



City of Zephyrhills

City of Pure Water

5335 Eighth Street • Zephyrhills, Florida 33542-4312
(813) 780-0000 • FAX (813) 780-0005

W. CLIFF McDUFFIE
Mayor

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City Manager

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City Clerk

JOSEPH A. POBLICK
City Attorney

July 22, 2009

Debra M Zampetti
Zoning/Code Compliance Administrator
Zoning/Code Compliance Department
West Pasco Government Center, S-320
7530 Little Road
New Port Richey, Florida 34654

**RE: Petitions submitted by ABMM Inc. (William F. Nye)
Parcel ID No. 35-25-21-0010-12100-0030**


Dear Mr. Steffey:

This letter is to advise you that the City of Zephyrhills has received petitions for an annexation, future land use map amendment and rezoning from the above referenced party. The site is located at the northeast corner of Daughtery Road and US Highway 301.

This property is contiguous to the City limits, utilities are available, the property is reasonably compact and results in the reduction of an existing County enclave.

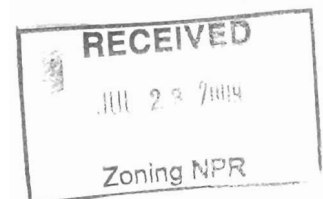
Attached are copies of the petitions, a survey map with legal description, an annexation map showing location, a current FLUMA map showing utilities, a Rezoning map and staff report for your review. Please feel free to contact me if you wish to comment on this project or if any further information is needed. We would appreciate a response as soon as possible as the First Reading for the petition will be on August 10, 2009.

Sincerely,



Todd H. Vande Berg
Director of Development

Attachments





PETITION FOR ANNEXATION

The Petition of ABMM (William E. Nye)
mailing address: 5306 FOX HUNT DR
Wesley Chapel, FL 33543 Phone: 813-973-4256

respectfully shows:

1. That the Petitioner is the owner of the following described real property, lying and being in Pasco County, to wit:
which property has the physical address of: 7010 GAIL Blvd Zephyrhills, FL 33541

and Parcel I.D.#: 35-25-21-0010-12100-0030

2. That said lands are contiguous with the present corporate boundaries of the City of Zephyrhills.

3. The Petitioner, as owner, of the above described land does respectfully request City Council to take all action necessary in the order to ANNEX the above described real property to the City of Zephyrhills, extending the corporate boundaries accordingly.

4. The Petitioner, as owner, does agree to pay all costs incurred for the purpose of extending water and sewer lines to the above described real property.

5. The Petitioner, as owner, of the above described land does agree to convey unto the City all sewer and water improvements and all right-of-way easements pertaining to said property.

6. The Petitioner, as owner, of the above described land does agree to pay all related costs as required by the City, including by not limited to impact fees, water and sewer deposits and garbage rates, and legal and advertising fees pertaining to the Annexation.

7. The Petitioner, as owner, has determined that the current County Zoning for the above described land is C-2.

Application Fee: \$500.00

Shannon V. Shafer
Witness
[Signature]
Witness

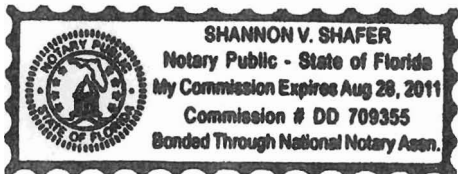
[Signature] (ABMM)
Petitioner
[Signature]
Petitioner

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 11th day of MAY, 2009, by William E. Nye, who is/are personally known to me or produced _____ as identification

(Seal)

Shannon V. Shafer
NOTARY PUBLIC Name:





PETITION FOR FUTURE LAND USE MAP AMENDMENT

1. Name, Address and Telephone Number of Petitioner(s): ABMM (William F. Nye)
2. Address of Location: 7010 GALL BLVD Zephyrhills, 33541
3. Complete 19-digit Parcel I.D. Number: 35-25-21-0010-12100-0030
4. Current City or County Future Land Use Designation(s): General Commercial
5. Requested Future Land Use Designation(s). Include sketch if more than one designation is requested to identify which area is for which land use:
6. A metes and bounds legal description of the subject property sufficient to describe the property in public notice and other legally binding documents.
6. Future Land Use Map Amendment Petition Fee must accompany this application.
 - Small Scale (10 acres of property or less) Future Land Use Amendment - \$250
 - Large Scale (over 10 acres of property) Future Land Use Amendment - \$500
7. The Petitioner, as owner, of the above described land does agree to pay all related costs as required by the City, including but not limited to impact fees, water and sewer deposits and garbage rates, and legal and advertising fees pertaining to the Future Land Use Map Amendment.

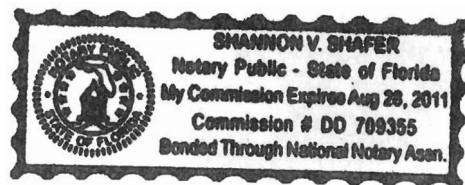
Witness Shannon V. Shafer
 Witness [Signature]

Petitioner W/N
 Petitioner _____

STATE OF FLORIDA COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 11th day of MAY, 2009,
 by William F. Nye, who is/are personally known to me or who has produced
 _____ as identification and who did/did not take an oath.

NOTARY PUBLIC (SEAL) Print Name: Shannon V Shafer
 My Commission Expires: August 28, 2011





PETITION FOR REZONING

- 1. Parcel I.D.#: 35-25-21-0010-12100-0030
- 2. Address of Location: 7010 GALL Blvd. Zephyrhills, FL 33541
- 3. Name, Address and Telephone Number of Petitioner(s): ABMM (William F. Nye)
- 4. Current Use of Property: Commercial Auto Repair
- 5. Requested Zoning Designation(s). Include sketch if more than one designation requested to identify which area for which zoning: Commercial (C-2)

ATTACHMENTS REQUIRED

- (1). Evidence of ownership or other controlling interest in the subject property (Warranty Deed) – all owners or legally designated representatives must execute the appropriate petition.
- (2). A certified boundary description which can be replicated by observation of permanent physical monuments – the certified boundary description may be a copy, but must have an embossed seal and original inked signature of a property licensed and registered land surveyor.
- (3). Two (2) signed and sealed metes and bounds legal descriptions and sketches of the subject property sufficient to describe the property in public notice and other legally binding documents.
- (4). Rezoning petition fee of \$500.00.
- (5). A copy of the prior year's tax bill.
- (6). If applicable, site plan for the PUD.
- (7). The Petitioner, as owner, of the above described land does agree to pay all related costs as required by the City, including but not limited to impact fees, water and sewer deposits and garbage rates, and legal and advertising fees pertaining to the Rezoning.

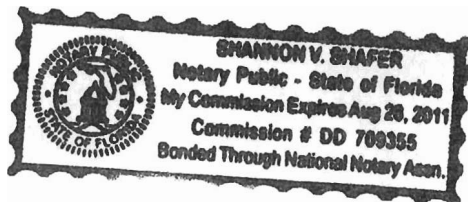
Witness Shannon V. Shafer
 Witness [Signature]

Petitioner W F (ABMM)
 Petitioner _____

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 11th day of MAY, 2009, by William F. Nye, who is/are personally known to me or produced _____ as identification.

NOTARY PUBLIC Name: Shannon V. Shafer (Seal)

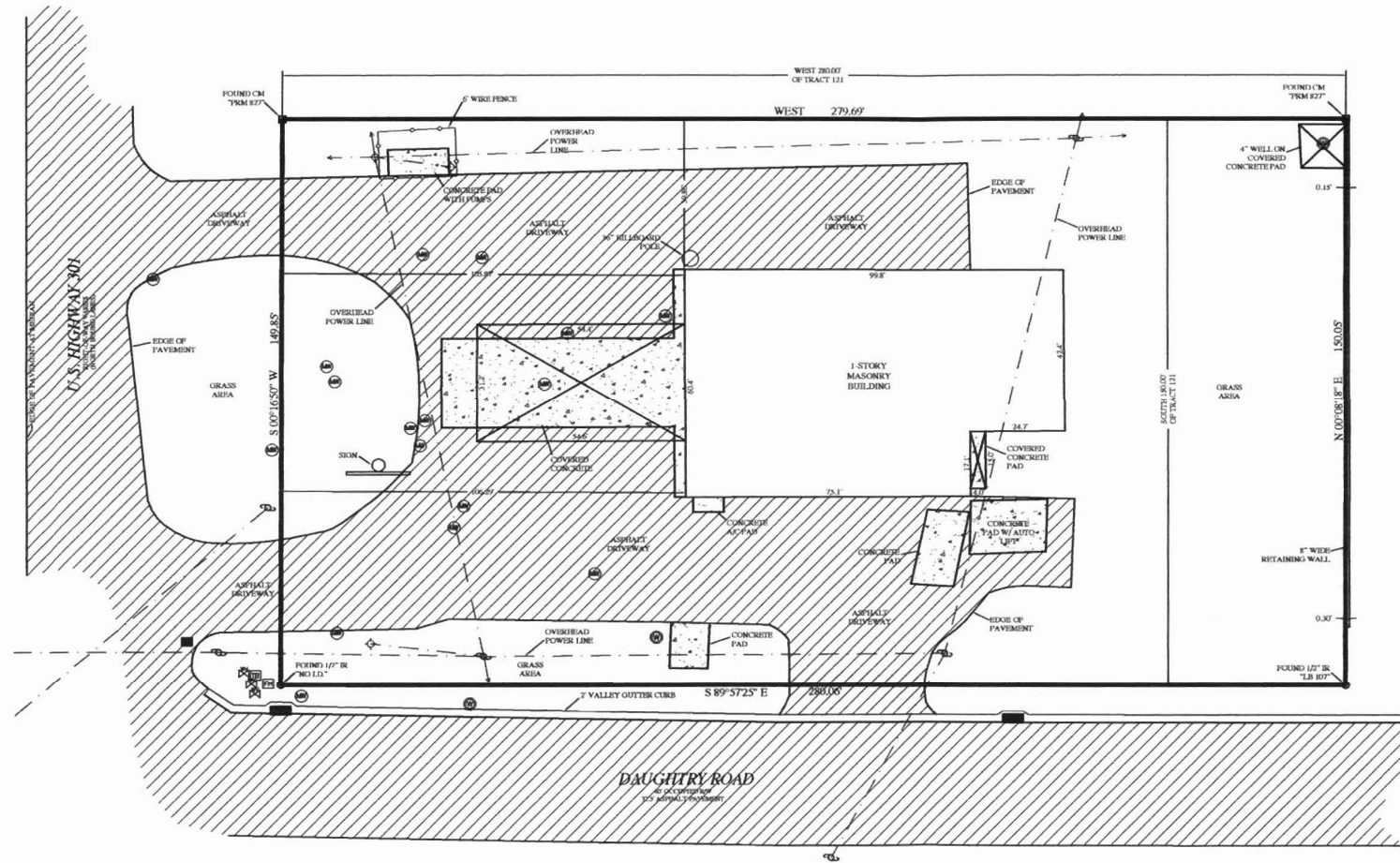


PLAT OF SURVEY

SEC. 35, TWP. 25 S., RNG. 21 E.
PASCO COUNTY, FLORIDA



SCALE: 1" = 20'



LEGAL DESCRIPTION:
The South 150 feet of the West 280 feet of Tract 121, ZEPHYRHILLS COLONY COMPANY LANDS, Section 35, Township 25 South, Range 21 East, according to the plat thereof recorded in Plat Book 1, Page 55, Public Records of Pasco County, Florida.

- NOTES:
- BOUNDARY SURVEY ONLY.
 - LEGAL DESCRIPTION FURNISHED BY CLIENT.
 - BEARINGS BASED ON S 89°57'25" E (ASSUMED) ALONG THE SOUTH BOUNDARY OF TRACT 121 OF ZEPHYRHILLS COLONY COMPANY LANDS.
 - THIS SURVEYOR IS NOT RESPONSIBLE FOR EASEMENTS, RIGHT-OF-WAYS, OR ENCUMBRANCES OF RECORD NOT SHOWN HEREON THAT HAVE NOT BEEN FURNISHED TO THIS OFFICE OR THAT HE HAS NO KNOWLEDGE THEREOF.
 - THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

| LEGEND: | |
|----------------------------------|-----------------------------|
| BL = POINT OF ELEVATION | CL = CENTERLINE |
| FF = FOUND FLOOR | FI = POINT OF INTERSECTION |
| SM = BENCH MARK | PA = PAVED |
| PCB = POINT OF BEGINNING | CC = CONCRETE = CONC. |
| PLS = PROFESSIONAL LAND SURVEYOR | CO = CONCRETE |
| FCM = FOUND CONCRETE MASONRY | OV = OVERPAVEL |
| FR = FOUND IRON ROD | CA = COVERED AREA |
| SR = SET IRON ROD | PP = POWER POLE |
| FRW = FOUND IRON PIPE | W = WELL |
| FRPW = FOUND PIPED PIPE | WM = WIRELESS WELL |
| FRPAD = FOUND PAVED | LP = LIGHT POLE |
| SRPAD = SET PAVED | ME = MEASURED |
| FP = FLAG | DE = DEED |
| RE = RECORDED | SE = SECTION |
| SEC = SECTION | TRP = TOWNSHIP |
| TRP = TOWNSHIP | A/C = AIR CONDITIONER |
| A/C = AIR CONDITIONER | S/W = SEWER |
| S/W = SEWER | DE = DRAINAGE EASEMENT |
| DE = DRAINAGE EASEMENT | U/E = UTILITIES EASEMENT |
| U/E = UTILITIES EASEMENT | GOY = GUY |
| GOY = GUY | R/W = RANGE |
| R/W = RANGE | POC = POINT OF COMMENCEMENT |

NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFIES:
THAT WE HAVE MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY, THAT IT IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT THIS PLAT IS A TRUE REPRESENTATION THEREOF AND THE SURVEY AND THIS PLAT CONFORMS TO THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 61C17, F.S.A. ADMINISTRATIVE CODE PURSUANT TO SECTION 472.021 F.S.A. STATUTES.

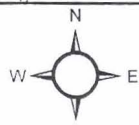
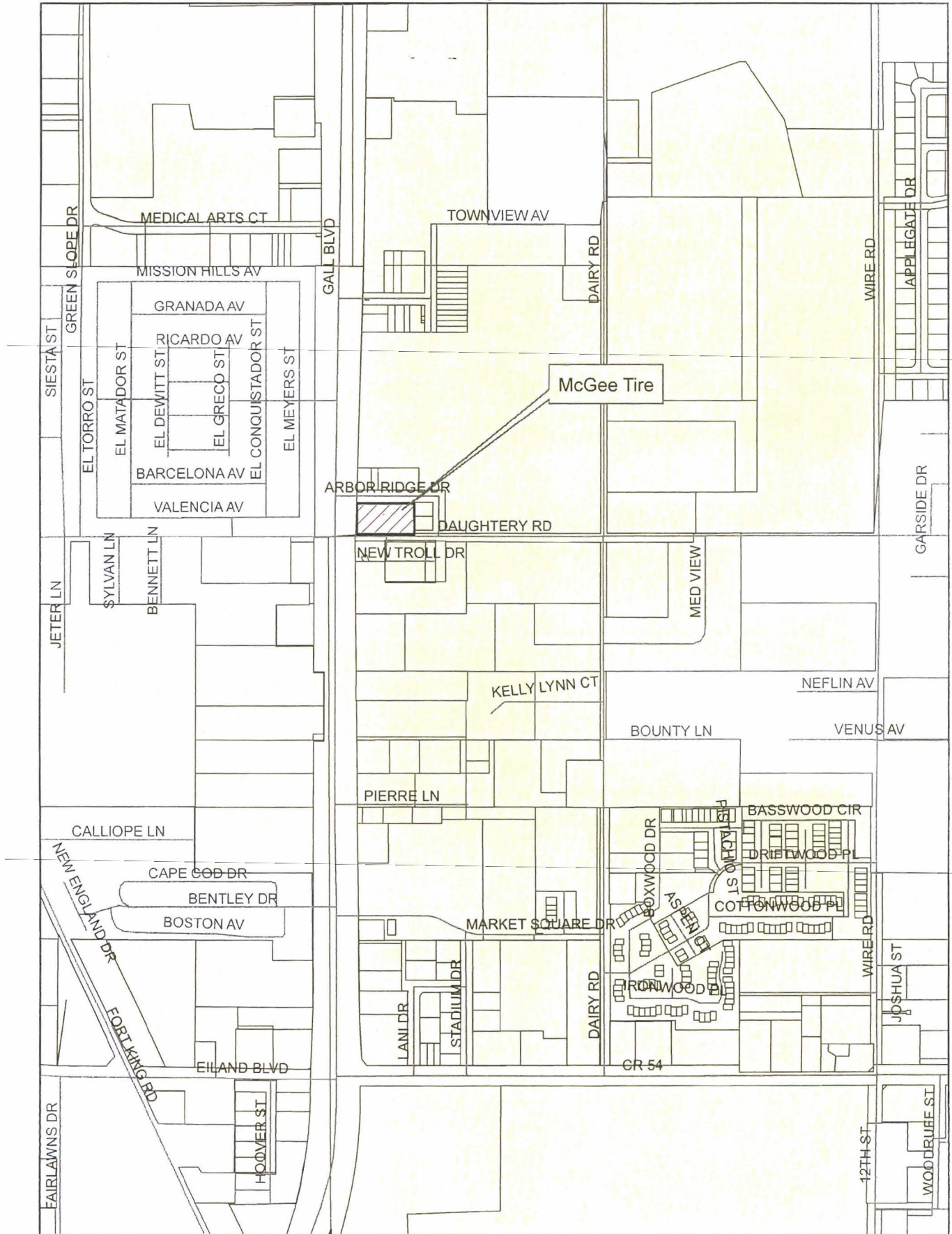
BILL R. BROWN, P.L.S. #8655

FIELD BOOK 246

PAGE 13

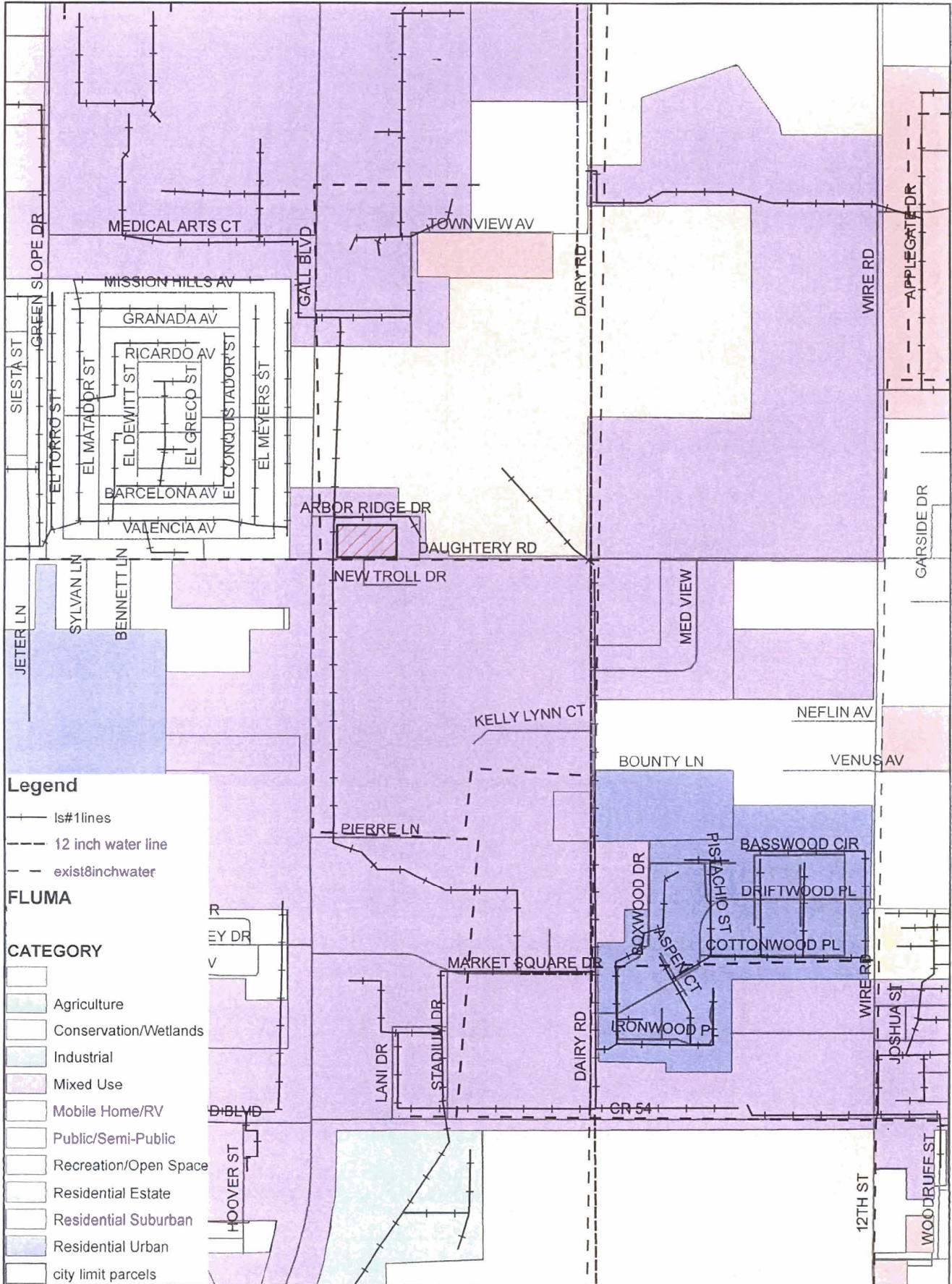
| | | |
|------------|--|--------------------------|
| REVISIONS: | | DATE: 06/10/09 |
| | | DATE OF SURVEY: 06/08/09 |
| | | CLIENT: NYE |
| | | JOB NUMBER: 09065 |
| | | SCALE: 1" = 40' |
| | | DRAWN BY: MJS |
| | | SHEET 1 OF 1 |

McGee Tire Annexation July 2009



775 387.5 0 775 Feet

McGee Tire FLUMA



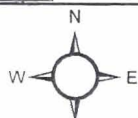
Legend

- Is#1 lines
- - - 12 inch water line
- - - exist 8 inch water

FLUMA

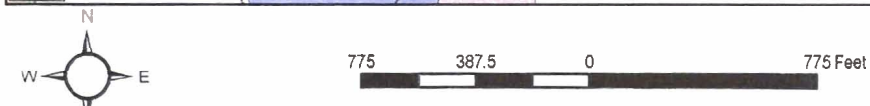
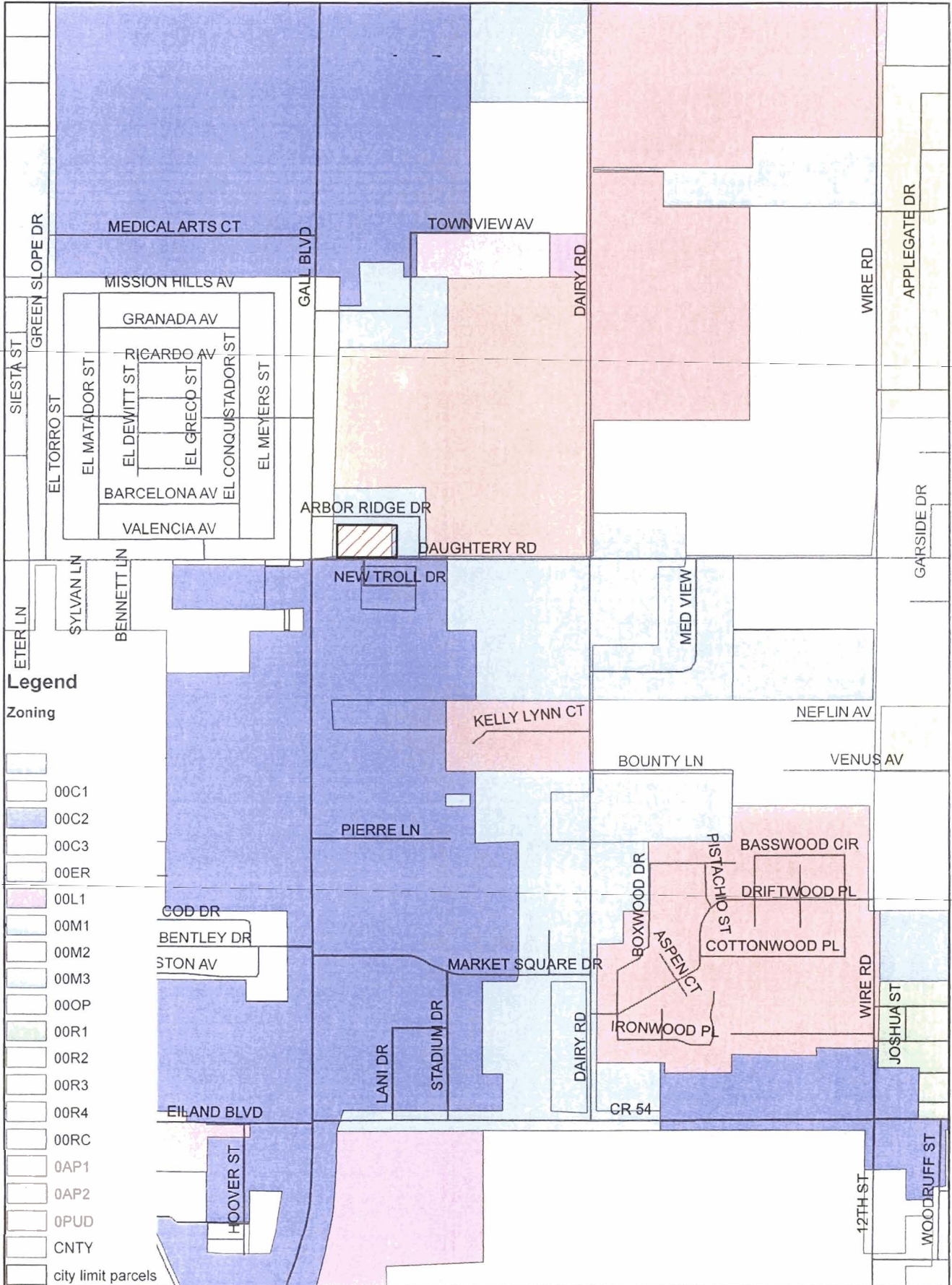
CATEGORY

- Agriculture
- Conservation/Wetlands
- Industrial
- Mixed Use
- Mobile Home/RV
- Public/Semi-Public
- Recreation/Open Space
- Residential Estate
- Residential Suburban
- Residential Urban
- city limit parcels



775 387.5 0 775 Feet

McGee Tire Rezoning



City Of Zephyrhills

Staff Report

SUMMARY:

ANX/ZC/FLU-0006-09 – ANNEXATION from ABMM INC to annex .96 acres from Pasco County to the City of Zephyrhills.

FUTURE LAND USE AMENDMENT to reclassify from Pasco County RES-9 (Residential 9 du/ga) to a City of Zephyrhills Future Land Use MU (Mixed Use). Located on the northeast corner of Daughtery Road and Gall Boulevard (U.S. Highway 301).

REZONING to reclassify from Pasco County C-2 (General Commercial) to a City of Zephyrhills C2 (Community Commercial) Zone.

PARCEL ID:

35-25-21-0010-12100-0030

BACKGROUND:

Project Description

The applicant is requesting that the City of Zephyrhills (City) annex .96 acres of property from Pasco County. The subject property is bordered by City property to the north, south and east. The owner is requesting to hook up to City sewer in lieu of the existing septic tank/drainfield. With the connection to City sewer the City has requested that the property be annexed into the City.

The subject property is bordered on the south by Daughtery Road and the west by US HWY 301. There is an approximately 5550 square foot steel structure on the property with a large attached shade structure “carport”. The western portion of the property along U.S. 301 is paved. The open space on the eastern side of the property consists of primarily impervious ground cover. McGee Goodyear Tire auto/tire service and repair establishment has been operating out of this location for several years. The property if brought into the City would be classified as a grandfathered nonconforming property as it is not up to City codes. A special approval condition is recommended that requires the property to be brought up to code should any expansion occur or renovation in excess of 50%.

Infrastructure

The property is served by an 8 inch water main on U.S. 301 and Daughtery Road. Sewer lines are also available on Arbor Ridge Drive. The applicant is proposing to connect to the city’s water and sewer system.

Surrounding Zoning and Land Use

North C-3 (City)

South C-2 (City)

East C-3 (City)

West RMH (County)

To the north and east of the property across Arbor Ridge Drive are professional offices and Florida Hospital. To the south across Daughtery Road is an existing office building. To the west across U.S. 301 is Spanish Trails Mobile Home Park.

STANDARDS FOR APPROVAL:

Development must be consistent with the Goals, Objectives and Policies (GOP's) of the City's Comprehensive Plan, State Statutes and the City's Land Development Code (LDC).

Planning Analysis

Florida Statutes - Chapter 171:

- The F.S. annexation requirements are met: Contiguous, reasonably compact, does not result in creation of an enclave pursuant to Section 171.0413, F.S.
- The subject property is located within the City's present Planning & Utility service area boundaries as required pursuant to Section 171.042(1)F.S.;
- Map PF-1 (*attached*) shows both the existing and future service areas and utility lines as required pursuant to Section 171.042(1)(a), F.S.;
- The City is able to provide both water and sewer services for this property as required pursuant to Section 171.042(1)(c)(2)F.S.;
- ***The property is compatible with the surrounding area. The existing commercial use on the subject property is consistent and compatible with the established and planned use for the established commercial corridor / node that exists along US HWY 301.***
- The City can provide services for utilities, fire, police & garbage.

Comprehensive Plan Consistency:

The proposed Future Land Use (FLU) classification for the subject property is the category of ***Mixed Use***. This Future Land Use classification is intended for development that is Commercial, Residential or a mix of Commercial and Residential in manner. The density range of this FLU category is .50 FAR and .80 ISR. Allowable zoning categories permissible in the MU category are: R2, R3, R4, OP, C1, C2, C3, OP and PUD. (***See Comp Plan – pg. LU-17***).

The following comments are provided pertaining to the City's Comprehensive Plan:

A. Future Land Use Element:

- Chapter 163.3177, F.S. requires that the Future Land Use Element (FLUE) of the Comprehensive Plan contain a land use map or map series that shows the distribution, location, and extent of various categories of future land use, including residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities and other categories of public and private uses of land. When the designations on the Future Land Use Map (FLUM) are proposed for a change, a detailed amendment process is required to be followed as outlined by Chapter 163, F.S. and Rule 9J-11, FAC.;
- The following issues are identified and addressed as they relate to the consistency of this petition to the City's adopted Comprehensive Plan. All development within Zephyrhills must be permitted in conformity with the Zephyrhills Comprehensive Plan. A comprehensive review and analysis has been conducted to examine if the subject petition is consistent with the Goals, Objectives & Policies (GOP's) of the City's Comprehensive Plan that guide staff in making recommendations. The GOP's of the Comprehensive Plan provide the general textual guidelines for reviewing development proposals and issuing development orders or permits, as defined by Chapter 163.3164, F.S.;
- As an existing commercial developed property, surrounded by Florida Hospital and other professional offices, the proposed future land use map amendment / rezoning (as conceptually proposed) would appear to be consistent and compatible with the existing / planned development trends of this area pursuant to Section 171.043, F.S.; *(See LU-1-1, LU-1-1-1, LU-1-2-4); Staff is of the opinion that the proposed future land use map amendment and rezoning petitions are consistent and compatible with the City's Comprehensive Plan.*

B. Transportation Element:

The subject property is bordered by US HWY 301 to the west and Daughtery Road to the south. 301 is owned / maintained by FDOT and Daughtery Road is owned and maintained by the City. No improvements are planned to 301 and therefore no approval is required from DOT. Daughtery Road presently has 50 feet of ROW. *(See TRA-1-2-2, TRA-1-2-3); Staff recommends that ten feet of additional ROW be provided for future road way improvements.*

- Grandfathered existing site does not provide sidewalks along Daughtery Road or 301. *(See TRA-1-3-1, TRA-1-3-3) Future site or building expansion / 50% remodel shall require existing grandfathered site to be brought up to all City codes.*

C. Public Facilities Element:

- The subject properties are located within the City's current utility services area. ***(See PUB-1-2-2 & PUB-1-2-3); The applicant would be required to provide an easement for the utilities and hook up to water and sewer and pay appropriate connection / impact fees.***
- The annexation of subject property will result in the City providing garbage services. ***Existing dumpster shall be field located and approved by City Sanitation Department and a dumpster enclosure approved per City code.***

D. Conservation Element/Recreation Element:

- CON 1-1-2 calls for the "promotion of alternative transportation modes such as bicycle and pedestrian paths". Pasco County Parks in conjunction with the City of Zephyrhills has designated U.S. 301 as future trail area. ***Future site or building expansion / 50% remodel shall require existing grandfathered site to be brought up to all City codes.***

E. Capital Improvements Element:

- All applications for development are subject to comply with the City's Concurrency Management System (CMS) as described on page CIE-10 of the City's Comprehensive Plan. ***There are no expected concurrency problems that are associated with these petitions.***

F. Intergovernmental Coordination Element:

- The subject petitions will be coordinated with Pasco County to obtain their comments in accordance with the established reciprocal agreement ***(See ICE-1-1-1).***

G. Economic Development Element:

- The assessed value of the subject property is \$238,451.00. Therefore the anticipated City ad valorem is \$1,328.36. In addition, the property will become a sewer customer.

Staff Recommendation

Approval with conditions.

STAFF RECOMMENDED CONDITIONS:

- 1.) The applicant shall comply with all City Of Zephyrhills ordinances / Land Development Code and submit required impact / connection fees;
- 2.) In the event ordinances / resolutions are subsequently adopted or amended by the City Council, the applicant shall be required to comply with same

- unless such ordinances / resolutions materially and adversely change any conditions of approval granted;
- 3.) Site shall provide a City approved dumpster that is field located and dumpster enclose that meets Zephyrhills specifications within 60 days of approval of annexation;
 - 4.) The owner of subject property shall convey at no cost to the City of Zephyrhills ten feet of right-of-way along Daughtery Road for future roadway improvements;
 - 5.) The owner acknowledges that any provision of the City of Zephyrhills ordinances and rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fees;
 - 6.) Future site or building expansion / 50% remodel shall require existing grandfathered site to be brought up to all City codes.

PLANNING COMMISSION RECOMMENDED CONDITIONS (in addition and/or revised from above):

- TBD

PETITIONER: ABMM, Inc.

CONTACT: William Nye, 5306 Foxhunt Drive, Wesley Chapel, FL 33543

STAFF REPORT AUTHOR: Todd Vande Berg and RJ Keetch, Planner, City of Zephyrhills
(813) 780-0000