

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on July 8, 2024 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting (571)-317-3122 - Access Code: 391-711-005.

Council President Kenneth M. Burgess, Jr. called the meeting to order at 6:01 p.m. Roll call was taken. Present were members Charles Proctor, Kenneth Burgess, Jodi Wilkeson, Steven F. Spina, Ph.D. and Mayor Melonie Bahr Monson. Lance A. Smith was absent. City Attorney Matthew Maggard was present. City Manager William Poe was absent.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Finance Director Ted Beason, Planning Director Todd Vande Berg, Building Official Bill Burgess, CRA Director Gail Hamilton, Public Information Officer Kevin Weiss, Principal Planner Rodney Corriveau, Historic Preservation Specialist / Community Planner Hunter Gearhart, Deputy City Clerk Ricardo Quinones and City Clerk Lori Hillman.

Mayor Melonie Monson Bahr delivered the invocation. The Pledge of Allegiance followed.

1. CONSENT ITEMS

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

Jodi Wilkeson moved to approve Consent Item 1.1. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

2. BUSINESS ITEMS/PUBLIC HEARING

2.1 Transportation, Public Safety, and Park Impact Fees

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

City Attorney Matthew Maggard read Ordinance No. 1481-24 by title. A public hearing was held and there were no comments from the floor.

Christopher Hatton with Kimley Horn said he and Clancey Mullen with Duncan and Associates held several meetings with Councilman Smith, City Attorney Matthew Maggard and City Manager William Poe over the last month to discuss and address issues. An updated final report was submitted. Clancey Mullen attended the meeting virtually to answer questions.

A conversation ensued discussing uniformity of commercial categories, updated fees and changes for Convenient Stores with Gas Pumps.

Spoke virtually - Clancey Mullen with Duncan and Associates

Clancey clarified the transportation impact fees for Convenient Store with Gas Pumps were lowered from \$6,227 to \$4,200 per pump.

City Attorney Matthew Maggard directed Council to a table on Page 6 of Ordinance No. 1481-24 outlining fees for multiple land use types to include general office, medical office, fast food restaurant, and convenient store with gas pumps. He said the per gas pump amount is intended to impact larger stores with 12 gas pumps versus the smaller stores with 2 gas pumps. The impact fees will be implemented 90 days following the passage of the Second Reading.

Jodi Wilkeson moved to approve Ordinance No. 1481-24 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

3. **PLANNING DIRECTOR'S REPORT**

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

Principal Planner Rodney Corriveau stated this project predates the existing moratorium. The proposed project is located approximately 1,500 feet from the corner of Geiger Road and Eiland Blvd. near the Wedgewood Community. He said the initial petition was submitted for R4 zoning and was voluntarily amended by the applicant to R3 to reduce density with a residential suburban future land use map amendment and a possibility of 31 townhome units. The proposed property is heavily wooded and if Council chooses to approve this annexation, a condition can be added for an Arborist to walk the property to identify trees to be preserved at the time of development. A hot spot has been identified at the intersection of Gall Blvd. and Geiger Road with a right-of-way constraint.

Principal Planner Rodney Corriveau said the proposed annexation is within the City's utility service area and meets Florida Statutes for annexation and development. The R3 zoning is reflective of potential development and the future land use of residential suburban is reflective of the area. Water has been factored into the City's water use permit; however, a condition was added for water. This project is in the basin of special concern which reduces the amount of units that can be achieved due to drainage expansion, has a de minimis threshold for traffic and does not require a left or right turn lane. The Site Plan Review Committee recommended approval, the Planning Commission recommended approval with conditions and staff recommended approval with conditions for water, roadway improvements, sidewalk improvements and tree preservation.

Councilman Spina said funding for the hot spot must be added to the FY 24/25 budget. He said the intersection "hot spot" is a condition of the project to be improved.

A conversation ensued around the City's Tree Ordinance, Section 7.06.04 - Tree Removal Guidelines which states a maximum of 50% of trees can be removed if over 40 trees per acre have a 6" or larger caliper, along with other extenuating circumstances. Staff will physically survey the site to save as many trees as possible. A request was made to see one regular document that is commensurate with surrounding developments in lieu of multiple preliminary sketches. Wedgewood residents are concerned if the proposed project is approved and the improvements do not occur prior to the completion of the development, the current situation will be exacerbated. The Geiger Road and proposed development schedules need to be coordinated to assure Geiger Road is completed prior to the development. The City, Pasco County, contractor, developer and possibly the state of Florida need to work together seamlessly to accomplish this project. Geiger Road needs a full depth reclamation and Pasco County has budgeted the roadway improvement and shoulder expansion in FY 24/25. City Attorney Matthew Maggard was asked if the City could add a condition that all the units could not be rental properties. He said if the developer consented to not having all rental properties, it would be a lot easier to answer but for the City to require no rental properties would require research to make sure the City is not infringing on any property rights.

Councilman Proctor said he is apprehensive about supplying water under the current water use permit and has serious issues with traffic.

Councilwoman Wilkeson said it is irresponsible to approve a development without a guarantee and timeline from Pasco County.

Mayor Melonie Bahr Monson stated the Planning Commission approved the annexation, not the plan.

Planning Director Todd Vande Berg suggested if Council decided to move forward with the first reading of the ordinance, staff would be proactive in securing a commitment from Pasco County with an opportunity to create an interlocal agreement to nail down a timetable.

Councilwoman Wilkeson clarified staff's recommended conditions were water, roadway improvements, sidewalk improvements and tree preservation along with ensuring the townhome units are fee simple and securing a document with Pasco County for Geiger Road.

Principal Planner Rodney Corriveau said if Council directs the City Attorney to create an ordinance to move forward, the project will proceed through the site development process.

Council were in majority consensus to continue for discussion and consideration.

3.2 ANX 15-22 - Providence Village, LLC - Annexation, Future Land Use Map Amendment and Rezoning

Planning Director Todd Vande Berg said a petition for annexation, future land use map amendment and rezoning of three acres on the south side of Geiger Road was received that is intended to be connected to a 20 acre parcel to the south for two-story townhome fee simple ownership. This petition was submitted prior to the City's moratorium on residential projects. He said there are a lot of similarities between this annexation, future land use map amendment and rezoning petition and the previously proposed project on the north side of Geiger Road. Both projects are similar in size, both projects abut Geiger Road, both projects have similar elements that will be being dealt with in a similar manner, and both projects have the same owner and representative. The proposed petition meets the criteria for Florida Statute 171 annexation criteria, the property is located within the City's Joint Planning Area (JPA) and utility service area. This is an area of infill development for the City with a variety of mid-level density ranges. Staff is proposing a future land use map amendment classification from County RES-9 to City Residential Suburban (RS) with a maximum of 7.5 units per acre. He stated for the record, the 20 acre parcel is zoned R3, and the City's Utility Director has indicated water supply is available to service the proposed development and has been included in SWFWMD's list of projects submitted to the water management district.

There was a lot of discussion by staff, the planning commission and residents at the Planning Commission meeting on water, traffic and road conditions. Staff will assess safety measures to make the road as safe as possible with a signalized crosswalk. The applicant will work with the City to provide sidewalks and a multi-purpose trail on the north side of Geiger Road.

Planning Director Todd Vande Berg said there are two in and outs off Geiger Road to help distribute the traffic from the development with a connection to 14th Avenue which runs along side West Elementary School. The applicant and City staff have had discussions with the Pasco County School District who have agreed to have the right of way deeded to the City. He said Geiger Road has safety issues but is operating at a very favorable level of service. The applicant has agreed to place a special emphasis on tree preservation with parameter screening and buffering along the west side. He said there are a lot of opportunities for open space recreation and tree preservation along the east side. If this ordinance moves forward, staff will work with an arborist and landscape architect and walk the site to be creative in maximizing tree preservation. He said staff is looking at traffic comprehensively and proactively. The Site Plan Review Committee and the Planning Commission recommended approval. Staff recommended Council's approval to move forward with the first reading of the ordinance with the same conditions. Staff will reach out to Pasco County to address the concerns on Geiger Road. The applicant and his representative were present to answer questions.

Spoke from the floor: Judy Sibley – 37540 Geiger Road – Zephyrhills, FL 33542

Ms. Sibley said she has lived on the property next to the proposed development for 56 years. She said there are gopher tortoises in the back of her property and was certain there were gopher tortoises on the Maggard property. She referred to a pond at the back of the proposed property as a low point and said residents have flooding concerns. She said her main concerns are the traffic on Geiger Road and water availability with the added homes. She said Wedgewood is attractive and the proposed area looks like dog kennels lined up for all the pups. She said she wants tree preservation and a guarantee the homes are not turned into rentals.

Planning Director Todd Vande Berg said the Florida Game and Fish Commission issue permits for gopher tortoises, they actually have a lot of protection. He said an environmental survey will be completed.

Mayor Melonie Bahr Monson voiced a concern for Wedgewood residents being located on the west side in the low lying area with a retention pond. She recommended an additional retention pond be placed on the proposed development to alleviate additional water from collecting into the existing retention pond which backs up to the homes in Wedgewood. Another community concern is whether the townhomes are compatible for the area with existing single family homes.

Council were in majority to annex three acres and rezone to R3.

3.3 PUD-0016-22 Gagne PUD Indoor Storage with Mixed Use Development; Located at the North and Southeast corners of Chancey Rd and Paul S Buchman.3356 Paul S Buchman Hwy, Zephyrhills Fl 33540.Parcel#23-26-21-0020-08000-0000.

Planning Director Todd Vande Berg said an applicant submitted a request for a PUD amendment associated with property located on both sides of Chancey Road and east of SR-39. The City previously approved a Planned Unit Development Master Plan (PUD) in 2021 under Ordinance No. 1417 that included a mixed use at the northeast corner of Chancey Road and SR-39. A single-family and multi-family residential project is slated on the south side of Chancey Road, just west of the railroad with a planned commercial project at the southeast corner of SR-39 and Chancey Road. He said this project was submitted prior to the moratorium for indoor storage facilities. The current Master Plan is currently approved for 2,5000 square feet of commercial use, 150,000 square feet of mixed use, 80 multi-family units and 138 single-family units. An amendment was submitted for the commercial parcel located at the southeast corner of Chancey Road and SR-39 that was originally planned for commercial. The applicant is proposing an indoor storage facility with maximum heights. Since there are height limitations on commercial buildings, the PUD Master Plan was amended to allow for the proposed indoor storage facility. There are similar height related buildings in the Copeland Industrial Park. Minor amendments were made to street lights in the residential area that shall be operated and maintained by a street light district Homeowner's Association (HOA) or Community Development District (CDD). Rain gardens are being proposed in addition to the pond area and the access point for the commercial parcel was moved further east per requirements from the Department of Transportation (DOT) and Pasco County. He presented two renderings of architectural heights and elements, increased landscape buffering along Chancey Road and plans for a multi-purpose trail on the southside of Chancey Road that will continue to the Tibbetts property. The intersection of Chancey Road and SR-39 was identified as a focal point for the Gateway to the Industrial Corridor. Staff feel this busy intersection is ideal for an indoor storage facility since it will not generate a lot of trips or water demand but will add a significant tax base. He referred to the original conditions shown as an attachment to the original PUD Master Plan that are shown as an attachment and entered into the record for the proposed height allowances for the C2 designated area. Per the Planning Commission's request, the applicant included a rendering of the building to be built as shown and included in the ordinance as an exhibit. The applicant's representative, David Fleming, was present to answer questions. The Site Plan Review Committee, the Planning Commission and staff recommended approval.

Council concurred to move forward.

4. CITY ATTORNEY'S REPORT

4.1 Medical Marijuana Treatment Centers Moratorium

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

City Attorney Matthew Maggard read Ordinance No. 1484-24 by title. He said the purpose of the moratorium is for staff to reassess the City's position by researching other City's actions relating to an outright ban. If staff recommends a prohibition, a formal ordinance will come before Council for approval. This is a temporary moratorium (12 month) to pause the opening of future Medical Marijuana Treatment Centers.

Jodi Wilkeson moved to approve Ordinance No. 1484-24 Medical Marijuana Treatment Centers Moratorium for a period of 12 months on the First Reading. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

4.2 Municipal Association of Pasco (MAP) Meeting July 25, 2024 - New Port Richey

First Reading **RESOLUTION NO. 825-24 - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AUTHORIZING THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS TO**

PARTICIPATE IN A JOINT MEETING OF THE MUNICIPAL ASSOCIATION OF PASCO TO DISCUSS MATTERS OF MUTUAL INTEREST; AND PROVIDING FOR AN EFFECTIVE DATE."

City Attorney Matthew Maggard read Resolution No. 825-24 by title.

Steve Spina moved to approve Resolution No. 825-24 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously, 4-0.

5. CITIZEN COMMENTS

Brad Bush – 4925 20th Street – Zephyrhills, FL

Mr. Bush said he moved to the City of Zephyrhills in 2020 and fell in love with the rural, small town feel and natural beauty. He said the majority of his neighbors have taken an active role in growing their own food to become self-sufficient. He said in June 2023, the City proposed Ordinance No. 1462-23 to set fair and clear guidelines for backyard chickens and

regrettably, the ordinance was not approved. He said the rules and guidelines proposed by the ordinance are detailed and addressed most, if not all the concerns, that were voiced during the public hearing. He said Dade City's chicken ordinance allows up to six (6) hens, the City of Tampa allows up to ten (10) and the City of Lakeland does not restrict the number. He urged Council to reevaluate and approve an ordinance to allow backyard chickens. He said the City already has a fairly sizeable population of wild chickens. Most of the nuisances and concerns that come with chickens are already present. From an economic standpoint, he believes allowing backyard chickens will help support many local feed and animal supply stores along with growing the local supply chain and promoting a bigger sense of community.

MAYOR ANNOUNCEMENTS – Mayor Melonie Bahr Monson thanked Mr. Bush for addressing Council.

CITY MANAGER ANNOUNCEMENTS – N/A

CITY ATTORNEY ANNOUNCEMENTS – City Attorney Matthew Maggard said he researched the chicken situation on a different issue not too long ago and Hillsborough County and the City of Tampa both have ordinances permitting chickens to reduce the number of wild chickens, forcing citizens to keep chickens on their property. If directed by Council, he has language from other jurisdictions that he did not have previously.

CITY COUNCIL COMMENTS – Councilwoman Wilkeson – N/A

Council Vice President Proctor thanked the Planning Staff who work hard and advised them not to take it personally when he stands against an item that is presented.

Councilman Spina requested to schedule a date for a Budget Workshop.

Finance Director Ted Beason said he senses Council would like to review the capital projects which are currently in raw form. He said the budget is in a rudimentary stage. He believes with the growth in the community, the 6.25 millage rate has served the City well. He does not anticipate increasing the millage rate.

Council concurred to set a Budget Workshop at 3:00 p.m. Monday, July 22, 2024.

Council President Burgess – N/A.

Meeting Adjourned: 8:09 p.m.
Submitted by Lori L. Hillman