



# **PLANNING & ZONING BOARD MEETING AGENDA**

**December 15, 2022 at 5:30 PM**

**COMMISSION CHAMBERS - 202 E. MAIN STREET, DUNDEE, FL 33838**

**Phone: 863-438-8330 | [www.TownofDundee.com](http://www.TownofDundee.com)**

---

---

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **DELEGATIONS-QUESTIONS & COMMENTS FROM THE FLOOR**

*(Each speaker shall be limited to three (3) minutes)*

## **APPROVAL OF MINUTES**

- 1.** Planning & Zoning Board Meeting Minutes

## **PUBLIC HEARINGS**

- 2.** Right-of-Way Vacation- portion of Helicopter Road
- 3.** 2022 Annual Update to the Comprehensive Plan's Capital Improvement Element (CIE)
- 4.** Special Exception- Xtreme Car Center Inc.

## **REPORTS FROM OFFICERS**

Planning Department Comments

Town Attorney Comments

Board Member Comments

Chairperson Comments

## **ADJOURNMENT**

***PUBLIC NOTICE:*** Please be advised that if you desire to appeal from any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases, a verbatim record is required. You must make your own arrangements to produce this record. (Florida statute 286.0105)

*If you are a person with disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the town clerk's office at 202 east main street, Dundee, Florida 33838 or phone (863) 438-8330 within 2 working days of your receipt of this meeting notification; if you are hearing or voice impaired, call 1-800-955-8771.*



# PLANNING & ZONING BOARD MEETING

Item 1.

November 17, 2022 at 5:30 PM

---

---

- AGENDA ITEM TITLE:** Planning & Zoning Board Meeting Minutes
- SUBJECT:** The Board will consider approval of the meeting minutes.
- STAFF ANALYSIS:** Meeting minutes to be considered for approval:  
- September 15, 2022
- FISCAL IMPACT:** None
- STAFF RECOMMENDATION:** Approval of the September 15, 2022 meeting minutes of the Planning and Zoning Board.
- ATTACHMENTS:** Planning & Zoning Board September 15, 2022 meeting minutes

# DUNDEE PLANNING & ZONING BOARD

LOCATION: DUNDEE TOWN HALL  
202 MAIN STREET, DUNDEE, FLORIDA



## PLANNING & ZONING BOARD MEETING MINUTES for SEPTEMBER 15, 2022

**CALL TO ORDER** at 5:30pm by Chair Ron Hall  
**PLEDGE OF ALLEGIANCE:** Chair Ron Hall  
**ROLL CALL:** Jenn Garcia

### MEMBERS PRESENT:

Ron Hall  
Suzetta Henson  
Jill Kitto

### MEMBERS ABSENT:

Ray Hunt  
Sam Ahmed

Mrs. Garcia stated that Ray Hunt notified Town Staff that he would be on shift and would not be able to attend the meeting, Town Staff did not receive notification from Sam Ahmed.

### STAFF PRESENT:

Jenn Garcia, Town Clerk  
Marisa Barmby, CFRPC  
John Vice, Public Works Director  
Lorraine Peterson, Town Planner

### AGENDA

#### ITEM 01: APPROVAL OF MINUTES

Planning & Zoning Board Meeting Minutes 05/19/2022.

***MOTION TO APPROVE the Planning & Zoning Board Meeting Minutes for July 21, 2022 made by Board Member Kitto. Seconded by Board Member Henson. Passed Unanimously.***

*AYES: Hall, Henson, Kitto*  
*NAYS: None*

Marisa Barmby of Central Florida Regional Planning Council introduced the new Town Planner, Lorraine Peterson.

Ms. Peterson greeted the Board and shared her experiences and pleasure to be working for Dundee.

#### ITEM 02: DISCUSSION ITEMS

**A. POTENTIAL CODE OF ORDINANCE UPDATE- PARK AND RECREATION OPERATING HOURS**

Marisa Barmby of Central Florida Regional Planning Council gave the presentation.

Chair Hall requested a report of the developments who committed to a fee-in-lieu of park and recreation and if they did how much was given, and which parks the fees were invested and how.

Mrs. Barmby stated that the Town does have these records and will present it when the final language for the board's consideration.

Member Henson stated that decision for the parks should be made simultaneously. Mrs. Barmby stated that the board may want to consider recommending changes being made by resolution.

Member Kitto inquired if information, hours, and rules would be posted specific to each park and Public Works Director, John Vice, confirmed this the approach the Town is and will continue to be improved and taken.

Chair Hall stated that the park restrooms are used at times by the homeless and people with RVs and wondered if these updates would affect those. He further stated that there are issues with the late hours that young people are at the basketball courts. He also observed that isolated tables can invite undesirable activity. He further stated that trails must be monitored and designed so to keep those using the trails safe.

Mr. Vice explained that the restroom issues will need to be reported to the PCSO if it is believed to be illegal activity. The basketball courts already have hours listed and require a parent to be with minors and it will be up to the citizens to report if these rules are abused.

Member Henson reminded the board that we must ensure that our rules are not to the extreme of keeping youth out.

Mrs. Barmby appreciated the input and advised the board that final language will be brought back before them for their consideration.

**B. INTRODUCTION TO PROPOSED TECHNICAL STANDARDS MANUAL**

Marisa Barmby of Central Florida Regional Planning Council gave the presentation.

Mrs. Barmby clarified that these items are all in place, however they are scattered and are difficult to locate in the code. The proposed manual will have all the standards collected in an organized fashion that will benefit the Town and those looking to build and conduct business in the Town.

Mrs. Barmby stated that she anticipates having a final draft before the board within the next 3 months.

**REPORTS FROM OFFICERS:**

**Town Administration:**

Town Clerk Garcia brought a report that was requested at the last meeting on the number of absences that board members are permitted to have considering the concern in the number of absences of Member Ahmed. Section 2-46 of the Town Code states that missing 3 or more consecutive meetings will be considered an automatic resignation unless absences have been excused by the board. A spreadsheet that showed the attendance of all members over the last one year.

This information prompted the board to excuse Ray Hunt from the meeting.

***MOTION TO EXCUSE Ray Hunt from the September 15, 2022 Planning and Zoning meeting made by Jill Kitto. Seconded by Suzetta Henson. Motion carried.***

*AYES: Hall, Henson, Kitto*

*NAYS: None*

***MOTION TO RECOMMEND termination of Sam Ahmed's seat on the Planning & Zoning Board to the Town Commission made by Jill Kitto. Seconded by Member Henson. Motion carried.***

*AYES: Henson, Kitto*

*NAYS: None*

#### **Board Member Comments:**

##### **Board Member Kitto**

- Inquired of further explanation and information on the CDDs. Mrs. Barmby explained that it is considered an HOA on steroids with upgraded amenities that are available to the community for a fee.
- Expressed concern of the condition of the roads with all the development the Town is experiencing. Town Clerk Garcia stated that we are having a large-scale traffic study conducted that will assist the Town on scheduling improvements and clear expectations that will be given to developers.
- Requested an update on the US 27 trucking company issue that has still not been corrected. Mrs. Barmby reported that a full application special exception was submitted by the applicant representative, Dave Carter with Carter Kaye Engineering and accepted by the Town that day and it should be coming before the board in the coming months. Mrs. Garcia also stated that this remains an open case.

##### **Board Member Henson**

- Requested updated maps that includes the maps of the roads. Mrs. Barmby and Mrs. Garcia will distribute the maps to the board members.

#### **ADJOURNMENT**

Meeting adjourned at 7:07pm.

**Respectfully Submitted,**

  
Jenn Garcia, Town Clerk



# PLANNING AND ZONING BOARD MEETING

December 15, 2022, at 5:30 PM

- 
- AGENDA ITEM TITLE:** Right-of-Way Vacation- portion of Helicopter Road
- SUBJECT:** The Planning and Zoning Board will consider approval of the Helicopter Road Right-of-Way Vacation.
- STAFF ANALYSIS:** This is an applicant-initiated request for approval of a right-of- way vacation of a portion of Helicopter Road between Dekle Road and Tindel Camp Road, a total of 0.5 miles (2,634 feet).
- FISCAL IMPACT:** No Fiscal Impact
- STAFF RECOMMENDATION:** Staff recommends approval with conditions, a Concurrency Developer’s Agreement and Water Supply Allocation Agreement.
- ATTACHMENTS:** Staff Report



**TOWN OF DUNDEE  
RIGHT-OF-WAY VACATION REQUEST  
STAFF REPORT**

**TO:** Planning and Zoning Board

**PREPARED BY:** Lorraine Peterson, Town Planner

**AGENDA DATE:** December 15, 2022

**REQUESTED ACTION:** **VACATION OF RIGHT-OF-WAY:** Tampa Electric Company, Helicopter Road Right-of-Way

A request to vacate and abandon portions of specific opened, paved, and unimproved 20-foot-wide portion of the Helicopter Road rights-of-way located between Dekle Road (south) and Tindel Camp Road (north) rights-of-way.

**REQUEST:**

Tampa Electric Company filed a petition requesting the Town of Dundee to vacate and abandon portions of specific opened, paved, and unimproved 20-foot-wide Helicopter Road rights-of-way located between Dekle Road (south) and Tindel Camp Road (north). The vacation is part of the proposed Lake Mabel Loop Solar Farm Project.

**PROPERTY INFORMATION**

The northern terminus of the right-of-way intersects with platted right-of-way known as Tindel Camp Road. The southern terminus of the right-of-way intersects with platted right-of-way known as Dekle Road. The applicant is requesting the right-of-way be vacated for the development of a solar farm. All the properties that abut this right-of-way are owned by Tampa Electric Company.

**Surrounding Property Information**



<u>Northwest:</u> FLU: LDR ZON: RSF-1 Existing Uses: Residential	<u>North:</u> FLU: ZON: Existing Uses: Residential Tindel Estates Subdivision Polk County	<u>Northeast:</u> FLU: LDR ZON: PUD Existing Uses: Citrus Tampa Electric Company
<u>West:</u> FLU: LDR ZON: PUD Existing Uses: Vacant Tampa Electric Company	<u>Subject Parcel</u>  Right-of-Way	<u>East:</u> FLU: ZON: Existing Uses: Vacant Tampa Electric Company Polk County
<u>Southwest:</u> FLU: LDR ZON: unassigned Existing Uses: Citrus	<u>South:</u> FLU: ZON: Existing Uses: Residential Polk County	<u>Southeast:</u> FLU: ZON: Existing Uses: Vacant Tampa Electric Company Polk County

**FINDINGS OF FACT:**

The Petition for Right-of-Way Vacation is to be reviewed by the Town Staff and the Planning and Zoning Board consistent with the requirements of the Town of Dundee, regarding the vacation of streets, alleys, and public ways.

Below are staff findings of fact determined during review of the petition.

- The applicant has submitted a completed application with appropriate fee.
- The applicant did not have to send out adjoining property owner notices and signature forms certified/registered mail, because all the adjoining properties are owned by the applicant (see attached application materials).
- The applicant submitted letters to the required utilities via certified mail. To date, none of the utilities have submitted letters regarding this issue.
- The applicant published legal notice of the request for vacation of a right-of-way in The Polk News Sub on July 17, 2022, and July 24, 2021.
- The right-of-way is opened and as platted it intersects between Dekle Road (south) and Tindel Camp Road (north) and all properties adjacent to the right-of-way have access to public streets without use of this right-of-way.

**PLANNING AND ZONING BOARD ACTION:**

Consistent with the requirement of the Town of Dundee regarding vacating streets, alleys, and public ways, the Town administration is forwarding this Petition for Right-of-Way Vacation to the Town of Dundee Planning and Zoning Board for Review and Comment.

---

---

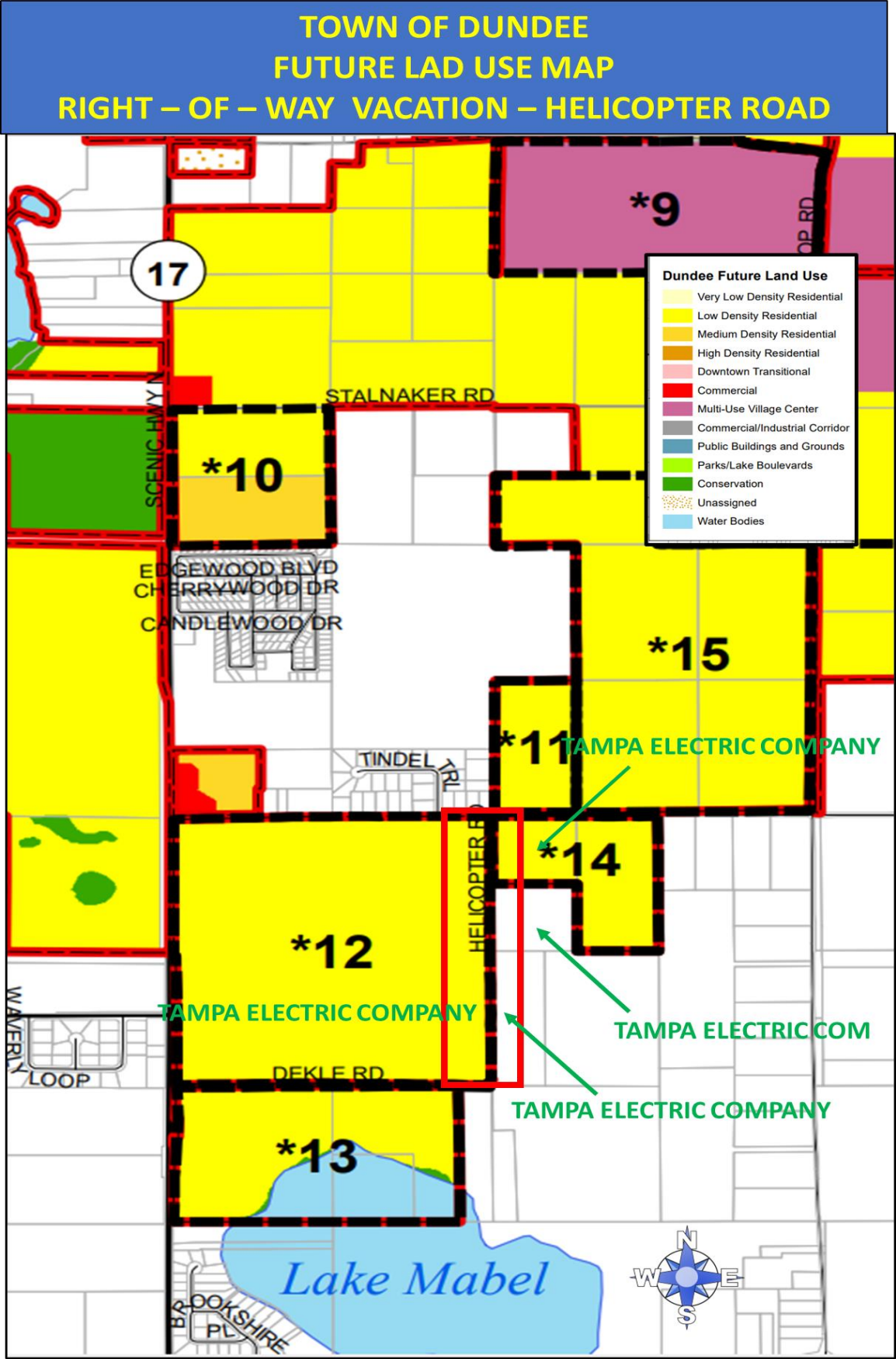
**MOTION OPTIONS:**

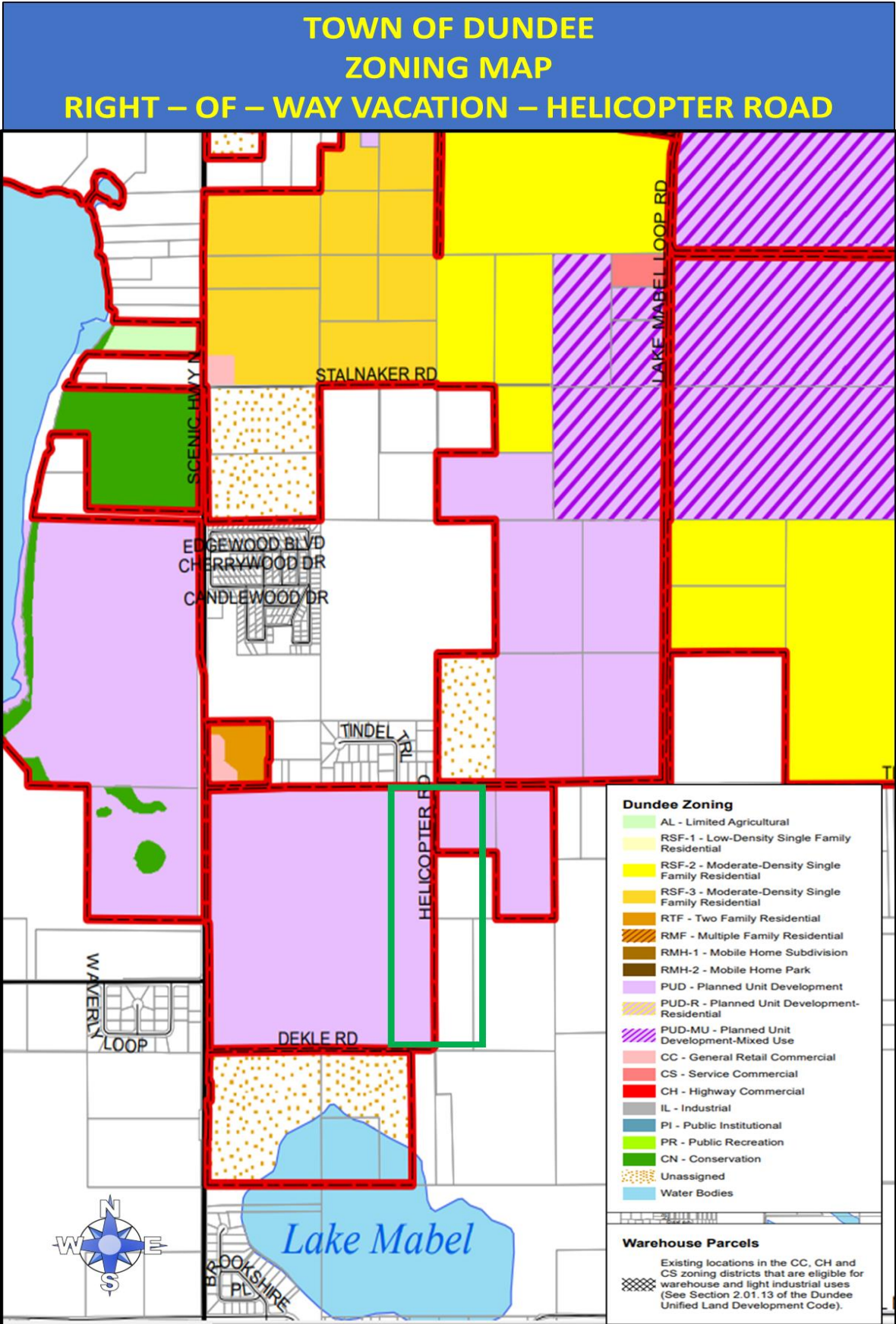
1. I move the Planning & Zoning Board **recommend approval** to the Town Commission to have the Town of Dundee vacate and abandon specific unopened, unpaved, and unimproved rights-of-way as described in this staff report.
  2. I move the Planning & Zoning Board **recommend denial** to the Town Commission to have the Town of Dundee vacate and abandon specific unopened, unpaved, and unimproved rights-of-way as described in this staff report.
  3. I move the Planning and Zoning Board continue this item until a date certain.
- 
- 

Attachments:

Aerial and Surrounding Owner Map  
Current Future Land Use Map  
Current Zoning Map  
Proof of Publication from the Ledger  
Application for Right-of-Way Vacation with supporting documentation







### Application for Right-of-Way Vacation

AUG 3 2022

Town of Dundee  
Application for Vacating Streets, Alleys, And Public Ways  
And Redirecting Traffic

The following information is required for submission of an application to vacate streets, alleys and public ways. The Town Commission must approve or deny the request. It is important that all information is complete and accurate when submitted to the Town. The Town Commission holds meetings the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 6:30 p.m. These applications are heard once all requisite information has been submitted.

**Please print or type the requested information below.**

**A. GENERAL INFORMATION:**

Name of Applicant Property Owner: Tampa Electric Company

Mailing Address: 702 N. Franklin Street, Tampa, FL 33602

Phone (Work): (813) 417-6131 Phone (Home): \_\_\_\_\_

Interest in Property (e.g. owner, buyer, etc.): Owner

Name of Agent, if applicable: Darren Stone

Mailing Address: 1408 N Westshore Blvd, Suite 115, Tampa, FL 33607

Phone (Work): (727) 741-9338 Phone (Home): \_\_\_\_\_

**B. NATURE OF REQUEST:**

Identify Right-of-Way Affected: Helicopter Road between Tindel Camp Road and Dekle Road

Legal Description of Right-of-Way: See attached sketch with legal description

\_\_\_\_\_

Nature and Purpose of Request:

Vacate Helicopter Road right-of-way between Tindel Camp Road and Dekle Road.

**C. PLEASE ADDRESS THE FOLLOWING:**

1. Are there any known applicable portions of any current town plans for the use of the subject right-of-way, street, or alley? If so, please address this.  
None known.

2. Identify how abutting property owners will be affected by the proposed request.  
Tampa Electric Company owns property along both sides of Helicopter Road between Tindel Camp Road and Dekle Road. There will be no negative impact to the abutting landowner as a result of the vacation of the ROW.

3. What impacts will the request have on short-range and long-range public and private utilities? Please address if utilities are to be relocated.  
There are no short range plans for the extension of public utilities to this area of the Town County. Utilities can be extended along Tindel Camp Road and Dekle Road in the future. No residential development is planned for at least 25 years where the Lake Mabel Solar project is proposed.

4. What impacts will <sup>the</sup> request have on short-range and long-range ingress and egress by private and public vehicles? Please address if alternative ingress/egress is proposed.  
Maintenance vehicles will be able to access the Lake Mabel Solar project once it is operational. Helicopter Road will remain open until after construction activities are complete. Residents located along the southern portion of Helicopter Road can access their properties from Dekle Road.

5. What is the cost of relocating any public utility lines?  
There are no current utility lines, so there is no associated cost.

The Town will consider the cost and attendant responsibilities involved in maintaining utilities where improvements may be constructed over existing facilities. The Town also ensures that the rights of all franchised utilities are protected

**D. PLEASE SUBMIT THE FOLLOWING INFORMATION AND EXHIBITS:**

1. A letter from the petitioner or his/her agent addressed to the Town Manager requesting that the proposal be placed on the Town Commission agenda for review purposes.
2. A signed authorization form from the abutting property owner(s) making the request or who are a part of the request.
3. A survey or plat containing a description of all land uses abutting the affected right(s)-of-way.

UdocSignEnvelopeID: 18984641-7F7B-4034-B37D-1B98900A2F98

4. Written request review responses from each franchise utility provider as well as from affected Town Departments, including Public Services, Fire, and Police. A list of contact persons and their addresses are attached.
5. Schematic drawing(s) showing the location of all utilities utilizing the subject right-of-way, as provided by each utility provider, i.e., electricity, gas, sewer, water, telephone, drainage, sanitation, or underground TV cable. Applicants may be able to obtain such schematic drawings from the Town Public Services Department and other applicable utility providers upon request.
6. A check or money order, made payable to the Town of Dundee to pay the required application fee. Please contact the Building Department staff for the current application fee.

**E. ADDITIONAL DOCUMENTATION:**

After initial application review by staff to determine likely impacts of implementing the vacation or street/traffic redirection proposal, the Town may require a traffic analysis report based on accepted transportation engineering criteria. This traffic analysis report may include, but shall not be limited to the following:

1. Background narrative containing the definition of the problem.
2. General data, including but not limited to:
  - a. A location map showing local streets.
  - b. Collector and arterial streets in the area as designated in the Town's Thoroughfare plan.
  - c. Zoning of the affected area.
  - d. Traffic counts.
  - e. Accident counts.
  - f. Width of pavements.
  - g. On-street parking.
  - h. Related demographic data.
  - i. Identification of major trip generators in the area.
3. Analysis of traffic characteristics, including:
  - a. Estimated trip generators that would be characteristic for the neighborhood.
  - b. Comparison of actual, observed traffic volumes with estimated traffic volumes to be generated in the neighborhood.
  - c. Determination of peak-hour flows.
  - d. Estimated impact of changes on parallel facilities (e.g. alternative routing).
4. Alternative solution identification, including:
  - a. An analysis of the impact of each alternative on the overall area traffic network.
  - b. An analysis of the impact on zoning, utilities, and drainage systems.
  - c. An analysis of costs of each alternative.
  - d. A prioritization of alternatives.



UdocSign Envelope ID: 18884641-7F-7B-4D-14-B3-D-7B1000DA2F9B

5. As part of the application process, if the Town Commission determines that additional of independent study is necessary, the applicant shall bear all associated costs in producing the study.

**F. CHAPTER 15, SECTION 15-51, CITY POLICY:**

- 1. No new construction shall occur on or over any existing right-of-way unless the petitioner or his successors and assigns assume and agree to pay all costs of relocating utility lines including legal costs resulting from development of the property.
- 2. All future costs involved in repairing hard surfaces placed over an easement shall be the responsibility of the petitioner or his successors and assigns.
- 3. The petitioner, his successors or assigns, will hold the town and all utilities harmless and immune for all claims for damages resulting from their use of the right-of-way, if any.
- 4. The Town Commission may condition any action for widening, or permanently redirecting traffic along city streets or alleys, or closing, abandoning, or vacating any street, alley or other right-of-way based upon the timely implementation of the project which necessitated such action.

**G. FILING APPLICATIONS:**

You are welcome and encouraged to contact the Building Department staff at (863) 438-8330 from 8:00 a.m. to 5:00 p.m. Monday through Friday to obtain help with this application. Meeting with staff can help to ensure that your application is complete. Staff can also explain and answer any questions you may have concerning the Town Commission and the hearing process.

The Building Department is located at 202 East Main Street, Dundee, Florida 33838. The mailing address is P.O. Box 1000, Dundee, Florida 33838. If you wish to contact us by fax, our number is (863) 438-8339.

Town Use Only:     AUG 5 2022    

Date Received: \_\_\_\_\_ Received By: Brenda Carter

Fee Received: \$579.32 Receipt Number: Ref.# 27813

Case Number: \_\_\_\_\_ Date Accepted: 8-5-22

Tentative Meeting Date: \_\_\_\_\_

STATE OF FLORIDA:  
COUNTY OF POLK:

(I/WE) David Sweat Being duly sworn, depose and say that (I) (WE) own one or more of the properties involved in this petition and that (I) (WE) have familiarized (myself) (ourselves) with the rules and regulations of the Town Commission with respect to preparing and filing this petition and that the foregoing statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statement and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

SIGNED: David Sweat SIGNED: \_\_\_\_\_

SIGNED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

STATE OF FLORIDA:  
COUNTY OF POLK:

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of July, 2022, by David Sweat, who is personally known to me or who has produced personally known as identification and who did (did not) take an oath.

[Signature]  
SIGNATURE OF NOTARY PUBLIC

Emily Sulluff  
TYPED OR PRINTED NAME OF NOTARY PUBLIC



06-280957  
NOTARY PUBLIC SERIAL # (IF ANY)

STAMP & DATE MY COMMISSION EXPIRES: 12-02-2022

Notary Public in and for the State of Florida

Agent, Lessee, or Buyer's Signature Page

(I) (We), DARREN STOWE being duly

sworn, depose and say that (I) (We) serve as \_\_\_\_\_ for the

(Agent or Lessee)

owner(s) in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity. Further, (I) (We) depose and say that the statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

Agent, Lessee, or Buyer(s)

[Signature]  
Signature of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer

Signature of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

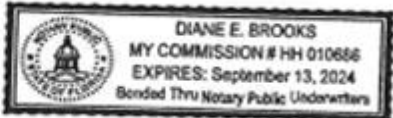
Printed Name of Agent, Lessee, or Buyer

STATE OF FLORIDA:  
COUNTY OF POLK: Hillsborough

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of August 2022, by Darren Stowe, who is personally known to me or who

has produced a Driver's License as identification and who did not take an oath.

[Signature]  
Notary Seal and Commission Expiration Date



### Adjoining Property Owner Signature Form

I, David Sweat, understand that Tampa Electric is requesting that the Town of Dundee to close, vacate, and abandon the Helicopter Road right-of-way from Tinglej Camp Road and Dekle Road

right-of-way which adjoins my property. I also understand that I will receive one-half of the right-of-way fronting my property.

- I hereby approve or have no objections to this request.
- I hereby disapprove and have an objection to this request.

Digitally signed by David Sweat  
DN: cn=David Sweat, o=DocuSign, ou=Support, email=David.Sweat@docu.com  
 Signature

David Sweat  
 Printed Name

702 N Franklin Street  
 Address

Tampa FL 33607  
 City, State, Zip Code

7/26/2022  
 Date

### Affidavit of Publication

#### AFFIDAVIT OF PUBLICATION

#### Winter Haven Sun

Published Weekly

Winter Haven, Polk County, Florida

Case No. 11/17 Helicopter RD ROW

STATE OF FLORIDA  
COUNTY OF POLK

Before the undersigned authority, Anita Swain, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Winter Haven Sun, a newspaper published at Winter Haven in Polk County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

November 02, 2022

Affiant further says that the Winter Haven Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

*Anita Swain*

Anita Swain

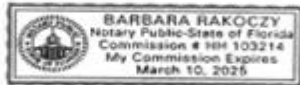
Sworn to and subscribed before me this 2nd day of November 2022 by Anita Swain, who is personally known

*Barbara Rakoczy*

Barbara Rakoczy, Clerk, Notary Number: #HH103214  
Notary expires: March 10, 2025

00036780 00108339

Jenn Garcia  
Town of Dundee  
202 Main Street  
Dundee, FL 33638



#### PUBLIC HEARING NOTICE TOWN OF DUNDEE PLANNING & ZONING BOARD

Please take notice that the Town of Dundee Planning & Zoning Board will hold a public hearing Thursday, November 17, 2022, at 5:30 p.m. in the Town of Dundee Commission Chambers at 202 East Main Street, Dundee, Florida to hear the following items:

#### REQUEST FOR RIGHT-OF-WAY VACATION - PORTION OF HELICOPTER ROAD BETWEEN TINDEL CAMP ROAD AND DEKLE ROAD NORTH

A REQUEST TO VACATE OPENED, UNPAVED, RIGHTS-OF-WAY INCLUDING A PORTION OF HELICOPTER ROAD, FROM DEKLE ROAD NORTH TO TINDEL CAMP ROAD, PORTION OF MAINTAINED RIGHT-OF-WAY AS DEPICTED ON MAP BOOK 6, PAGES 187 THROUGH 189 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THAT LIES ALONG THE ABOVE-DESCRIBED CORRIDOR, ALL LYING AND BEING IN SECTION 11, TOWNSHIP 29, RANGE 27 EAST, POLK COUNTY, FLORIDA.



#### AND SPECIAL EXCEPTION FOR AUTO SALES AND MINOR AUTO REPAIRS

A REQUEST BY MR. WILBERT MUNOZ IN COMPLIANCE WITH ZONING ORDINANCE, TO OBTAIN A SPECIAL EXCEPTION FOR AUTOMOBILE SALES AND MINOR AUTOMOTIVE REPAIR ON 1.34 +/- ACRES ZONED GENERAL RETAIL COMMERCIAL (GC) LOCATED AT 217 DUNDEE ROAD, FURTHER DESCRIBED AS PARCEL IDENTIFICATION NUMBER 272428-844000-005020.



Any person who might wish to appeal any decision made by the Town of Dundee Planning and Zoning Board, Polk County, Florida, in public hearing or meeting is hereby advised that he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based. Any person with disabilities requiring accommodations in order to participate should contact the Town Clerk prior to the meeting.



# PLANNING & ZONING BOARD MEETING

Item 3.

December 15, 2022 at 5:30 PM

---

---

- AGENDA ITEM TITLE:** 2022 Annual Update to the Comprehensive Plan’s Capital Improvement Element (CIE)
- SUBJECT:** The Planning & Zoning Board will consider recommending approval of the 2022 Comprehensive Plan’s Capital Improvement Element to the Town Commission.
- STAFF ANALYSIS:** The CIE has been reviewed and updated in accordance with Section 163.3187 or Section 163.3185.
- The Capital Improvement Element Amendment and the updated 5-year Capital Improvements Plan schedule of capital improvements is included in the update.
- FISCAL IMPACT:** None
- STAFF RECOMMENDATION:** Approval of the proposed amendments to the Capital Improvement Element.
- ATTACHMENTS:** CFRPC Staff Report
- Proposed Language including CIP



**TOWN OF DUNDEE  
COMPREHENSIVE PLAN AMENDMENT  
STAFF REPORT**

---

**TO:** Town of Dundee Planning and Zoning Board

**PREPARED BY:** Central Florida Regional Planning Council

**AGENDA DATE:** December 15, 2022

**REQUESTED ACTION:** Consider recommending approval of the 2022 Annual Update to the Comprehensive Plan’s Capital Improvement Element (CIE)

---

**BACKGROUND:**

The Florida Statutes mandates that local governments should update and adopt the Capital Improvement Element (CIE) (including the CIE 5-Year Schedule of Improvements) after adoption of the Annual Budget and CIE. This update includes fiscal years 2021/2022 through 2025/2026. The 5-year Schedule of Capital Improvements consists of items identified in the Capital Improvement Program portion of the Town’s Operating Budget that implement specific objectives and policies contained in the Comprehensive Plan.

The CIE must be reviewed on an annual basis and modified as necessary in accordance with Section 163.3187 or Section 163.3185, Florida Statutes, in order to maintain a financially feasible 5-Year schedule of capital improvements. CIE amendments require only a single public hearing before the governing board which shall be an adoption hearing.

Adoption of the CIE is by ordinance. Exhibit “A” to the Ordinance contains the Capital Improvement Element Amendment and the updated 5-Year Capital Improvements Plan schedule of capital improvements.

**PROPOSED AMENDMENTS:**

The following amendments are proposed:

- Update the reference to the years for the Polk County School Board’s Five-Year Facilities Work Program

- Updating the Capital Improvements Schedule to reflect the Fiscal Year 2022/23 through 2026/27 and the current project needs.

### **NEXT STEPS:**

The item will be forwarded to the Town Commission with the Planning and Zoning Board's recommendation for consideration. If the Town Commission votes to approve the amendment, the CFRPC will transmit this amendment on behalf of the Town to the Florida Department of Economic Opportunity.

---

### **PUBLIC HEARING**

#### **MOTION OPTIONS:**

1. I move **recommending approval changes to the Town Commission** for the proposed amendments to the Capital Improvements.
  2. I move **recommending approval with changes to the Town Commission** for the proposed amendments to the Capital Improvements Element.
  3. I move continuation of this item until a date certain.
- 

#### Attachments:

Proposed Language including CIP



**CAPITAL IMPROVEMENTS ELEMENT**

*Adopted October 26, 2010*  
*Update Adopted January 11, 2011*  
*Update Adopted February 23, 2016*  
*Update Adopted June 13, 2017*  
*Update Adopted*

**GOAL:** **IT SHALL BE THE GOAL OF THE TOWN OF DUNDEE TO PROVIDE NECESSARY PUBLIC FACILITIES AND SERVICES FOR ALL EXISTING AND FUTURE DEVELOPMENT, AT ADOPTED LEVEL OF SERVICE STANDARDS, THROUGH A PROCESS THAT PERMITS DEVELOPMENT CONCURRENT WITH THE ABILITY OF THE TOWN TO PROVIDE SUCH FACILITIES AND SERVICES.**

**OBJECTIVE 1:** **5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS**

**PROVIDE IMPROVEMENTS TO PUBLIC FACILITIES AND SERVICES AS INDICATED IN THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS TO CORRECT EXISTING DEFICIENCIES, REPLACE OBSOLETE OR WORN-OUT FACILITIES, AND ACCOMMODATE THE NEEDS OF DESIRED FUTURE GROWTH.**

**Policy 1.1:** Include in the 5-Year Schedule of Capital Improvements all projects and equipment identified as needed in other elements of this Comprehensive Plan that are relatively high in cost (\$10,000 or greater) and necessary to maintain the adopted level of service standards or correct existing deficiencies.

**Policy 1.2:** Evaluate and rank proposed capital improvement projects in order of priority according to the following guidelines:

1. Whether the project is needed to: correct an existing level of service deficiency, protect the health and safety, serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan, or fulfill a legal commitment of the town;
2. Whether the project is needed to: replace worn-out or obsolete facilities to maintain the adopted level of service standard, improve operating efficiency, reduce costs, serve developed areas lacking full service, or promote in-fill development;

3. Whether the project is needed to accommodate new growth in accordance with the Future Land Use Map at the adopted level of service standard;
4. Whether the project represents a logical extension of facilities and services within the town's service area; and
5. Whether the project is financially feasible within revenue and budget constraints.

**Policy 1.3:** Capital improvements projects included in the 5-Year Schedule of Capital Improvements shall be consistent with the goals, objectives, and policies of the appropriate elements of the Comprehensive Plan, including and especially the Public Education Facilities Element.

**Policy 1.4:** Provide, or require others to provide, needed capital expenditures for the replacement or renewal of obsolete or worn-out capital facilities to maintain the adopted level of service standards.

**OBJECTIVE 2: CONCURRENCY AND CAPITAL IMPROVEMENTS**

**BASE LAND USE DECISIONS, INCLUDING DECISIONS REGARDING THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS, ON THE DEVELOPMENT REQUIREMENTS INCLUDED IN THIS COMPREHENSIVE PLAN, THE LAND DEVELOPMENT REGULATIONS OF THE TOWN OF DUNDEE, AND THE AVAILABILITY OF PUBLIC FACILITIES AND SERVICES NECESSARY TO SUPPORT SUCH DEVELOPMENT AT THE ADOPTED LEVEL OF SERVICE STANDARDS.**

**Policy 2.1:** The following level of service standards, as established in other elements of the Comprehensive Plan and by the Polk County School Board are hereby adopted and shall be maintained for existing or previously permitted development and for new development or redevelopment in the Town or the Town's utility service areas:

<b>SANITARY SEWER</b>	
Flow Capacity	1.5 MGD
Average Daily Flow	105 gpcd average daily flow
Effluent quality	Meet or exceed EPA and DEP effluent standards
<b>POTABLE WATER</b>	
Flow Capacity:	
Average daily demand :	140 gpcd
Maximum daily demand:	1.5 times average daily demand
<b>SOLID WASTE</b>	
Level of Service:	8.0 lbs. per person per day
<b>DRAINAGE</b>	
Drainage	<p>The following shall be the level of service standards for stormwater facilities:</p> <ul style="list-style-type: none"> <li>a. Drainage Structures: Ability to handle 25-year, 24 hour storm event</li> <li>b. Stormwater Facilities: 25-year, 24 hour storm event at top of bank or berm</li> <li>c. Storm sewers: Capacity to handle a 25-year storm event</li> </ul>
<b>RECREATION</b>	
Level of Service:	4.5 acres per 1,000 population

**Roads:**

- a. The Town of Dundee shall coordinate with the Polk Transportation Planning Organization (PTPO) and the Central Florida Regional Planning Council to adopt and apply multi-modal levels of service which shall be the minimum acceptable standards for State, County, and local roads within the Town Limits of Dundee. Said multi-modal LOS standards shall promote transit by lowering levels of service where transit is available. The Town hereby adopts multi-modal levels of service as set forth in the following tables.

	<b>Highway Minimum Standard</b>	<b>Highway Minimum Duration</b>	<b>Transit</b>	<b>Pedestrian</b>	<b>Bicycle</b>
M1	LOS "D" peak direction	Average of two highest peak hours	60 minute headway	Sidewalk access to bus stop	Bike racks on buses
M2	LOS "E" peak direction	Average of two highest peak hours	30 minute headway	Sidewalk access to bus stop	Bike racks on buses Bike route/system

\*Does not supersede SIS LOS Standard as set by Rule 14-94, F.A.C.

- b. For roadways outside the multi-modal service area, the Town hereby adopts the following peak season/peak hour standards as the minimum level of service (LOS) standard:

<b>BASE HIGHWAY LEVEL OF SERVICE STANDARDS <sup>(1)</sup></b>	
<b>Facility Type</b>	<b>Level of Service</b>
Principal arterial roadways: SIS facilities Non-SIS facility	Subject to TE Policy 1.2 D
Minor arterial roadways	D
All other roadways	D

<sup>(1)</sup> LOS is measured for the peak hour/peak direction using the average of the two highest peak hours.

{9J-5.007(3)(e)1}

- c. The minimum level-of-service standard for roadways on the Strategic Intermodal System (SIS) and the Florida Intrastate Highway System (FIHS), shall be in accordance with the Statewide Minimum Level of Service Standards for the State Highway System published in Rule 14-94, F.A.C., or any rule variance issued by the Florida Department of Transportation.

**Public School Facilities:**

Consistent with the Interlocal Agreement for Public School Facilities, the uniform, district wide level of service standards are established as a

percent of permanent Florida Inventory of School Houses (FISH) capacity. The LOS standards are set as follows:

<b>TIERED LEVEL OF SERVICE STANDARDS</b>					
<b>School Facility Type</b>	<b>Year</b>	<b>Year</b>	<b>Year</b>	<b>Year</b>	<b>Year</b>
	<del>2015-16</del> <u>2022-23</u>	<del>2016-17</del> <u>2023-24</u>	<del>2017-18</del> <u>2024-25</u>	<del>2018-19</del> <u>2025-26</u>	<del>2019-20</del> <u>2026-27</u>
Elementary	100%	100%	100%	100%	100%
Middle	100%	100%	100%	100%	100%
High School	100%	100%	100%	100%	100%

- a. Magnet and School of Choice:  
One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the School Board annually.
- b. Other:  
K-8, 6<sup>th</sup> grade centers, 9<sup>th</sup> grade centers, 6-12 are at one hundred percent (100%) of permanent DOE FISH capacity
- c. Special Facilities:  
Including alternative education or special programmatic facilities are designed to serve the specific population on a countywide basis or for temporary need and are not zoned to any specific area. Therefore, they are not available or used for concurrency determinations.
- d. Conversion Charter Schools:  
The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll.

**Policy 2.2:**

The Town of Dundee adopts by reference the ~~2015-2016~~ 2022-2023 through ~~2019-2020~~ 2026-2027, Five-Year Facilities Work Program. The Work Program is approved annually by the School Board, and includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities and based on the adopted level of service standards for public schools. The 5-year schedule of improvements ensures the level of service standards for public schools are achieved and maintained within the 5-year period. Annual updates to the schedule shall ensure levels of service standards are achieved and maintained within each year of subsequent 5-year schedule of capital improvements. Annual updates by the School Board will be adopted by reference as the City annually updates its CIE and CIP.

**Policy 2.3:** At the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.

**Policy 2.4:** In order to ensure the Town meets levels of service standards, population projections will be updated yearly.

**Policy 2.5:** The Town of Dundee hereby adopts, by reference, the Polk County Transportation Planning Organization Transportation Improvement Plan, and the Florida Department of Transportation 5-Year Work Program, into the Town's Five-year Schedule of Capital Improvements.

**Policy 2.6:** The Town hereby incorporates its Ten-Year Water Supply Facilities Work Plan as a technical support document into this Element, as required following adoption of the Southwest Florida Water Management District (SWFWMD) Regional Water Supply Plan, adopted November 2015. The adopted Ten-Year Water Supply Facilities Work Plan and all future amendments thereto, represent an update to the Dundee Comprehensive Plan. In implementing this Policy, the Town shall annually assess the performance and effectiveness of its Ten-Year Water Supply Plan and update the status of project development and potential funding sources, consistent with the corresponding SWFWMD Regional Water Supply Plan and the policies of this Comprehensive Plan in order to maximize the use of existing facilities and provide for future needs.

**Policy 2.7:** The Town shall not allow exceptions for developments of de minimis impact.

**OBJECTIVE 3: COST SHARING FOR NEW DEVELOPMENT**

**REQUIRE FUTURE DEVELOPMENT TO ASSUME A PROPORTIONATE SHARE OF THE COST OF PROVIDING PUBLIC FACILITIES AND SERVICES TO SUPPORT SUCH DEVELOPMENT AT THE ADOPTED LEVEL OF SERVICE STANDARDS.**

**Policy 3.1:** Continue to implement an impact fee ordinance in order to assess new development a pro rata share of the costs required to provide public facilities and services to meet the adopted level of service standards.

**Policy 3.2:** The Town shall include in land development regulations a program for land dedication, payment-in-lieu-of dedication, or other form of exaction as a requirement of subdivision or land development for the purpose of retaining easements for utility and traffic circulation systems, and for meeting all adopted level of service standards.

**OBJECTIVE 4: MANAGEMENT OF FISCAL RESOURCES**

**MANAGE FISCAL RESOURCES TO ENSURE THAT THE PUBLIC FACILITY AND SERVICE IMPROVEMENT NEEDS CREATED BY PREVIOUSLY ISSUED DEVELOPMENT ORDERS AND FUTURE DEVELOPMENT DOES NOT EXCEED THE ABILITY OF THE TOWN TO FINANCE, CONSTRUCT, OR INSTALL SUCH IMPROVEMENTS.**

**Policy 4.1:** Update the Capital Improvements Element annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures.

**Policy 4.2:** Continue the on-going 5-year Capital Improvements Program and incorporate a capital budget as part of the annual town budget to ensure that funds are available for projected capital needs.

**Policy 4.3:** Limit the maximum ratio of outstanding indebtedness for providing capital facilities and services to no greater than 15 percent of the property tax base.



# PLANNING AND ZONING BOARD MEETING

December 15, 2022, at 5:30 PM

**AGENDA ITEM TITLE:** Special Exception- Xtreme Car Center Inc.

**SUBJECT:** The Planning and Zoning Board will consider approval of the Special Exception for a minor automotive and auto sales shop.

**STAFF ANALYSIS:** This is an applicant-initiated request for approval for a Special Exception for a minor automotive repair and automotive sales shop with a zoning designation of General Retail Commercial (CC) at 217 Dundee Road.

**FISCAL IMPACT:** No Fiscal Impact

**STAFF RECOMMENDATION:** Staff recommends approval with conditions, a Concurrency Developer's Agreement and Water Supply Allocation Agreement.

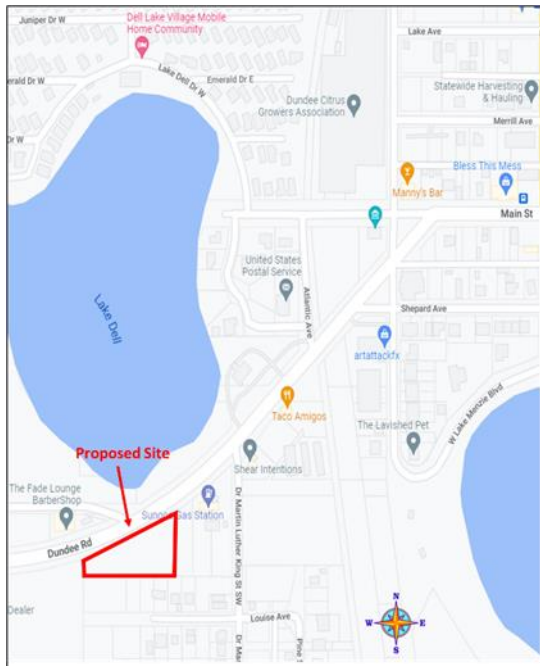
**ATTACHMENTS:** Staff Report



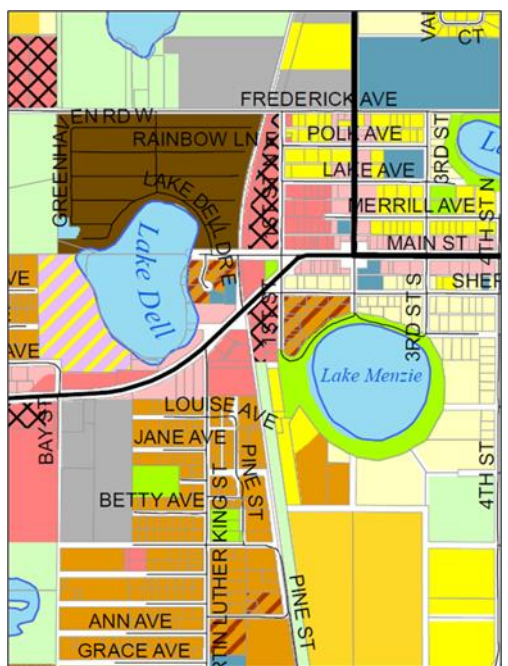
## TOWN OF DUNDEE REQUEST FOR SPECIAL EXCEPTION STAFF REPORT

<b>Planning and Zoning Date:</b>	December 15, 2022	<b>Project Type:</b>	Special Exception
<b>Town Commission Date:</b>	January 10, 2022	<b>Project Name:</b>	Xtreme Car Care Inc.
<b>Applicant:</b>	Wilbert Munoz	<b>Project Planner:</b>	Lorraine Peterson, Development Director

<b>Request:</b>	<b>Special Exception:</b> Auto Sales and Minor Repair
<b>Location:</b>	Located on the south side of Dundee Road, north of Louise Avenue, west of Dr. Martin Luther King Street, east of Bay Street, Town of Dundee, in Section 28, Township 28, Range 27.
<b>Property Owner:</b>	Xtreme Car Center INC
<b>Parcel Size/number:</b>	1.24 +/- acres 272828-844000-005020
<b>Development Area:</b>	
<b>Future Land Use and Zoning:</b>	FLU=Commercial / Zoning= General Retail Commercial (CC)
<b>DRC/Staff Recommendation:</b>	Pending
<b>Planning &amp; Zoning Vote:</b>	Pending Hearing
<b>Town Commission Vote:</b>	Pending Hearing
<b>Public Comment:</b>	None
<b>DEO*</b>	N/A *Department of Economic Opportunity (DEO)



**Location Map**



**Zoning Map**

**Summary:**

This is an applicant-initiated request by Mr. Wilbert Munoz (owner) for a Special Exception to permit an auto sales and minor repair shop located at 217 Dundee Road in Dundee Florida. The proposed site is in the Future Land Use (FLU) district of commercial and the Zoning district of general retail commercial (CC). The zoning district summary tables list minor automotive repairs and auto sales as a special exception use. Mr. Munoz was granted a special exception for this property for the same use in December of 2020, but the special exception approval expired.

**Property Information:**

The site is situated on 1.24 +/- acres with lot frontage on Dundee Road (Attached Aerial Photo Map). It is on the south side of Dundee Road, north of Louise Avenue, west of Dr. Martin Luther King Street, east of Bay Street, Town of Dundee, in Section 28, Township 28, Range 27. The proposed site has an existing Future Land Use (FLU) designation of commercial and the Zoning classification of general retail commercial (CC).

**Surrounding Uses:**

Table 1 below lists the Future Land Use (FLU) designations, zoning and the existing uses surrounding the subject site that are immediately adjacent. Land Surrounding the subject site has a Future land Use designation of General Retail Commercial (CC), with the exception of the properties located to the south and southeast, which have a FLU of Medium Density Residential (MDR) and zoning designations of Service Commercial (CS), General Retail Commercial (CC), Industrial (IL) and Two Family Residential (RTF).

Table 1 Surrounding Uses

<p style="text-align: center;"><b>Northwest</b></p> <p>FLU:COM/Commercial Zoning: CS/Service Commercial Multi-unit commercial</p>	<p style="text-align: center;"><b>North</b></p> <p>FLU: COM/Commercial Zoning: CC/General Retail Commercial Vacant/Lake Dell</p>	<p style="text-align: center;"><b>Northeast</b></p> <p>FLU: COM/Commercial Zoning: RSF-1/Low Density Single Family Residential Town of Dundee Building Services</p>
<p style="text-align: center;"><b>West</b></p> <p>FLU: COM/Commercial Zoning: CC/General Retail Commercial Vacant</p>	<p style="text-align: center;"><b>Subject Site</b> 217 Dundee Rd.</p> <p>FLU: COM/Commercial Zoning: CC/General Retail Commercial Vacant</p>	<p style="text-align: center;"><b>East</b></p> <p>FLU:COM/Commercial Zoning: CC/General Retail Commercial Gas station/convenience store</p>
<p style="text-align: center;"><b>Southwest</b></p> <p>FLU: CIC/Commercial/Industrial Corridor Zoning: IL/Industrial Multi-unit commercial</p>	<p style="text-align: center;"><b>South</b></p> <p>FLU: MDR/Medium Density Residential Zoning: RTF/Two Family Residential Single Family Home</p>	<p style="text-align: center;"><b>Southeast</b></p> <p>FLU: MDR/ Medium Density Residential Zoning: RTF/Two Family Residential Single Family Home</p>

*Source: Central Florida Regional Planning Council, Florida Department of Transportation, Polk County Property Appraiser, Town of Dundee and site visit by Town staff*

**Request:**

The applicant, Wilbert Munoz is requesting that the property be used for minor car repairs and automotive sales. The use of minor car repairs and the sale of automobiles is permitted in the General Retail Commercial (CC) zoning classification through the approval of a special exception. The requested use is consistent with the Land Development Code.

The applicant will build a 1800 square foot building as a mechanic shop along with customer and employee parking spaces (Attached Proposed Site Plan). The proposed hours of operation will be 8am – 7pm.

**Special Exception Information:****DEVELOPMENT:**

According to the Land Development Regulations, the development and use of the site of an approved special exception must be in accordance with the approved site plan and application materials. The approved site plan shall be filed with the development director, and all development shall be in compliance with that plan.

**CONDITIONS:**

The Planning and Zoning Board may recommend, and the Town Commission may impose, any conditions or safeguards found to be necessary to ensure the compatibility of the special exception with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions. Violation of any such condition or safeguard shall be deemed a violation of the Land Development Regulations and may result in a revocation of any special exception, in addition to any other remedy for such violation provided in the Regulations.

**EXPIRATION:**

Once approved, a special exception can continue indefinitely unless it expires. The Land Development Regulations include provisions for the expiration of a special exception. The special exception approval will expire if one of the following conditions is met:

1. If a special exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval.
2. If a time limit is established as a condition of approval.
3. If the approved use is abandoned for 180 days or more.

**DENIAL:**

The Planning and Zoning Board may recommend denial of any application for any special exception, and the Town Commission may deny any application for special exception, for one or more of the following reasons:

1. It is inconsistent with the Town of Dundee comprehensive plan.
2. It would violate the concurrency management standards in article 6 of the LDRs.
3. It does not meet the requirements of the applicable special exception regulations.
4. It would endanger the public health and safety.

5. It would substantially injure the value of adjoining properties.
6. It would not be compatible with the area in which it is to be located.

### Land Development Code:

The relevant sections of the Land Development Code that are applicable to the project request:

- Section 7.05.00- Procedure for Obtaining a Special Exception
- Section 7.05.01- Application
- Section 7.05.02- Review of proposed Special Exception
- Section 7.05.03- Expiration or Abandonment of Special Exception Use
- Article 9 – Definitions-Minor Automotive Repairs
- 

### Land Development Code Sections:

- **SECTION 7.05.00** Procedure for obtaining a special exception states Special exceptions shall be granted only for those activities specified as special exception uses in section 2.02.00. Approved special exceptions shall be subject to development standards provided in article 3. The planning and zoning board shall hear and decide applications for special exceptions authorized under this code in the manner prescribed below.
- **SECTION 7.05.01** Application states (A) Application; *fees*. All requests for special exceptions shall be submitted in writing to the development director, together with all applicable fees as provided by resolution. (B) *Contents*. The application shall contain the following items, as applicable: 1. A legal description and street address of the property. 2. Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner. 3. Site plan or sketch plan drawn to scale showing: a. The dimensions of the property; b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, offstreet parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas; c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks. 4. A tabular summary describing the proposed use of the property including: a. Existing and proposed use of property; b. Conditions on the use, such as hours of operation, numbers of residents, etc.; c. Area of the property, pervious and impervious areas, and existing and proposed structures; d. Number of required and provided offstreet parking and loading spaces, existing and proposed density, and number of existing and proposed units.
- **SECTION 7.05.02** Review of proposed special exception states (A) *Completeness review*. Within five working days of receipt of an application for a special exception, the development director shall: 1. Determine that the information is incomplete and inform the applicant in writing of the deficiencies. 2. Determine that the plan is complete and proceed with the following procedures. (B) *Report to planning and zoning board*. The development director shall submit a written report containing his/her recommendations on the proposed special exception to the planning and zoning board prior to the meeting at

which the application will be heard. A copy of the report shall be made available to the applicant. The planning and zoning board review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in article 6 of this code. (C) *Planning and zoning board hearing.* The planning and zoning board shall hold a public hearing on each application and shall forward its recommendations to the town commission. (D) *Decision by town commission.* The town commission shall hold a public hearing after due public notice on all recommendations for special exceptions from the planning and zoning board. By majority vote, it may accept, reject, modify, return or continue and seek additional information on those recommendations. (E) *Conditions and safeguards.* The development and use of the site of an approved special exception shall be in accordance with the approved site plan and application materials. The approved site plan shall be filed with the development director, and all development shall be in compliance with that plan. The planning and zoning board may recommend and the town commission may impose on the grant of any special exception any conditions or safeguards found to be necessary to ensure the compatibility of the special exception with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of offstreet parking, and similar conditions. Violation of any such condition or safeguard shall be deemed a violation of this code and may result in a revocation of any special exception, in addition to any other remedy for such violation provided in this code. (F) *Denial.* The planning and zoning board may recommend denial of any application for any special exception, and the town commission may deny any application for special exception, for one or more of the following reasons: 1. It is inconsistent with the Town of Dundee comprehensive plan. 2. It would violate the concurrency management standards in article 6 of this Code. 3. It does not meet the requirements of the applicable special exception regulations. 4. It would endanger the public health and safety. 5. It would substantially injure the value of adjoining properties. 6. It would not be compatible with the area in which it is to be located. (G) *Findings.* The town commission shall make written findings, based on one or more of the reasons listed above, in support of a denial of an application for a special exception. (Ord. No. 12-12, § 1, 2-14-12)

- **SECTION 7.05.03** Expiration of abandonment of special exception use states if a special exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. Once initiated, the special exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for 180 days, it shall expire.
- **ARTICLE 9** Minor automotive repairs states activities conducted at a service garage involving maintenance or small-scale mechanical work on motor vehicles. This shall include inspection, maintenance, repair or replacement of the following: Batteries. Brake systems. Carburetors and fuel systems. Ignition and electrical systems. Oil, antifreeze and other fluids. Tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

**PUBLIC FACILITIES AND SERVICES ANALYSIS:**

The proposed special exception application does not demonstrate any negative impact on the Town’s public facilities and services. A brief discussion of the impact to transportation, recreation, schools, and water and sewer facilities follows.

**Access and Transportation Facilities:**

A. Available Capacity

Table 6 below displays the available capacity for Dundee Road (SR 540) and the surrounding road network. There is available capacity in the PM Peak Hour for maximum buildout.

Table 6 Roadway Link Concurrency

Link #	Road Name	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
8103E	Dundee Road/SR 540 (US 27 to SR 17 (Scenic Highway))	D	360	E	D
8103W		D	342	E	D

Source: Polk County Transportation Planning Organization Roadway Network Database April 2022

B. Roadway Conditions

Dundee Road (SR 540) is an urban collector that runs east and west, as an urban collector road it is monitored by the Polk County TPO with a LOS of D and has a pavement width of 25 feet. Drane Field Road is also an urban collector, and it runs east and west and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of B and a pavement width of 24 feet.

**Recreation:**

Not impacted since the proposed use is not residential.

**Public Schools:**

Nearest Elementary, Middle, and High School

The schools zoned for the proposed property, are shown in Table 2, include Elbert Elementary, Dension Middle and Haines City Senior High School. The applicant does not need to address capacity for the proposed project as it is not anticipated to generate a use impacting school concurrency. General Retail Commercial (CC) does permit Group Homes.

**Table 2: Schools**

Name of School	Proposed Use Estimated Demand	% Capacity 2022-2023 School Year	Available Seats	Average Driving Distance from Subject Site
Elbert Elementary School (zoned)	N/A	69%	271	5 ± miles driving distance
Dension Middle School (zoned)	N/A	60%	480	6 ± miles driving distance
Haines City Senior High School (zoned)	N/A	89%	324	6.7 ± miles driving distance

Source: Polk County School Board, GIS

**Utilities:**

Due to potable water concurrency issues with the city, the applicant will submit a signed Concurrency Developer’s Agreement and a Water Supply Allocation Agreement.

**Nearest Sheriff, Fire, and EMS Station:**

Table 3 below displays that the nearest Sheriff District office is northeast and south of the site and the Fire and Emergency Management Station is located northeast of the site.

Table 3 Public Safety Information

	Name of Station	Distance Response Time
<b>Sheriff*</b>	Polk County Sheriff Office Southeast District Office, 4011 Sgt Mary Campbell Way, Lake Wales	5 +/- miles South Priority 1: 12:48 Priority 2: 24:54
<b>Sheriff*</b>	Polk County Sheriff Office Southeast District Office, 135 E Main Street, Town of Dundee	0.5+/- miles NE Priority 1:000 Priority 2:000
<b>Fire/ EMS</b>	Town of Dundee Fire and Rescue, 118 Merrill Ave, Dundee	0.5 +/- miles NE 5 min. response

Source: Polk County Sheriff’s Office and Town of Dundee Fire and Rescue. \*Response times are based on September 2022 data. Fire/EMS times are based on an average

Sheriff response times are not as much a function of the distance to the nearest sheriff’s substation, but more a function of the overall number of patrol officers within the Town at the time of a call.

**RECOMMENDED CONDITIONS OF APPROVAL:**

Staff has reviewed the application for special exception and has provided the following recommendations for conditions of approval:

- 1. Completion of a transportation analysis as requested by George Deakin, the towns transportation engineer.
- 2. A signed Concurrency Developer’s Agreement and a Water Supply Allocation Agreement.
- 3. A knee wall or wrought iron fence be installed on the portion of property facing Dundee Road.

**MOTION OPTIONS:**

1. I move **approval of the Special Exception request** by Wilbert Munoz to obtain a special exception for a minor automotive repair shop and automotive sales on approximately 1.24 +/- acres zoned General Retail Commercial (CH) located at 217 Dundee Road.

2. I move **approval of the Special Exception request with changes** for the request by Wilbert Munoz to obtain a special exception for a minor automotive repair shop and automotive sales on approximately 1.24 acres zoned General Retail Commercial (CC) located at 217 Dundee Road.

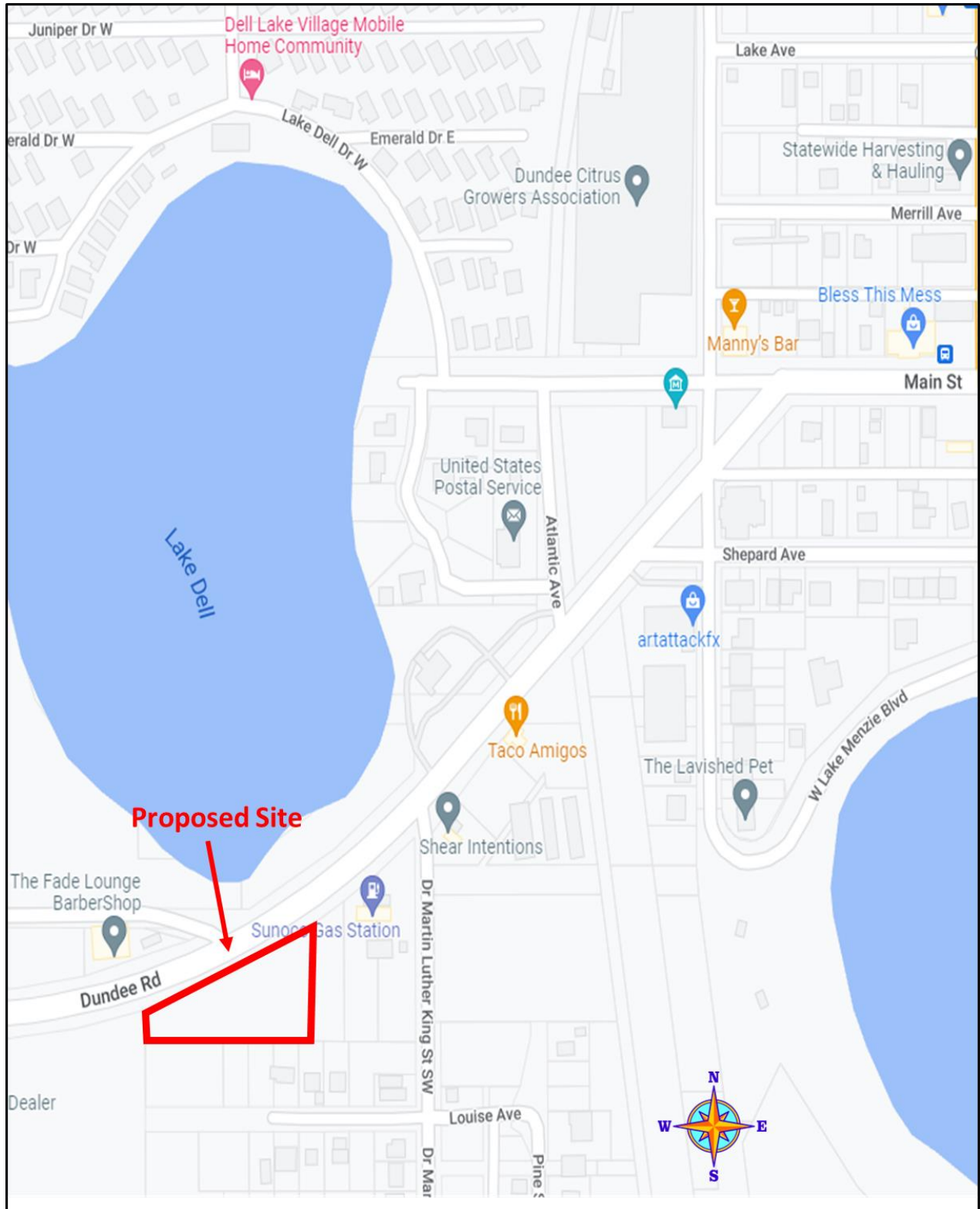
3. I move **continuation of this item until a date certain.**

Exhibits:

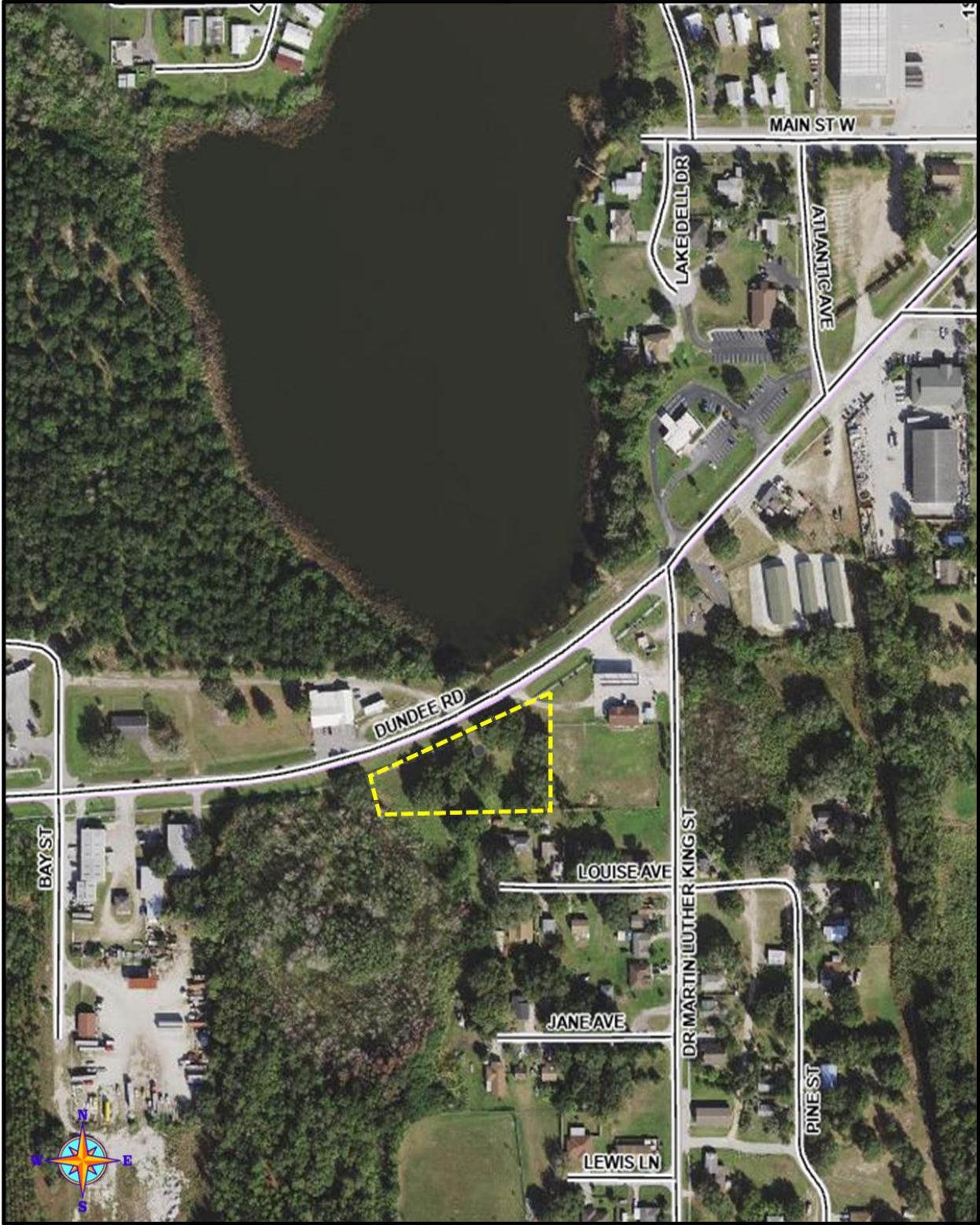
- Exhibit 1      Location Map
- Exhibit 2      Aerial Context Map
- Exhibit 3      Aerial Close Up
- Exhibit 4      Current Zoning Map
- Exhibit 5      Applicant’s Site Plan Map
- Exhibit 6      Permitted and Special Exception Uses
- Exhibit 7      Affidavit of Publication

Applicant’s submitted documents and ordinance as separate files

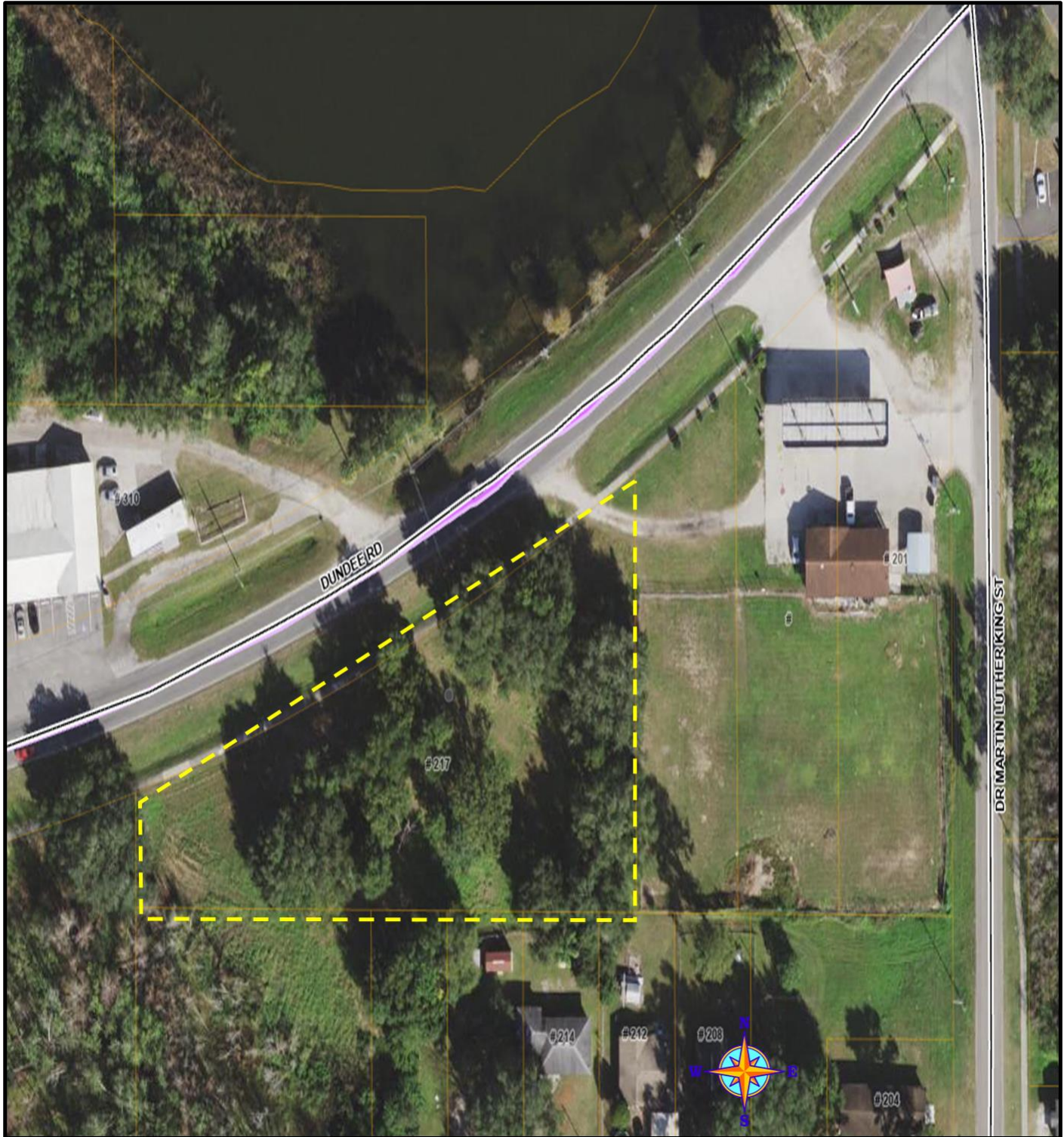




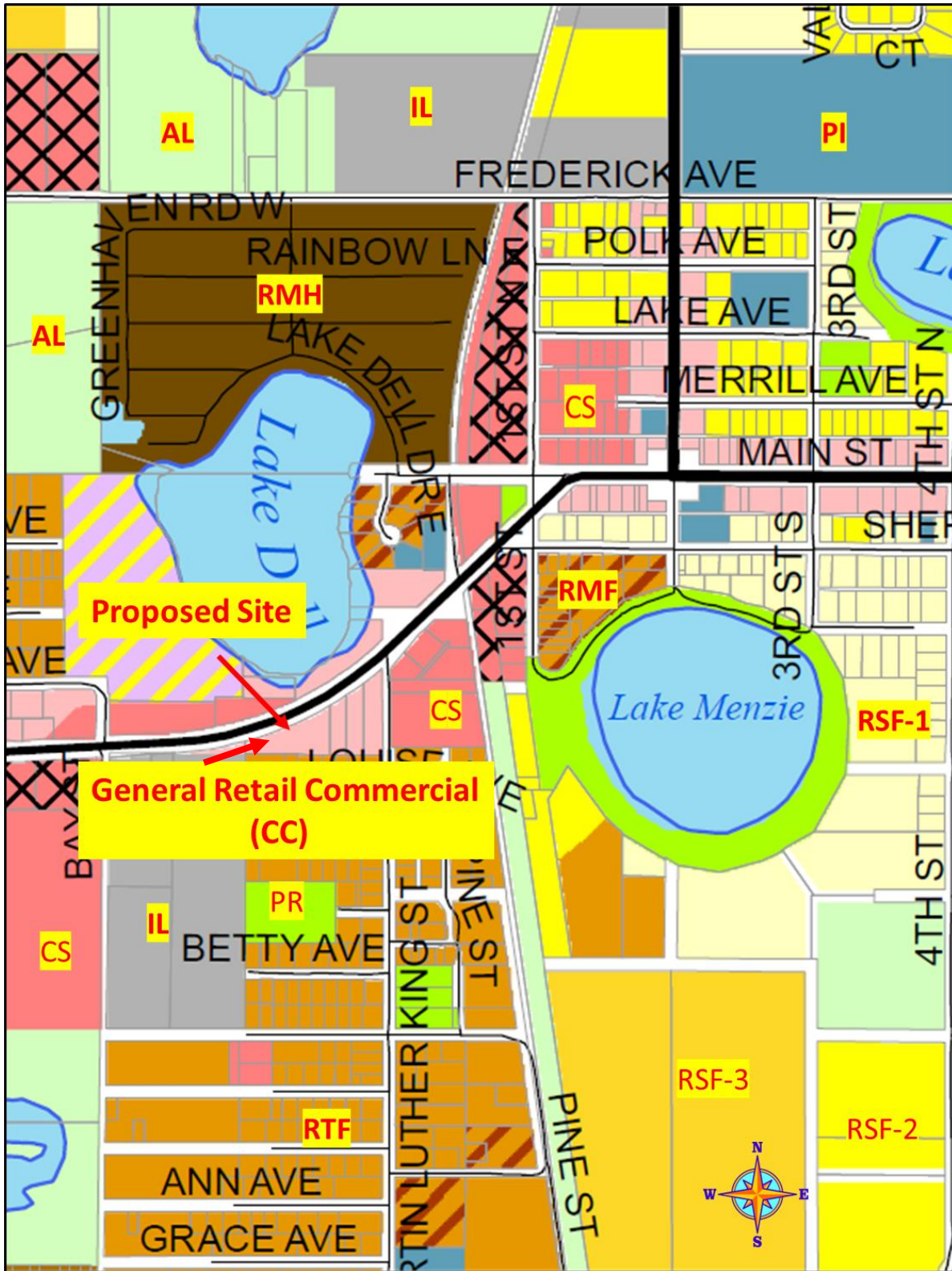
# LOCATION MAP



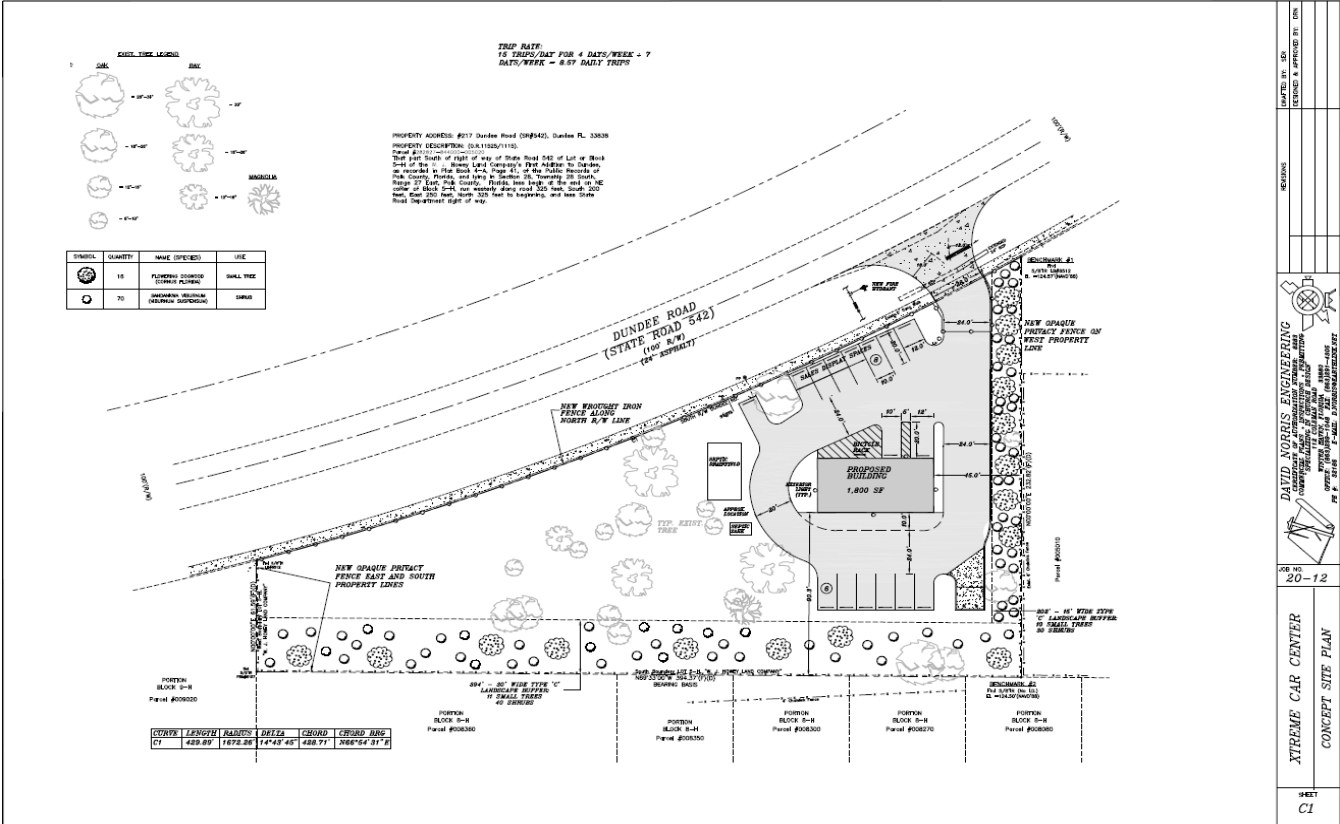
# AERIAL MAP CONTEXT



### AERIAL MAP CLOSE UP



ZONING MAP  
General Retail Commercial (CC)



SITE PLAN

General Retail Commercial (CC)			
Permitted		Special Exception/Public Hearing (s) Required	
<b>All Other Uses:</b>	Single-family, existing	<b>All Other Uses:</b>	Boarding house
	Group home (w/o medical)		Townhouse
	Group home (w/ medical)		Bed & Breakfast
	Nursing home		Hotel/motel/tourist court
	Appliance repair		Drive-in establishment directly related to a use otherwise listed
	Convenience store		Minor automotive repairs
	Cocktail lounge and/or package store		Auto sales
	Copy service, not large-scale printing		Building material/supply sales
	Gasoline sales (no service)		Gasoline service station, including minor repairs
	Indoor amusement enterprise		Special events facilities
	Recycled mat. Collect. (indoor)		Hospital
	Restaurant		Auto repair, no sales
	Shopping center		Boat repair, no sales
	Theater (indoor)		Funeral Home
	Farmers market*		Sewer/water plant (on-site)
	Flea market, Indoor		Sewer lift station
	Fruit or vegetable stand*		
	Restaurant (indoor or outdoor)		<b>Staff Technical Review Required</b>
	Bank		College/university
	Clinic		School (grades K-12)
	Club or lodge (private)		Vocational/technical school
	Medical laboratory		
	Pharmacies including medical marijuana dispensing facilities		
	Professional office		
	Real estate/business office		
	Laundromat; dry cleaning and/or laundry pickup station for work to be done elsewhere		
	Service establishments catering to commerce and industry inc. linen supply, **		
	Warehouse**		
	Wholesale Distributor**		
	Manufacture of finished products—Indoor only**		
	Trade shop (roofing, plumbing, electrical, and the like) **		
	Auto license/tag facility		
	City hall/municipal building		
	Communications tower		
	Electrical transmission lines and substations		
	Fire station		
	Jail		
	Police station		
	Post office		
	Power substation		
	Public utility or maintenance facility		
	Reservoir		
	Telephone switching station		
	Water pumping plant or storage facility		

<p>Church Civic center/auditorium Community center Day care facilities-Adult or child** Museum Public Library Athletic facility Golf course and country club, not including miniature golf Park, passive, no facilities (open space) Park Playground</p> <p>* Permitted in conjunction with the requirements of section 2.01.12. ** Permitted in conjunction with the requirements of section 2.01.13.</p>		
--	--	--

**PERMITTED AND SPECIAL EXCEPTION AND USES**

Exhibit 7

**AFFIDAVIT OF PUBLICATION**  
**Winter Haven Sun**  
 Published Weekly  
 Winter Haven, Polk County, Florida

Case No. 11/17 Helicopter RD ROW  
 STATE OF FLORIDA  
 COUNTY OF POLK

Before the undersigned authority, Anita Swain, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Winter Haven Sun, a newspaper published at Winter Haven in Polk County, Florida, that the attached copy or report of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

November 02, 2022

Alliant further says that the Winter Haven Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

*Anita Swain*  
 Anita Swain  
 Sworn to and subscribed before me this 2nd day of November 2022 by Anita Swain, who is personally known

*Barbara Rakoczy*  
 Barbara Rakoczy, Clerk, Notary Number: #H1103214  
 Notary expires: March 10, 2025

00036790 00106339  
 John Garcia  
 Town of Dundee  
 202 Main Street  
 Dundee, FL 33638

**BARBARA RAKOCZY**  
 Notary Public - State of Florida  
 Commission # HH 103214  
 My Commission Expires  
 March 10, 2025

**PUBLIC HEARING NOTICE**  
**TOWN OF DUNDEE PLANNING & ZONING BOARD**

Please take notice that the Town of Dundee Planning & Zoning Board will hold a public hearing Thursday November 17, 2022, at 5:30 pm in the Town of Dundee Commission Chambers at 202 East Main Street, Dundee, Florida to hear the following items:

**REQUEST FOR RIGHT OF WAY VARIATION - PORTION OF HELICOPTER ROAD BETWEEN TENDEL CAMP ROAD AND BEKLE ROAD NORTH**

A REQUEST TO VACATE OPENED, UNPAVED, RIGHT-OF-WAY INCLUDING A PORTION OF HELICOPTER ROAD FROM TENDEL ROAD NORTH TO TENDEL CAMP ROAD. PORTION OF MAINTAINED RIGHT-OF-WAY AS DEPICTED ON MAP BOOK 4, PAGE 187, THROUGH 188 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THAT LIES ALONG THE ABOVE-DESCRIBED CORRIDOR. ALL LOTS AND BEING IN SECTION 11, TOWNSHIP 29, RANGE 2 EAST, POLK COUNTY, FLORIDA.

**AND**

**SPECIAL EXCEPTION FOR AUTO SALES AND MINOR AUTO REPAIRS**

A REQUEST BY MR. WILBERT MUNOZ IN COMPLIANCE WITH ZONING ORDINANCE, TO OBTAIN A SPECIAL EXCEPTION FOR AUTOMOBILE SALES AND MINOR AUTOMOTIVE REPAIR ON 1.24 ACRES ZONED GENERAL RETAIL COMMERCIAL (GC) LOCATED AT 217 DUNDEE ROAD, FURTHER DESCRIBED AS PARCEL IDENTIFICATION NUMBER 2748-8800-01002.

Any person who might wish to appeal any decision made by the Town of Dundee Planning and Zoning Board, Polk County, Florida, in public hearing or meeting is hereby advised that he/she will need a record of the proceedings, and for such purpose, but she may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based. Any person with disabilities requiring accommodations in order to participate should contact the Town Clerk prior to the meeting.

AUG 5 2022

**LOCALIQ**  
 The Gainesville Sun | The Ledger  
 Daily Commercial | Ocala StarBanner  
 News Chief | Heras@10.com  
 PO Box 631244 Cincinnati, OH 45263-1244

**PROOF OF PUBLICATION**

TECO  
 702 N Franklin ST  
 Tampa FL 33602-4429

STATE OF WISCONSIN, COUNTY OF BROWN

The Ledger-News Chief, a newspaper printed and published in the city of Lakeland, and of general circulation in the County of Polk, State of Florida, and personal knowledge of the facts herein state and that the notice herein proposed was published in said newspapers in the issue dated or by publication on the newspaper's website, if authorized, on:

01/17/2022, 07/24/2022

and that the fees charged are legal.  
 Sworn to and subscribed before on 07/24/2022

Legal Clerk  
*Anita Swain*  
 Notary, State of Wisconsin of Brown  
 7/27/25

My commission expires  
 Publication Cost: \$1082.54  
 Order No: 7927564 # of Copies:  
 Customer No: 788376 -1  
 PO#

**THIS IS NOT AN INVOICE!**  
 Please do not use this form for payment assistance.

**SARAH BERTELSEN**  
 Notary Public  
 State of Wisconsin

Page 1 of 1

AFFIDAVIT OF PUBLICATION