – a
revolution in Southeast Asia

Our **luxurious private villas** and holistic
world class **wellness center**



PLANNED FOR
2028

GEELONG, AUS

THE MOST ICONIC SPORTS
DESTINATION IN THE SOUTHERN
HEMISPHERE



+48 tennis & padel courts nestled in a
+550 acres complex offering cutting-edge
training facilities and prime education partner.

Mouratoglou's **2nd tennis & school program**
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THANK YOU



**MOURATOGLOU
TENNIS CENTER**
ZEPHYRHILLS





**MOURATOGLU
TENNIS CENTER**
ZEPHYRHILLS



The image shows the exterior of the Mouratoglou Tennis Center Zephyr Hills. The building has a modern design with a white facade and a dark roofline. The entrance is framed by a dark overhang. Above the entrance, there are three large glass doors and two side windows. The central part of the facade features the center's name and logo. The upper section of the facade has decorative perforated panels with chevron symbols. The lower section has a balcony with a glass railing. The entrance area is flanked by two vertical light fixtures. The overall aesthetic is clean and professional.

MOURATOGLOU
TENNIS CENTER
ZEPHYRHILLS

SARAH VANDE BERG LEGACY

CITY MANAGER'S REPORT 5.3

Zephyr Park Design and Permitting Services - Kimley-Horn

Issue:

The City Council approve the scope of services with Kimley-Horn and Associates for the design, permitting, and construction documents for Zephyr Park, as detailed in the Zephyr Park Masterplan.

Background:

The City of Zephyrhills Parks and Recreation Advisory Board has held 5 public meetings to gather input from the community on the design and improvements to Zephyr Park. At their February 15, 2024, community meeting, the Parks Advisory Board voted unanimously to recommend the final Zephyr Park Masterplan to the City Council. The Zephyr Park Masterplan is included in your back -up. At their June 24, 2024, meeting, the City Council approved the final design of Zephyr Park. The scope of services includes any final design elements, construction documents, permitting and construction phase services for the implementation of park elements as shown on the final Zephyr Park plan. Architectural services are included in the scope and will be provided by Furr, Wegman & Banks. Kimley-Horn will provide construction documents and permitting for the entire Zephyr Park Masterplan, although the City may only fund portions of the plan at a time, while funding is secured.

Attachment(s):

1. AGR_Zephyr Park Construction Documents- 20240711

Fiscal Impact:

Scope of service fee including final design elements, creation of construction documents, permitting services, and architectural services, \$911,800. Funding for this phase of the project will come from Federal ARPA grant funds.

Staff Recommendation:

Staff recommends approval of the Zephyr Park design, permitting and construction documents agreement with Kimley-Horn & Associates.

July 11, 2024

Gail K. Hamilton
City of Zephyrhills
Community Redevelopment Agency
5335 8th Street
Zephyrhills, Florida 34205

Re: Zephyr Park Design and Permitting Services

Dear Ms. Hamilton:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “the Consultant”) is pleased to submit this letter agreement (the “Agreement”) to the City of Zephyrhills Community Redevelopment Agency (“CRA” or “Client”) in accordance with the terms and conditions set forth herein for providing professional consulting services for the design of Zephyr Park.

PROJECT UNDERSTANDING

The City of Zephyrhills (City, Client) desires to retain Kimley-Horn and Associates (KHA, Consultant) to provide construction documents, permitting and construction phase services (as a future task) for the implementation of park elements as shown on the Zephyr Park Master Plan approved by City Council February 12, 2024, and attached as Exhibit A. Architectural services under this contract will be provided by Furr, Wegman & Banks Architects, P.A.

It is our understanding that the City will hire a Construction Manager at Risk (CM) for construction of the proposed improvements. Consultant will work with the selected CM to assist them in the development of cost estimates and the Guaranteed Maximum Price (GMP) to be established by the CM. It is assumed that the CM will be selected and available for pre-construction services at the time of the 30% Schematic Design Plan submittal prepared in Task 2 below. Consultant will coordinate with the City and the selected CM to review the cost estimates prepared by the CM and develop phasing plans for implementation of the proposed improvements based on priority and funding availability of the City. It is understood that Kimley-Horn is to provide construction documents and permitting for the entire Zephyr Park Master Plan, although the City may only have funding to permit a portion of the plan elements. Additional funding for capital improvements and future phases may be secured by the City during the design process.

This proposal assumes a design and permitting timeframe of twelve (12) months.

This proposal assumes that the existing Alice Hall structure will be removed by others and is not incorporated into the design.

SCOPE OF SERVICES

Task I – Project Administration, Presentations, and Meetings

Kimley-Horn will provide a Project Manager and staff to administer the professional services described in this Scope of Services.

A. Project Administration and Management

Project Administration and Management will consist of the following activities: scheduling, status reports, describing work to be completed in upcoming month, budgeting, invoicing, and quality assurance program. Additionally, Kimley-Horn will provide the following:

1. Project Setup: Kimley-Horn will establish project files, project work plan, initiating accounting system.
2. Progress Reporting: Monthly progress and schedule updates describing the work performed on each task.
3. Correspondence: Copies of all written correspondence between Kimley-Horn and any party pertaining specifically to this Project will be provided to the City.
4. Method of Distribution: Distribution of meeting summaries, schedules, correspondence, etc., will be via e-mail.

B. Sub-consultant Coordination

Included in this task is coordination of sub-consultant services and coordination of proposed improvements with utilities located within the PROJECT limits. At this time, Kimley-Horn anticipates the following sub-consultants on this project, however the list may change based on the needs of the PROJECT and through discussions with the CITY: architect, geotechnical engineer, building mechanical/ electrical/ plumbing, and building structural.

C. Other PROJECT Meetings

Kimley-Horn will prepare for and attend the following meetings.

1. Kickoff Meeting: Kimley-Horn shall meet with CITY personnel to review project objectives, work plan, and schedule.
2. Progress Meetings: Attendance of up to twelve (12) monthly project calls, including preparation of meeting agendas, coordination with attendees, review of schedule and preparation of meeting summaries.
3. Construction Manager (CM) Meetings: Kimley-Horn will attend up to twelve (12) project calls related to pricing, constructability, coordination or other items as requested by the Construction Manager.
4. Other PROJECT Meetings: Attendance of up to six (6) project meetings on site or at the CITY, including preparation of meeting agendas, coordination with attendees, review of schedule and preparation of meeting summaries.

D. Attendance at City Council Meetings

Kimley-Horn will prepare for and attend up to three (3) scheduled City Council meetings that correspond with the 30%, 60%, and 100% submittals to the CITY. Kimley-Horn will discuss the progress of the

project and obtain input from the Council. City Council meetings will include the preparation of park renderings and illustrative 3D graphics to convey park design progress.

Task 2 – Schematic Design (30%) Plan Package

Kimley-Horn will prepare Schematic Design (30%) Plans based on the Zephyr Park Master Plan approved February 12, 2024 and information provided by the CITY that shall include all areas of the project identified on the approved Zephyr Park Master Plan. Schematic Design will consist of the following:

A. Data/Documentation Collection and Review

Kimley-Horn will perform a visual field observation of the above ground conditions, existing vegetation, other existing conditions, and utility as-builts that may influence the 30% layout refinement. A tree condition evaluation and risk assessment has been performed by a qualified sub-consultant, and tree removal and preservation recommendations will be incorporated into the design of the park.

Kimley-Horn will confirm the following:

1. The Location of existing utilities and capacity to serve the site by review of as-built drawings and coordinating with the CITY Utility Dept.
2. The design and permitting requirements for the utility services to the park.
3. The design and permitting requirements for the storm water treatment, attenuation, and incorporation where possible of Low Impact Design (LID) practices for the park.
4. Review of zoning, tree preservation, and environmental constraints for the park.

B. Schematic Design (30%) Plans

The Schematic Design (30%) Plans set will consist of the following:

1. Demolition Plan
2. Site plan and horizontal layout including parking lots and park features.
3. Location of ingress and egress into the park.
4. Layout and limits of the hardscape features (sidewalks, paths and trails).
5. Location and sizes of buildings, playground and other park amenities.
6. Preliminary layout of boardwalks and piers.
7. Preliminary Landscaping and Hardscape Plan, including preliminary park equipment material selection.
8. Preliminary tree mitigation / removal / replacement plan.
9. Schematic lighting plan identifying proposed light pole locations, and light pole equipment cut-sheets.

C. Architectural Programming / Schematic Design

Architectural programming and schematic design will consist of the following:

1. Code Research
2. Development of schematic floor plans
3. Development of exterior elevations for two (2) restroom buildings

D. Boardwalks and Observation Piers

Kimley-Horn will provide design drawings for the proposed boardwalks and piers noted on the approved Zephyr Park Master Plan. These structures are anticipated to be fixed, not floating, and they will be designed by Kimley-Horn as free-standing elements. Each of the piers and boardwalks required on the PROJECT will be identical (or nearly identical) in construction, to the extent that common structural calculations and plan details can be utilized for design.

All of the above structures will include elements based on the CITY's preferred typical sections and construction materials. Kimley-Horn will include a "Structural Notes" sheet which will provide performance specifications for the various construction materials, including: concrete, timber and composite decking.

E. Preliminary Engineering

Kimley-Horn shall prepare preliminary drainage calculations to establish pre and post drainage basins, location of storm water facilities, and storm pipe layouts. Kimley-Horn will evaluate the existing potable water, reclaimed water, and wastewater infrastructure at the PROJECT site to determine available capacity. This will include obtaining CITY's existing utility maps for the area and meeting with the CITY staff. Kimley-Horn will coordinate a fire hydrant flow test to be performed in the area and calculate anticipated potable water, reclaimed water, and wastewater demands for the PROJECT site. Demands will be based upon the site plan and will include, but are not limited to: on-site public restrooms, drinking fountains, hose bibs, and preliminary landscaping plans.

F. 3D Design Model

Kimley-Horn will prepare a 3D illustrative Lumion/Sketch-Up model of the PROJECT based on the layout from the 30% plans. The model will be used to further illustrate design features of the park for communication with City staff, elected officials and the public.

G. Pre-Application Meetings

Kimley-Horn will schedule and attend a pre-application meeting with Southwest Florida Water Management District (SWFWMD) and/or FDEP to discuss the objectives for the project and establish the parameters that will be required for permitting. Kimley-Horn will meet and coordinate with SWFWMD/FDEP during review of the permit application to aid the review process. It is assumed that only an individual environmental resource permit will be required by the SWFWMD/FDEP for budget purposes.

Kimley-Horn will also schedule and attend a pre-application meeting with CITY Planning, Utility, and Streets & Stormwater departments to discuss the objectives of the project and establish the parameters that will be required for permitting.

Task 3 – Design Development (60%) Plan Package

Kimley-Horn will prepare Design Development (60%) Plans based on the CITY approved Schematic Design (30%) Plans, CITY and CM comments, and comments received during the Pre-Application meetings. The 60% plan set will be utilized on the initial permit submittals to the governing agencies.

A. Design Development (60%) Civil Plans

In general, these plans will consist of the following elements:

1. Existing Conditions: Kimley-Horn will prepare the existing conditions plan identifying areas of clearing or demolition.
2. Site Plan: Kimley-Horn will prepare a site plan for the development of the PROJECT by identifying dimensioning and horizontal control for the PROJECT layout and construction.

Kimley-Horn will prepare a site plan with general dimensions and cross section sketches for environmental permitting purposes for the proposed piers and boardwalks. Kimley-Horn will utilize the project geotechnical engineer and coordinate obtaining soil information to provide design criteria and recommendations for the foundation elements.

3. Paving, Grading, and Drainage Plan: Kimley-Horn will prepare the site paving and grading plan, including the design of a conveyance system and storm water management system to treat and attenuate runoff in accordance with SWFWMD/FDEP and the city of Zephyrhills regulations. The plans will consist of supporting details and specifications for construction of the PROJECT and where appropriate will incorporate LID practices.
4. Water and Sanitary Sewer Utility Plans: Kimley-Horn will prepare the site water, and gravity sewer utility plans. The proposed utilities will be designed in accordance with the current Florida Department of Environmental Protection (FDEP) and City of Zephyrhills Utility Department requirements. The plans will consist of supporting details and specifications for construction of the PROJECT.
5. Best Management Practices Plan: Kimley-Horn will prepare a Best Management Practices (BMP) plan showing erosion control measures required for the contractor to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) program during construction. The plans will consist of supporting details and specifications for construction of the PROJECT.
6. Pavement Marking and Signage Plans: Kimley-Horn will prepare a Pavement Marking and Signage plan showing pavement markings and traffic control signage for the PROJECT. The plans will consist of supporting details and specifications for construction of the PROJECT.
7. Lighting Plans (provided by subconsultant): Kimley-Horn's subconsultant will prepare a site lighting permit plan per City of Zephyrhills requirements and local jurisdictional criteria. Plans will consist of: lighting design and photometric calculations for the site. Kimley-Horn's subconsultant will coordinate with FP&L and the CITY for design of the following items including:

- a. Coordinating Utility Power Distribution
- b. Power Distribution for Site
- c. Electrical Circuit for Splash Pad & Fountain
- d. Electrical & Lighting Design for Shade Pavilions
- e. Parking Lighting Design
- f. Path Lighting Design
- g. Miscellaneous Site Power Design
- h. Camera / pole locations, conduit and coordination of a location to house a DVR for cameras.

B. Design Development (60%) Landscaping and Hardscape Plans

In general, these plans will consist of the following elements:

1. Landscape plan for the project identifying locations, type and sizes of proposed landscape material.
2. Tree mitigation plans identifying removal and mitigation calculations to determine the total replacement required. Mitigation plans will include locations of proposed mitigation techniques limited to: tree protection fencing and root pruning limits.
3. Irrigation performance specifications for the project to provide full coverage of the proposed landscape material. Contractor shall provide shop drawings for review by Kimley-Horn for design of irrigation system.
4. Hardscape plan identifying materials, layout and finishes for proposed park improvements.
5. Hardscape details for proposed park improvements. Details are anticipated to include the following components:
 - a. Concrete Sidewalk
 - b. Pavers / Specialty Paving
 - c. Site Furnishings and Installation
 - d. Playground Equipment
 - e. Playground Surfacing
 - f. Fitness Trail and Equipment
 - g. Site Retaining Walls and Stairs
 - h. Site Fencing and Columns
 - i. Boardwalks
6. Prepare design intent/performance specifications for components of the PROJECT as follows:
 - a. Bandshell (assumed to be a prefabricated structure)
 - b. Playground Shade Structure
 - c. Splash Pad (it is assumed that final design will be provided by the splash pad vendor)
 - d. Wayfinding Signage

- e. Public Art Nodes / Display Areas
- f. Trellis / Shade Structures 9 (assumed to be a prefabricated structure)
- g. Arbor Swings
- h. Water Features / Architectural Fountains / Waterfalls
- i. Focal Bridge (assumed to be a prefabricated bridge structure)
- j. Site lighting

Design intent details and performance specifications for these items will be of sufficient detail for bidding and implementation of the work. The documents will describe materials, finishes, sizes, and installation performance specifications. Selected contractor shall do final permit drawings (including structural, mechanical, electrical, plumbing (MEP) in shop drawing format for review by ENGINEER, and submit documents for any required permits.

C. Design Development (60%) Architectural Plans (provided by subconsultant)

Design Development Architectural Plans will consist of the following elements:

1. Architectural Site Plan.
2. Floor Plans of Restroom Buildings with dimensions and finishes.
3. Exterior Elevations.
4. Building Sections.
5. Roof Plan.
6. Foundation and Roof Framing Plans.
7. Wall Section(s) and Details.
8. Window/Door Schedules and Details.
9. Interior Finish Schedules.
10. Reflected Ceiling Plan.
11. Life Safety Plan.
12. Electrical drawings including lighting and power riser diagrams and panel schedule (Owner to confirm if 1 Phase or 3 Phase will be used).
13. Plumbing drawings including domestic water, sanitary plans (to 5' outside Restroom Building for connection to site utilities; and riser diagram.)

D. Drainage and Utility Engineering

Kimley-Horn will update the preliminary drainage calculations completed for the 30% plans based on the 60% Design Development changes. The updated calculations will be incorporated into the submittal

packages to the SWFWMD/FDEP and the CITY. Kimley-Horn will update the preliminary calculations for potable water, reclaimed water, and wastewater demands for the PROJECT based on the 60% design.

E. 3D Design Model

Kimley-Horn will update the 3D model of the PROJECT based on the changes made to the layout and grading per the 60% plans.

Task 4 – Permit Application Packages

A. Permitting

Kimley-Horn will prepare and submit the following permit applications.

1. SWFWMD Environmental Resource Permit (ERP) – One (1) permit application will be prepared for the submittal to SWFWMD, accounting for the revised conditions proposed over the existing site. Kimley-Horn will provide required information, plans, report, stormwater calculations, and exhibits for inclusion in the permit application.
2. City of Zephyrhills Site Plan Application – One (1) Site Plan permit application will be prepared and submitted to the CITY Planning Dept. pertaining to park improvements, parking lot, and roadway modifications.
3. Florida Department of Environmental Protection – One (1) application for water as with one (1) application for sewer extension has been assumed for budget purposes.
4. Kimley-Horn and the architectural subconsultant will coordinate with the CM to provide architectural plan packages for building permit submittal. It is assumed that the application and submittal process will be administered by the CM.

Kimley-Horn will submit the required amount of plans and supporting documentation to provide a complete permit application. Kimley-Horn will respond to up to two (2) Requests for Additional Information (RAI) and address permitting agency review comments associated with this scope of services as appropriate. For all permits, except for FDEP, the CITY will be the applicant and provide signatures and any permitting fees if required. For FDEP permit the City of Zephyrhills will be the permittee. Any additional permits, or permit applications required for the commencement of land disturbing activities not identified in this list are not included.

B. Meetings with Permitting Agencies

Kimley-Horn will schedule and attend one (1) meeting with each governing agency to review comments and proposed responses prior to resubmittal.

Task 5 – 90% Construction Plan Package

Kimley-Horn will prepare 90% Plans based on the Design Development (60%) Plans, CITY and CM comments on the Design Development (60%) Plans, and review comments from the jurisdictional government (permitting) agencies. The 90% Plans will be submitted to the governing agencies for final approval.

This task will also include an update to the plans based on a constructability review of the plan by Kimley-Horn and the CM.

Task 6 – 100% Construction Plan Package

100% Plans shall be based on the 90% Plans, CITY and CM comments on the 90% Plans, and any remaining review comments from the jurisdictional government (permitting) agencies. The 100% Plans include all bidding documents and all required updates and amendments required to incorporate resolutions of all written comments by the CITY, CM, Permitting Agencies, and Utility Agencies.

This task will also include an update to the plans based on a constructability review of the plan by Kimley-Horn and the CM.

Task 7 – Bidding / Additional CM Coordination

This task consists of the scope of services necessary to coordinate with the CM, and prepare the PROJECT for competitive bidding by construction subcontractors, and answer questions / clarifications during that process. It is understood that the selected CM will prepare the necessary bid manual and bid forms for use in project bidding by the subcontractors. The CM shall provide the City and Kimley-Horn subcontractor pricing and all associated backup information for review.

A. Bidding Assistance

1. Kimley-Horn will conduct one (1) pre-bid meeting with potential bidders.
2. Kimley-Horn will reply to requests for information (RFI) from the subcontractors as coordinated through the CM.
3. Kimley-Horn will attend up to three (3) additional coordination meetings with CM.

Task 8 – Construction Phase Services

Final scope and fee for construction phase services will be processed as a contract amendment and defined once the construction manager is selected and the Guaranteed Maximum Price (GMP) is determined. Services that may be performed include:

A.1. Pre-Construction Conference. Consultant will attend a Pre-Construction Conference prior to commencement of Work at the Site.

A.2. Other Meetings. In addition to the meeting outlined in Tasks A – L, Kimley-Horn will attend up to 18 meetings as a part of this task. The architect subconsultant will attend up to 4 meetings, and the subconsultant electrical engineer will attend up to 2 meetings as requested by the CITY.

B. Visits to Site and Observation of Construction. Consultant will provide on-site construction observation services during the construction phase and Consultant will make visits at intervals as directed by Client in order to observe the progress of the Work. Such visits and observations by Consultant are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Consultant's exercise of professional judgment. Based on information obtained during such visits and such observations, Consultant will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Consultant will keep Client informed of the general

progress of the Work.

The purpose of Consultant's site visits will be to enable Consultant to better carry out the duties and responsibilities specifically assigned in this Agreement to Consultant, and to provide Client a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Consultant shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall Kimley-Horn have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Consultant neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

- C. *Recommendations with Respect to Defective Work.* Consultant will recommend to Client that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Consultant believes that such work will not produce a completed Project that conforms generally to Contract Documents.
- D. *Clarifications and Interpretations.* Consultant will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by Client.
- E. *Change Orders.* Consultant may recommend Change Orders to Client, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.
- F. *Shop Drawings and Samples.* Consultant will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.
- G. *Substitutes and "or-equal."* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.
- H. *Inspections and Tests.* Consultant may require special inspections or tests of Contractor's work as Consultant deems appropriate, and may receive and review certificates of inspections within Consultant's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. Consultant's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Consultant shall be entitled to rely on the results of such tests and the facts being certified.
- I. *Substantial Completion.* Consultant will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with Client and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of Client, Consultant considers the Work substantially complete;

Consultant will notify Client and Contractor.

- J. *Final Notice of Acceptability of the Work.* Consultant will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list. The Consultant shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Consultant's knowledge, information, and belief based on the extent of its services and based upon information provided to Consultant upon which it is entitled to rely.
- K. *Record Drawings.* Consultant will review Contractor's or Owner's Surveyor's record drawings for compliance to the approved Construction Drawings and applicable regulatory agency standards, and provide Surveyor and/or contractor with comments on the draft record drawings and one follow up set of comments. Consultant will coordinate with Surveyor to receive final sets of record drawings consistent with the requirements of the appropriate regulatory agency. This task includes the initial review and coordination with the surveyor and or contractor and a follow-up review. Any additional effort by Kimley-Horn to bring the record drawings within the requirements of the regulatory agency's standards will be considered an additional service.
- L. *Certification documents.* Based on the results of the final observations of the site, test reports, record drawings, and other documentation pertinent to the project Kimley-Horn will prepare and submit to the appropriate regulatory agency the certificates of completion of construction. This contract is based on one (1) set of certifications of completion of construction for the project. These certifications shall consist of SWFWMD, FDEP, FDOH and City of Zephyrhills.

Limitation of Responsibilities. Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Consultant shall not have the authority or responsibility to stop the work of any Contractor.

PROVISIONS FOR WORK

A. Governing Regulations

The services performed by Kimley-Horn will be in compliance with applicable CITY and FDOT Standards Guidelines. The current edition, including updates, of the following References and Guidelines will be used in the performance of this work.

1. Pasco County / City of Zephyrhills Land Development Code.
2. FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, Green Book.
3. AASHTO's "A Policy on Geometric Design of Highways and Streets".
4. FDOT Design Standards.
5. FDOT Standard Specifications for Road and Bridge Construction.
6. Florida Manual on Uniform Traffic Studies (MUTS).
7. Manual on Uniform Traffic Control Devices (MUTCD).
8. AASHTO Guide for Bicycle Facilities Design.

9. FDEP guidelines (potable water and sewer design)
10. SWFWMD/FDEP ERP guidelines.

B. Quality Control

Kimley-Horn will be responsible for the professional quality, technical accuracy and coordination of all surveys, designs, drawings, specifications and other services prepared by Kimley-Horn and Kimley-Horn's sub consultants under this contract.

C. Submittals

Kimley-Horn will provide copies of the required documents as listed below. These are the anticipated printing requirements for the project. This tabulation will be used for estimating purposes, and the Project Manager will determine the number of copies required prior to each submittal. Five (5) copies will be submitted to the CITY and additional copies will be submitted to the regulating agencies as required for review and approval.

1. 30% Plans and Calculations,
2. 60% Plans and Calculations,
3. 90% Plans and Calculations,
4. 100% Plans and Calculations
5. Presentation Graphics for City Council Meetings.

Task 9 - Geotechnical Services

Kimley-Horn will subcontract with a geotechnical engineer to provide services for the property as required for construction document preparation and permitting applications for the improvements.

The purpose of the geotechnical study is to obtain information on the general subsurface soil conditions at the project site. The subsurface materials encountered will then be evaluated with respect to the available project characteristics. Engineering assessments for the following items will be formulated:

- Identification of the existing groundwater levels and estimated normal seasonal high groundwater fluctuations.
- General location and description of potentially deleterious materials encountered in the borings which may have an impact on the proposed construction.
- Allowable capacities and estimated foundation settlement for shallow foundations supporting the structures.
- Ultimate capacity curves and preliminary lateral analysis for the boardwalk and bridge (loads and foundation types/sizes to be provided by the client).
- General geotechnical recommendations for the proposed construction.

- Recommended design soil parameters.
- Recommendations for bedding, subgrade preparation and backfill compaction, suitability of excavated soils for use as backfill and other geotechnical construction considerations.
- Evaluate the stability of temporary excavated side slopes, which will be necessary during the installation/construction of stormwater facilities and utilities.
- Recommendations for dewatering/demucking requirements and special procedures to be implemented for culvert construction and/or weir installation.
- Infiltration rates based on the results of the Double Ring Infiltration (DRI) tests. A horizontal infiltration value will be estimated based on correlations from the vertical infiltration rate and soil types encountered.
- The Consultant is not responsible for the obstruction/vandalism of any instruments or monitoring equipment. Any damages and/or repairs will be identified by the Consultant and a cost to replace/reinstall the equipment will be provided to the City.

The following services will be performed as part of this task:

1. Site reconnaissance and stake boring locations.
2. Request utility location services from Sunshine811.
3. Coordinate access with Zephyrhills Parks and Recreation Department.
4. Perform a total of 12 Standard Penetration Test (SPT) borings at the project site. Samples will be collected, and Standard Penetration Test resistances measured continuously for the top ten feet and at approximate intervals of five feet, thereafter. SPT borings will be performed as follows:
 - a. Six SPT borings will be performed to a depth of 25 feet below the existing ground surface within the footprint of the Bandshell (two borings), restrooms (one boring each), large picnic/gathering structure (two borings).
 - b. Two SPT borings will be performed to a depth of 50 feet below existing ground surface at each end of the proposed bridge.
 - c. Two SPT borings will be performed to a depth of 30 feet below existing ground surface at each end of the proposed boardwalk (as close to the water as we can get). No water borings will be performed.
 - d. Two SPT borings will be performed to a depth of 30 feet below existing ground surface at locations provided by the client.
 - e. Perform eight hand auger borings extending to a maximum depth of 10 feet below existing ground surface or auger refusal around the lake.

5. Perform eight hand auger borings within the proposed parking areas.
6. Perform two Double Ring Infiltration (DRI) tests within the proposed drainage facilities at an approximate depth of two feet with associated hand auger borings to 6 feet at locations provided by the client.
7. Install six temporary (unpermitted) piezometers to a depth of 30 feet. Readings will be performed by Others. We assume that piezometers will be removed by others after readings are completed. Locations to be provided by the client.
8. Visually classify and stratify soil samples in the laboratory and conduct a laboratory testing program as needed to verify soil classifications.
9. Report the results of the field exploration and engineering analysis. The results of the subsurface exploration will be presented in a written report signed and sealed by a professional engineer specializing in geotechnical engineering.

Task 10 – Lake and Stormwater Analysis

Based on the approved Zephyr Park Master Plan layout of the proposed park, the Consultant will conduct a due diligence evaluation of Lake Zephyr to understand historical water levels. It is our understanding that those familiar with the lake area report lake water levels that fluctuate between low/dry conditions and flooding conditions. The intent of this task is to better understand the hydraulic influences on the lake levels to provide recommendations on how to achieve a more consistent water level. Design and permitting for the implementation of recommended options will be provided as an additional service once an option has been selected by the City. Services for the due diligence evaluation will consist of the following:

1. Coordination with Geotechnical engineer for services specific to lake monitoring as described in Task B above.
2. Lake Instrumentation. This will consist of the installation of a rainfall gauge (tipping bucket) and vented, datalogging pressure transducer to measure water level responses to the lake. Additionally, up to two nearby piezometers may be instrumented for comparison of lake levels with ambient groundwater levels. The system will be maintained by the Consultant for a period of no more than 6 months. The Consultant will download and post-process the data on a consistent basis for decision support. It is envisioned that the equipment will be installed by the Consultant in the lake, in a discrete and safe location such that attempts of vandalism and obstruction are minimized.
3. Water table monitoring and permit reviews. The Consultant will review available hydrological data from the Southwest Florida Water Management District's historical database (Water Management Information System – WMIS). This will entail an evaluation of the data, identifying trends and outliers. Effort for this task also includes a review of available Consumptive Use Permits in and around the project site. Outlier/trends from the permit review will be summarized.
4. Coordination with City field crews and site visit. The Consultant will participate in one meeting (face to face) with City crews to ask questions regarding institutional knowledge of the site. Meeting summary notes will be prepared by the Consultant. The Consultant will also conduct

a site visit to review environmental conditions, including highwater marks, species, and other biological indicators.

5. Hydrologic and hydraulic modeling. The Consultant will refine the 2023 ICPR4 model within the project area integrating the information collected above and simulating proposed scenarios for the purposed of maintaining water levels and not exacerbating downstream impacts.
6. Report and Recommendations. The above tasks will be summarized in a draft and final report and will include recommendations for design solutions to create a more uniform lake water elevation.

Task 11 - Public Art Coordination (Optional Task)

It is understood that the City would like to incorporate public art into the design of the park. Kimley-Horn will recommend locations for public art features to be included in the design documents and will provide utility infrastructure to the proposed locations for future art installation. This task will include collaboration with a public art coordinator to develop an art implementation strategy, art budget, and issue a call to public artists to solicit Letters of Interest from qualified artists. This task will consist of:

1. Collaboration with a public art coordinator to develop a criteria package to issue a call for public art through a national database.
2. Review of artist's responses and issuance of a recommendation to shortlist up to three (3) public artists.
3. Coordination with the shortlisted artists to develop a proposal for their art installation at Zephyr Park.
4. Review of proposed art installations and recommendations for final locations, materials, and infrastructure.

As part of the art development process, the City should be prepared to provide a stipend to each of the artists to assist in the development of their art piece.

ADDITIONAL SERVICES

Payment for Additional Services

Any professional services not specifically listed in the above Scope of Services are not included in the contracted fees. Should the CITY desire any of these services, Kimley-Horn will prepare a fee, scope and schedule for the work at the time the services are requested. These services could include:

- Meetings beyond those identified in the scope of services.
- Site art or artist coordination beyond that described in Task 11.
- Services provided beyond the 12 month +/- timeframe identified for design.
- Value engineering services / plan revisions beyond the revisions provided at milestone submittals (30%, 60%, and 90%)
- Heating, and air-conditioning design.
- Fire protection design.

- Information Technology, consisting of audio visual, communications, security system and similar low voltage design.
- Lightning protection.
- Specialty or theatrical lighting and controls, including DMX lighting and controls.
- ComCheck documentation for the Building Envelope.
- All test and balance work is considered to be performed by a third-party agency.
- MEP systems commissioning.
- Cost estimates or cost-estimating services.
- Electrical coordination study or Arc Flash Analysis.
- Document reproduction beyond those required for in-house coordination and submittals.
- LEED Design or any work related to a sustainability rating system.
- ASHRAE 90.1-compliant energy model. This is available as an additional service.
- Site/civil work or surveys related to the exterior MEPF systems that would interface with the new work.
- Electrical grounding systems associated with the splash pad/pool systems.
- Aquatic pool, splashpad and fountain systems design.

SCHEDULE

Kimley-Horn will provide the above Scope of Services as expeditiously as possible to meet a mutually agreed upon schedule. A project schedule will be developed and discussed at the first progress meeting. The project schedule will be maintained throughout the performance of the scope of services. It is anticipated that the Scope of Services will be completed approximately Twelve (12) months after Notice to Proceed is received unless there are delays outside of Kimley-Horn's control, such as delays associated with unanticipated design or permitting issues, CITY requested design changes etc.

FEE

Kimley-Horn will perform the services described in Tasks 1 through 7, and 9-10, of the Scope of Services for a Lump Sum fee of \$911,800. Fee for Task 11, Public art Coordination, will be lump sum will be \$35,000 and is provided as an optional task to be used only with authorization from the City. Fee for Task 8, Construction Phase Services, will be provided as a future contract amendment once the construction manager is selected and construction phasing, implementation and duration has been established.

Task	Description	Fee
1	Project Administration, Presentations, and Meetings	\$131,000
2	Schematic Design (30%) Plan Package	\$125,500
	Schematic Design (30%) Plan Package - Architectural	\$26,225
3	Design Development (60%) Plan Package	\$198,000
	Design Development (60%) Plan Package - Architectural	\$31,470

Task	Description	Fee
4	Site/Civil Permit Application Packages	\$34,000
5	90% Plan Package	\$144,500
	90% Plan Package - Architectural	\$20,980
6	100% Plan Package	\$69,500
	100% Plan Package - Architectural	\$20,980
7	Bidding/ Additional CM Coordination	\$15,000
	Bidding / Additional CM Coordination - Architectural	\$5,245
8	Construction Phase Services (CPS)	FUTURE TBD
9	Geotechnical Services	\$37,400
10	Lake and Stormwater Analysis	\$52,000
11	Public Art Coordination (Optional Task)	\$35,000

An amount has been included in the lump sum to cover certain reimbursable expenses such as in-house duplicating, plotting and printing, local mileage, telephone calls, facsimiles, postage, and word processing computer time. All permitting, application, and similar project fees will be paid directly by the City.

All permitting, application, and similar project fees will be paid directly by the CITY. Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services performed or actual services performed and expenses incurred as of the invoice date. Payment will be due within 25 days of your receipt of the invoice. If additional efforts become necessary during the performance of the assignment, Kimley-Horn will immediately advise the CITY of any budget revisions.

ACCEPTED:

**CITY OF ZEPHYRHILLS
PASCO COUNTY, FLORIDA**

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

TITLE: _____

DATE: _____

BY:  _____

James Pankonin, PLA

TITLE: Vice President

DATE: July 11, 2024

G:\Marketing\Propose\City of Zephyrhills\Lake Zephyr Park Master Plan\Construction Document Proposal\Zephyr Park - Draft 4-16-24.docx

EXHIBIT A



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANT WORK PLAN
DEP AGREEMENT NO.: INW03**

ATTACHMENT 3

PROJECT TITLE: Pilot Testing the Innovative Ferrate Treatment Process for Reduction of Contaminants of Emerging Concern Discharging to and from the City of Zephyrhills Wastewater Treatment Facility for City of Zephyrhills (Project No. INW03)

PROJECT LOCATION: This project will be completed on the City of Zephyrhills WWTF (FDEP Facility ID FLA012744) site located at 39825 Alston Avenue, Zephyrhills, FL 33542 within Pasco County, Florida. The attached Location Map presents the location with the latitude and longitude.

PROJECT BACKGROUND: The City of Zephyrhills (Grantee) has been investigating the presence of contaminants of concern for nearly a decade. The Florida Department of Environmental Protection (FDEP) engaged in efforts with the City to address elevated levels of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate acid (PFOS) based on the analytical results from the City's water system. The City tested its water system between 2014 and 2016 as part of the Environmental Protection Agency's (EPA) Unregulated Contaminant Monitoring Rule (UCMR 3) with some results detected above EPA's established Health Advisory Level (HAL) of 70 nanograms/Liter (ng/L). As water used by City customers is discharged to the wastewater collection system and on to the WWTF, then to the reclaimed water system for land application and groundwater recharge, the City determined that pilot testing the innovative Ferrate treatment process for reduction of PFOA and PFAS in wastewater discharges to and from the WWTF would be useful in assessing its effectiveness for removing these contaminants of emerging concern (CoC) and protecting groundwater resources.

PROJECT DESCRIPTION: The purpose of the project is to determine the presence of CoC in various City of Zephyrhills WWTF wastewater streams and the effectiveness of the Ferrate treatment process to remove the CoCs from those process streams, and ultimately protect groundwater resources. The benefit to the Grantee, City of Zephyrhills residents, water/wastewater utility customers and the environment will be reduction or elimination of CoCs in treated effluent and groundwater beneath FDEP-permitted land application areas where reclaimed water is applied. Groundwater serves as a source of supply for potable and non-potable uses.

The Grantee proposes to work with their long-term utilities consultant, Jones Edmunds (JE), and innovative technology company, Ferrate-Solutions, a division of ESD Waste2Water, Inc. (ESD) as a subconsultant to JE, to pilot test the innovative Ferrate treatment process at the City's permitted domestic WWTF. JE will provide project management and technical support for the Grantee and subcontract ESD to provide personnel and equipment for Ferrate treatment demonstration.

ESD will initially conduct bench-scale treatability tests on wastewater samples collected by JE from select wastewater processes streams. Findings from the bench-scale tests will provide information for ESD to equip a mobile, modular Ferrate treatment system for pilot testing of process streams in location(s) on the WWTF site determined with the Grantee's utility staff. Pilot test influent and effluent samples will be collected and tested in accordance with the FDEP-approved Quality Assurance Project Plan (QAPP) by Eurofins Scientific or another appropriately certified and equipped Grantee-approved contract laboratory.

Influent and effluent test data will be recorded and reported to present pre- and post- treatment concentrations and treatment efficiencies for the tested process streams. The data will document the concentration reduction of select emerging CoCs such as PFAS and PFOS, pharmaceuticals and endocrine disrupters and the associated treatment costs to achieve target concentrations.

The Grantee intends to procure and contract with JE (With ESD as a subconsultant) and a qualified laboratory for all tasks. JE and ESD have the necessary personnel and equipment to complete sampling, bench-scale and pilot-scale Ferrate treatment system testing, reporting and recordkeeping without interrupting the normal operations. The Grantee understands that they must comply with applicable laws and rules.

TASKS and DELIVERABLES:

Task #1: Pre-Design Study

Task Description: The Grantee will perform a pre-design analysis (bench-scale testing) of select WWTF process streams to establish chemical dosage and solids handling requirements for the pilot-scale treatment system demonstration. A Site Plan is attached showing WWTF facilities referenced here in. “Influent” samples including raw wastewater collected at the Headworks, Waste Activated Sludge (WAS) collected from the WAS station, filtered effluent collected before the Chlorine Contact Chamber and reclaimed water collected by the RCW Effluent Pumps will be tested for CoCs of interest. Complementary “effluent” samples, following bench-scale Ferrate treatment will be collected and tested for the same CoCs. In addition to CoC testing, select parameters including but not limited to temperature, pH, Dissolved Oxygen, Chemical Oxygen Demand, nutrients (Nitrogen and Phosphorous) will be tested from the same samples.

The Grantee will produce a Pilot Test pre-design technical memorandum that will summarize the specific goals of the bench-scale tests, testing methodology, water quality and chemical dosing findings, locations for pilot testing, ferrate treatment system design basis, and equipment selection and sizing.

Deliverables: Final pre-design technical memorandum submitted electronically to the Department’s Grant Manager. Upon request, the Grantee will provide a paper copy of the final pre-design technical memorandum.

Performance Standard: The Department’s Grant Manager will review the deliverable to verify that it meets the specifications in the Grant Work Plan and this task description. Upon review and written acceptance by the Department’s Grant Manager of all deliverables under this task, the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of the task and Department approval of all associated task deliverables.

Task Budget, Task Start and End Dates and Deliverable Due Dates are presented in the PROJECT TIMELINE & BUDGET DETAIL table below.

Task #2: Project Management

Task Description: The Grantee will contract JE to perform all project management, to include but not be limited to preparation of the Quality Assurance Project Plan, coordination with ESD and Eurofins (or Grantee-selected qualified laboratory) for bench-scale and pilot-scale testing activities, WWTF wastewater sampling, coordination with Grantee and ESD for Ferrate System siting on the WWTF, meetings with the

Grantee and ESD, and related project management activities. Grantee will procure such services in accordance with state law.

Deliverables: Completed project management activities to date as evidenced by 1) An electronic copy of the Grantee's executed contract(s) and scope of services for project management submitted to the Department's Grant Manager provided prior to submitting any invoices for the subcontracted work; and 2) interim progress status summaries including summary of activities, representative photos, meeting summaries and field notes, as applicable. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to project management.

Performance Standard: The Department's Grant Manager will review the deliverables to verify that they meet the specifications in the Grant Work Plan and this task description. Upon review and written acceptance by the Department's Grant Manager of all deliverables under this task, the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement no more frequently than once per month. The deliverables must be submitted no less than 14 days prior to each payment request and may be submitted no more frequently than monthly.

Task Budget, Task Start and End Dates and Deliverable Due Dates are presented in the PROJECT TIMELINE & BUDGET DETAIL table below.

Task #3: Quality Assurance Project Plan

Task Description: The Grantee will prepare, submit, and receive approval on a Quality Assurance Project Plan (QAPP) prior to commencement of any monitoring associated with the project. The QAPP must specify the sampling procedures, locations, instruments, and parameters to be sampled. The Grantee will use the format provided by the Department's Grant Manager, if applicable.

Deliverable # 3a: Draft QAPP submitted electronically in Word format to the Department's Grant Manager. Upon request, the Grantee will provide a paper copy of the Draft QAPP to the Department's Grant Manager.

Performance Standard: The Department's Grant Manager will ensure review of the draft QAPP for compliance with this Agreement and the quality assurance requirements, to ensure sufficient monitoring is planned to measure project effectiveness, and provide comments to the Grantee as needed prior to Final QAPP submittal.

Deliverable #3b: Final Department-approved QAPP submitted electronically in Word format to the Department's Grant Manager. Upon request, the Grantee will provide a paper copy of the Final QAPP to the Department's Grant Manager.

Performance Standard: The Department's Grant manager will review the Final QAPP to ensure that draft comments have been incorporated and the Final QAPP is in compliance with this Agreement and the quality assurance requirements. Upon review and written approval by the Department's Grant Manager of the Final QAPP, the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of the task and Department approval of all associated task deliverables. Grantee may submit a payment request for cost reimbursement upon Department approval of each deliverable.

Task Budget, Task Start and End Dates and Deliverable Due Dates are presented in the PROJECT TIMELINE & BUDGET DETAIL table below.

Task #4: Monitoring

Task Description: The Grantee will conduct monitoring in accordance with the Department-approved QAPP for this project (see Task #3). Preliminarily, Grantee proposes the following monitoring. Findings from Task #1: Pre-Design Study, will inform final monitoring.

Task # & Purpose	Monitoring Frequency	Locations	Parameters
#1 Establish chemical dosage and solids handling requirements	2x / location	- raw wastewater, Waste Activated Sludge (WAS), filtered effluent and reclaimed water - ferrate treated water	CoCs, temperature, pH, Dissolved Oxygen, Chemical Oxygen Demand, nutrients (Nitrogen and Phosphorous)
#5 Document CoC concentration reductions and the associated treatment costs	Frequency will be determined from Task #1	- TBD determined from Task 1 bench-scale testing - ferrate treated water	CoCs (as determined from Task 1), temperature, pH, Dissolved Oxygen, Chemical Oxygen Demand, nutrients (Nitrogen and Phosphorous)
Procedures outlined in the approved QAPP will be followed.			

Deliverables: Summary of completed monitoring activities (dates completed, sampling conducted and any not conducted and why, monitoring results along with interpretation of those results (as expected or not as expected) submitted electronically, along with the draft or final (when submitting final request) laboratory report and sampling logs (must also have field and weather data) to the Department's Grant Manager. Upon request, the Grantee will provide a paper copy or copies to the Department's Grant Manager. These deliverables must be submitted no less than 14 days prior to each payment request and may be submitted no more frequently than monthly.

Performance Standard: The Department's Grant Manager will review the monitoring results for completion and compliance with QAPP requirements. Upon review and written acceptance by the Department's Grant Manager of all deliverables under this task, the Grantee may proceed with payment request submittal.

Additional Financial Consequences: Costs for any monitoring that is not completed as outlined in the Department-approved QAPP may be discounted if included in the payment request.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement no more frequently than once per month. The outlined Deliverable(s) must have been submitted and accepted in writing by the Department's Grant Manager prior to payment request submittal.

Task Budget, Task Start and End Dates and Deliverable Due Dates are presented in the PROJECT TIMELINE & BUDGET DETAIL table below.

Task #5: Construction of Project

Task Description: The Grantee, under this Grant Agreement, will construct (install) on the WWTF site in accordance with any required permits, the modular, mobile innovative ESD Ferrate Treatment System for pilot testing of WWTF process streams. A generalized process flow diagram for the system is attached. The installation will be temporary and the system removed once the pilot tests are complete. The ESD modular Ferrate Treatment System package will be designed and equipped with process units and equipment sized considering the findings from the Task #1 Pre-Design Study. The location(s) for temporary installation will be informed by the Task #1 Pre-Design Study technical memorandum. JE as the Grantee's project manager will provide oversight of this task. .

Deliverables: The ESD Ferrate Treatment System constructed as described in this task, as evidenced by: 1) Dated color photographs of the construction site(s) prior to, during, and immediately following completion of the construction task; 2) written verification that the Grantee has received record drawings and any required final inspection report(s) for the project; 3) signed acceptance of the completed work by the Grantee; and 4) signed statement from a Florida Licensed Professional Engineer indicating construction has been completed in accordance with the design.

Performance Standard: The Department's Grant Manager will review the deliverables to verify that they meet the specifications in the Grant Work Plan and this task description and that work is being performed in accordance with the Grantee's construction contract documents. Upon review and written approval by the Department's Grant Manager of all deliverables under this task, the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of the task and Department approval of all associated task deliverables.

Task Budget, Task Start and End Dates and Deliverable Due Dates are presented in the PROJECT TIMELINE & BUDGET DETAIL table below.

Task # 6: Final Report

Task Description: The Grantee will prepare a Final Report summarizing the results of the project, including all tasks in the Grant Work Plan. The Final Report must include at a minimum:

- Project location and background, project description and timeline, grant award amount and anticipated benefits.
- Financial summary of actual costs versus the budget, along with any changes required to the budget. Include any match or locally pledged contributions provided, along with other related project work performed outside of this Agreement to identify the overall project cost.
- Discussion of project schedule versus actual completion, including changes required to the schedule, unexpected site conditions and adjustments, significant unexpected delays and corrections, and/or other significant deviations from the original project plan.
- Summary of activities completed as well as those not completed and why, as well as a brief summary of any additional phases yet to be completed.
- Photo documentation of work performed (before, during and after), appropriate figures (site location, site plan[s]. etc.), appropriate tables summarizing data/information relevant to Grant Work Plan tasks, and appropriate attachments relevant to the project.
- Discussion of whether the anticipated benefits have been/will be realized (e.g., why a Best Management Practice (BMP) approach did or did not exceed the expected removal efficiency).
- Summary of monitoring activities completed and any not completed and why, monitoring results, and an interpretation of data based on planned versus realized results.

Performance Standard: The Department's Grant Manager will review the submitted draft Final Report to verify that it meets the specifications in the Grant Work Plan and this task description, and provide any comments to the Grantee for incorporation into the Final Report.

Performance Standard: Upon review and written approval by the Department's Grant Manager of the Final Report, the Grantee may proceed with payment request submittal for this task.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of the task and Department approval of all associated task deliverables. Grantee may submit a payment request for cost reimbursement upon Department approval of each associated task deliverable.

Task Budget, Task Start and End Dates and Deliverable Due Dates are presented in the PROJECT TIMELINE & BUDGET DETAIL table below.

PROJECT TIMELINE AND BUDGET DETAIL TABLES:
CONSULT WITH YOUR PROGRAM ADMINISTRATOR TO DETERMINE FOR YOUR GRANT PROGRAM AND/OR SPECIFIC GRANT PROJECT WHETHER YOU SHOULD USE TABLE OPTION 1 OR 2

*Complete the following tables as appropriate. Deliverable due dates should fall within the corresponding Task Start/End dates. **Note:** All tasks should end and all deliverables should be due 30-60 days prior to the Agreement expiration/end date. It is suggested that the DEP Grant Manager use his/her professional judgement regarding how much time should be allowed based on the type of deliverable and the possibility that the first-time submittal could be deficient and require correction.*

OPTION 2: *Second option for table summary of project timeline and budget information. Only use this table if not including narrative for budget, task start and end dates, and deliverable due dates within the task.*

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all deliverables received by, the corresponding task end date.

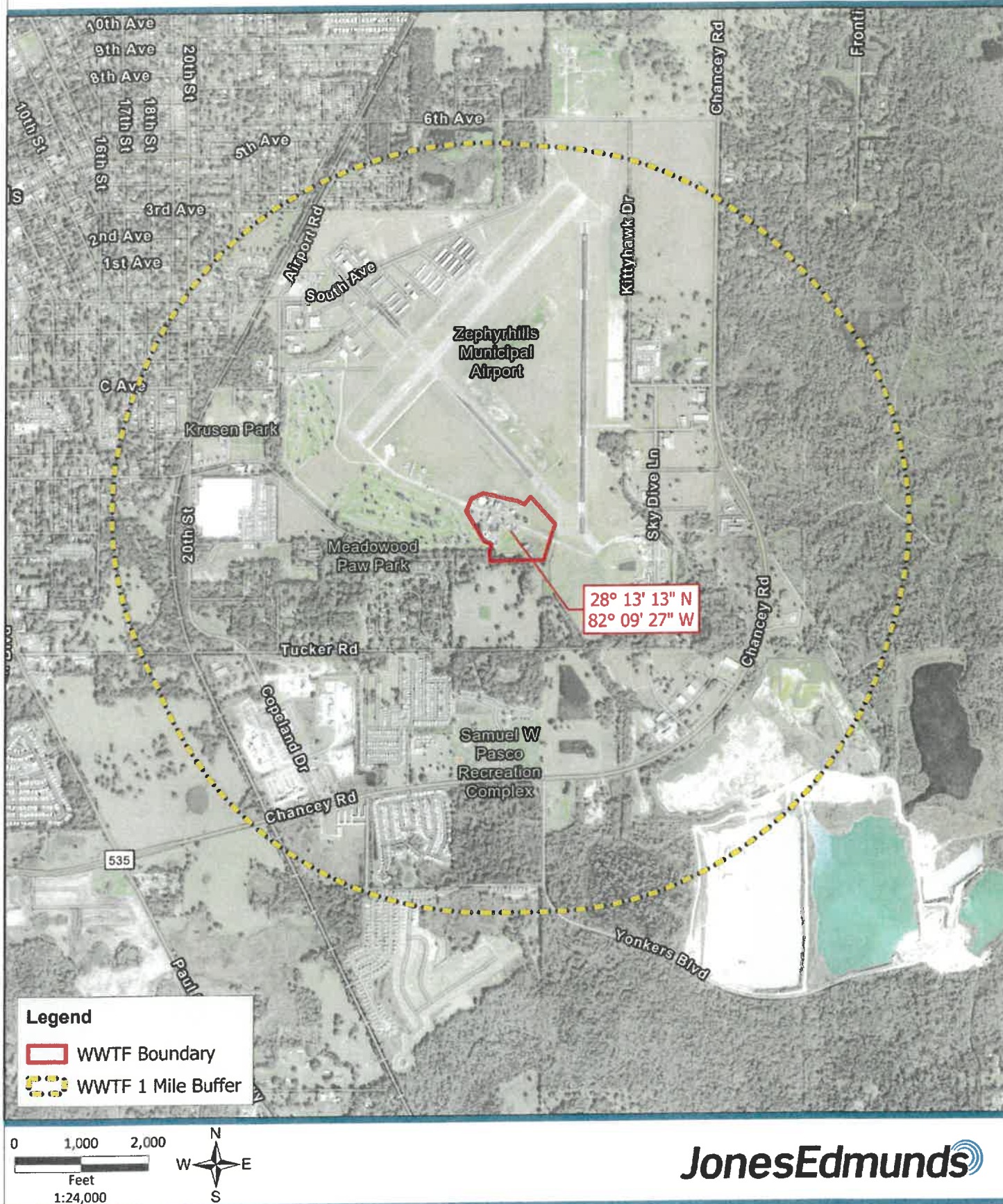
It is suggested that the DEP Grant Manager use his/her professional judgement regarding how much time should be allowed based on the type of deliverable and the possibility that the first-time submittal could be deficient and require correction.

Task No.	Task or Deliverable Title	Budget Category	Budget Amount	Task Start Date	Task End Date
1	Pre-Design Study	Contractual Services	\$	{mm/dd/yy}	{mm/dd/yy}
2	Project Management	Contractual Services	\$	{mm/dd/yy}	{mm/dd/yy}
3	Quality Assurance Project Plan	Contractual Services			
3a	Draft QAPP			{mm/dd/yy}	{mm/dd/yy}
3b	Final QAPP				
4	Monitoring	Contractual Services		{mm/dd/yy}	{mm/dd/yy}
5	Construction of Project	Contractual Services		{mm/dd/yy}	{mm/dd/yy}
6	Final Report	Contractual Services		{mm/dd/yy}	{mm/dd/yy}
	Total		\$250,000		

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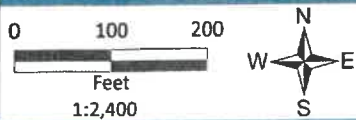
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Location Map



For Informational Purposes Only J:\project_Data\26110_Zephyrhills\047-01_WWTPPermitRenewal\pro\ServiceAreaFigures\ServiceAreaFigures.aprx jreynolds 6/16/2022

Site Plan

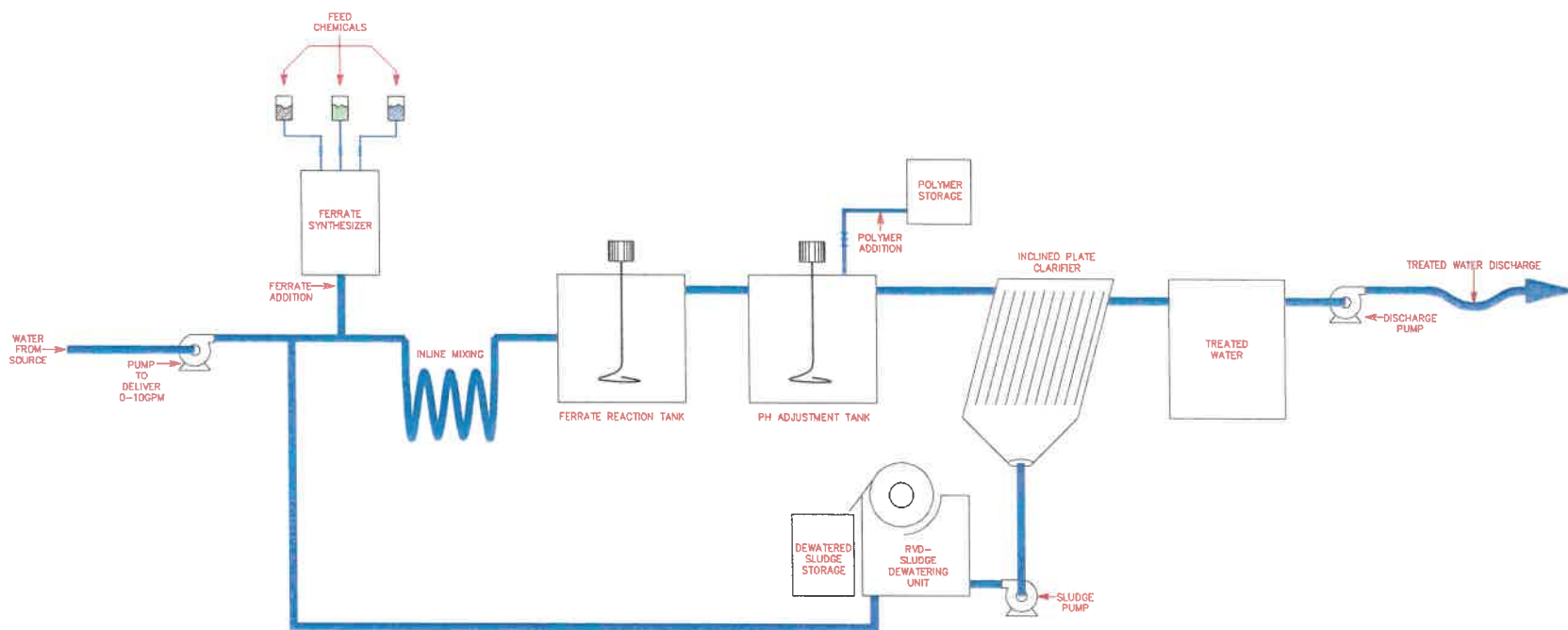


JonesEdmunds

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ESD FERRATE PILOT TREATMENT PLANT

PROCESS FLOW DIAGRAM



REVISION	INITIALS	DATE

ESD
Waste 2 Water

495 OAK RD
OCALA, FL 34472

PREPARED FOR:

ESD WASTE2WATER

PROJECT NAME:
FERRATE PILOT TREATMENT
PLANT

TITLE:

PROCESS FLOW DIAGRAM

DRAWN BY:

BAC

ENGINEERING:

JH

QUALITY CONTROL:

JH

MANUFACTURING:

ESD

ORIGIN DATE:

10/5/2023

DRAWING NUMBER:

N/A

SCALE:

NTS

SHEET:

1 OF 1

ZEPHYRHILLS PFOS/PFAS

FEE ESTIMATE

7/12/2024
ATTACHMENT A-1

Task	Task Assignment	Mclark	Blynch	EKennelley	Asanchez	Thays	Dgerber	Smessick	Nvaseen	Jschmid					
									Tstarling						
	Standard Rates	\$250	\$250	\$150	\$130	\$225	\$130	\$95	\$85	\$120					
Task	Task Description\Job Description	Senior Project Manager	Project Consultant	Project Chemist	Data Admin	Senior Scientist	GIS Analyst	Field Technician	Admin Assistant	Senior Admin Assistant	Labor Hours	Labor Fee	Reimbursable Costs	Subconsultant	Total Fee
	Task Description														
WWTF Ferrate Pilot Testing															
1	Pre-Design Study	1	8	2	3		1	8	1	0.5	24.5	\$ 3,975	\$ 169	\$ 17,200	\$ 21,344
2	Project Management	24	4						6		34	\$ 7,510	\$ 41	\$ -	\$ 7,551
3a	QAPP - Draft		1	6			1		1	0.5	9.5	\$ 1,425	\$ -	\$ -	\$ 1,425
3b	QAPP - Final		1	2					1	0.5	4.5	\$ 695	\$ -	\$ -	\$ 695
4	Monitoring			8	16			64			88	\$ 9,360	\$ 1,354	\$ 40,850	\$ 51,564
5	Construction Project (onsite pilot test)	32	32			4					68	\$ 16,900	\$ -	\$ 135,000	\$ 151,900
6	Final Report	2	16	2	1		1		4	1	27	\$ 5,520	\$ -	\$ -	\$ 5,520
	Subtotal	59	62	20	20	4	3	72	13	2.5	255.5	\$ 45,385	\$ 1,565	\$ 193,050	\$ 240,000
	TOTAL	59	62	20	20	4	3	72	13	2.5	255.5	\$ 45,385	\$ 1,565	\$ 193,050	\$ 240,000

ZEPHYRHILLS PFOS/PFAS

FEE ESTIMATE

7/12/2024
ATTACHMENT A-1

		1	5	6	7	8
		lab	Meals	Sample Shipment	Field Equip.	Expend. Field Supplies
		(\$)	(\$)	(\$)	(\$)	(\$)
0	WWTF Ferrate Pilot Testing					
1	Pre-Design Study	\$ 17,200.00	\$ 20.00		\$ 60.00	\$ 20.00
2	Project Management					
3a	QAPP - Draft					
3b	QAPP - Final					
4	Monitoring	\$ 40,850.00	\$ 160.00		\$ 480.00	\$ 160.00
5	Construction Project (onsite pilot test)					
6	Final Report					
	Subtotal	\$ 58,050.00	\$ 180.00	\$ -	\$ 540.00	\$ 180.00
		\$ 58,050.00	\$ 180.00	\$ -	\$ 540.00	\$ 180.00

ZEPHYRHILLS PFOS/PFAS

FEE ESTIMATE

7/12/2024
ATTACHMENT A-1

10	11		
\$0.55	\$1.00		
Mileage	Misc	Total ODC Cost	Marked Up Cost
(quant.)			
126		\$ 169	\$ 169
	\$ 41	\$ 41	\$ 41
		\$ -	\$ -
		\$ -	\$ -
1008		\$ 1,354	\$ 1,354
		\$ -	\$ -
		\$ -	\$ -
623.7	\$ 41.00	\$ 1,564.70	\$ 1,564.70
623.7	\$ 41.00	\$ 1,564.70	\$ 1,564.70

AGREEMENT CONTACT INFORMATION

Grantee: (i.e., city of, * county) City of Zephyrhills
Project Number: INW03
Project Title: Pilot Testing the Innovative Ferrate Treatment Process for Reduction of Contaminants of Emerging Concern Discharging to and from the City of Zephyrhills WWTF
Award Amount: \$250,000
Match Amount(if required): \$0
Federal Employer ID Number 59-6000455

1) Authorized Representative (to sign agreement)

Name: Lance A. Smith Phone Number: 813-780-0000
Title: City Council President Fax Number: _____
Employer: City of Zephyrhills
Mailing Address (P.O. Box): 5335 8th St.
City: Zephyrhills State: FL Zip: 33542
Street Address for express mail delivery: 5335 8th St.
City: Zephyrhills State: FL Zip: 33542
E-mail address: lsmith@ci.zephyrhills.fl.us

2) Grant Manager

Name: Jessica Carter Phone Number: 813-780-0000 X 3541
Title: Finance Supervisor Fax Number: _____
Employer: City of Zephyrhills
Mailing Address (P.O. Box): 5335 8th St.
City: Zephyrhills State: FL Zip: 33542
E-mail address: jcarter@ci.zephyrhills.fl.us

3) Disbursement Contact Person (who will prepare requests)

Name: Jessica Carter Phone Number: 813-780-0000 X 3541
Title: Finance Supervisor Fax Number: _____
Employer: City of Zephyrhills
Mailing Address (P.O. Box): 5335 8th St.
City: Zephyrhills State: FL Zip: 33542
E-mail address: jcarter@ci.zephyrhills.fl.us

4) Primary Contact (if different from Grant Manager or Disbursement preparer)

Name: John Bostic III Phone Number: 813-780-0008
Title: Utilities Director Fax Number: 813-780-0613
Employer: City of Zephyrhills
Mailing Address (P.O. Box): 5335 8th St.
City: Zephyrhills State: FL Zip: 33542
E-mail address: jbostic@ci.zephyrhills.fl.us



March 4, 2024

Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS24
Tallahassee, FL 32399-3000

Re: Self Insurance Fiscal Year 2023-2024 (Agreement: INW03)

To Whom It May Concern:

Please be advised that the City of Zephyrhills has elected to be self-insured for our Workers' Compensation, Liability, Automobile Liability and the deductible on our Property coverage. The elections apply to rented/leased equipment/property as well as owned. Said elections is undertaken with the authority granted to any county, municipality or political subdivision under Florida Statutes 111.072. We are identified by employer number 59-6000455.

Our insurance policy coverage for workers' compensation is provided in accordance with Florida Statutes 440. Our limits of liability are as indicated below:

Workers' Compensation: FL Statutory Limits
Employer's Liability \$3,000,000

Automobile: \$2,000,000
General Liability: \$2,000,000

If you need anything additional, I can be contacted at (813) 780-0009 or by email samerson@ci.zephyrhills.fl.us

Thank you,

Sandra Amerson
HR & Risk Management Director