

# Planning and Zoning Board Staff Report

	<b>To:</b> Planning & Zoning Board
	<b>Agenda Date:</b> February 15, 2024
	<b>Department:</b> Planning and Zoning
	<b>Discussion Topic:</b> Future Land Use Map Amendment change from Polk County to Medium Density Residential (MDR).
	<b>Property Owner:</b> AG Investments of Polk County, LLC
	<b>Planning &amp; Zoning Board Recommendation:</b> Pending Hearing
	<b>Town Commission Transmittal Hearing:</b> Pending Hearing
	<b>Town Commission Adoption Hearing:</b> Pending Hearing
<b>DEO Comments:</b> Pending	
<b>Prepared By:</b> Lorraine Peterson, Development Director	

## **SITE LOCATION**

The proposed site is located on 68.18 +/- acres of land, eastside of Scenic Highway (S.R. 17), north of Tindel Camp Road, west of Lake Mabel Loop Road, and the southside of Stalnaker Road in the Town of Dundee in Section 02, Township 29, Range 27, further described as parcels: 27-29-02-000000-032040, 27-29-02-000000-032020, 27-29-02-000000-034010, 27-29-02-000000-014020, 27-29-02-000000-014040, and 27-29-02-000000-032010 (7parcels).

## **BACKGROUND**

The Applicant, Ag Investments of Polk County, LLC is requesting the amendment to the Future Land Use Map for property that was annexed into the Town of Dundee on July 11, 2023 by Ordinance 23-05. The current FLU is Polk County and the proposed FLUM will be Medium Density Residential (MDR) as it would be consistent with the Town of Dundee’s FLU districts and compatible with the surrounding land uses.

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## PROPOSED FUTURE LAND USE MAP AMENDMENT

Town of Dundee Comprehensive Plan, Policy 2.4: Medium Density Residential MDR

The primary function of Medium Density Residential classification is to accommodate medium density residential development. Permitted uses include duplexes, townhouses, apartments, condominiums, mobile home parks or subdivisions, and single-family houses. The maximum density is 12.0 residential dwelling units per acre.

**Table 1:  
Density/Intensity Information**

	<b>Existing FLU: Polk County/A/RR</b>	<b>Proposed FLU: MDR (68.18 +/- acres)</b>
Density/Intensity	A/RR: 1.0/5 acres	MDR: 12.0 DU/acre
Density Potential	A/RR: 13.6 DU	MDR: 818 DU
Difference	Increase of 804 DU	

**Table 2:  
Development Standard Requirements by  
Zoning District**

	Max. Density (units/ac)	Min. Lot Size	Min. Lot Width	Min. Floor Area	Floor Area Ratio	Setbacks			Max. Lot Coverage	Max. Bldg. Height
						Front	Rear	Side		
RMF-MF	12.0	12,000 s.f.	100 ft.	800 s.f./unit	NA	25 ft.	20 ft.	6 ft.	35%	35 ft.
RMF-SF	12.0	6,000s.f.	50 ft.	1,000 s.f.	NA	25 ft.	25 ft.	7ft.	35%	35 ft.
RMF-Duplex	12.0	9,000 s.f.	75 ft.	800 s.f./unit	NA	25 ft.	25 ft.	9 ft.	35%	35 ft.
RMF-Townhouse	12.0	1 acre	75 ft.	800 s.f./unit	NA	25 ft.	25 ft.	7 ft.	35%	35 ft.

## ANALYSIS

This section of the staff report includes data on the surrounding uses, infrastructure conditions, environmental conditions, and related Comprehensive Plan policies and Land Development Code regulations.

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## Surrounding Uses

Table 1 lists the Future Land Uses (FLU) for the surrounding areas adjacent to the subject site.

**Table 1: Surrounding Uses**

<p style="text-align: center;"><b>Northwest</b> (Across Scenic Hwy.) Polk County/A/RR Citrus and Residential</p>	<p style="text-align: center;"><b>North</b> Dundee Vacant Land FLU-LDR/Commercial Zoning-RSF-3 &amp; CC</p>	<p style="text-align: center;"><b>Northeast</b> Dundee Vacant Farmland FLU-LDR Zoning-RSF-3</p>
<p style="text-align: center;"><b>West</b> (Across Scenic Hwy.) Polk County &amp; Dundee Vacant Farmland &amp; Residential FLU- A/RR &amp; Conservation Zoning-Polk County &amp; Conservation</p>	<p style="text-align: center;"><b>Subject Site</b> Vacant Farmland Annexed 7/11/23 Polk County/A/RR &amp; Unassigned Proposed FLU-MDR Proposed Zoning-RMF</p>	<p style="text-align: center;"><b>East</b> Dundee Vacant Farmland FLU-LDR Zoning-PUD &amp; RSF-2</p>
<p style="text-align: center;"><b>Southwest</b> (Across Scenic Hwy.) Dundee FLU-LDR &amp; Conservation Zoning-PUD &amp; Conservation</p>	<p style="text-align: center;"><b>South</b> Polk County Twin Fountains MHP &amp; Vacant Farmland FLU-INST-1 Zoning-Polk County</p>	<p style="text-align: center;"><b>Southeast</b> Dundee and Polk County Vacant Farmland FLU-LDR &amp; Polk County/ Zoning-PUD/INST-1</p>

*Sources: Polk County Property Appraiser, Polk County Geographical Information System, and site visit by staff*

## Potable Water

Potable water lines are not yet located in the area. The nearest water main is 10” and located at the corner of Lake Mabel Loop Rd. and Steward Rd. approximately 1.30 miles North. The Town of Dundee will provide potable water services for the property and its development. The maximum development potential for the property under the existing Future Land Use designation generates a demand of 4,896 gpd. The maximum development potential for the property under the proposed Future Land Use designation MDR generates a demand of 294,480 gpd. The change in Future Land Use designation increases the potential impact on the Town’s potable water services by 289,584 gpd. See calculations below. The developer will be responsible for connecting to the Town’s potable water system.

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Estimated water consumption for residential based on 360 gallons per day (gpd) as established in the Code of Ordinances.

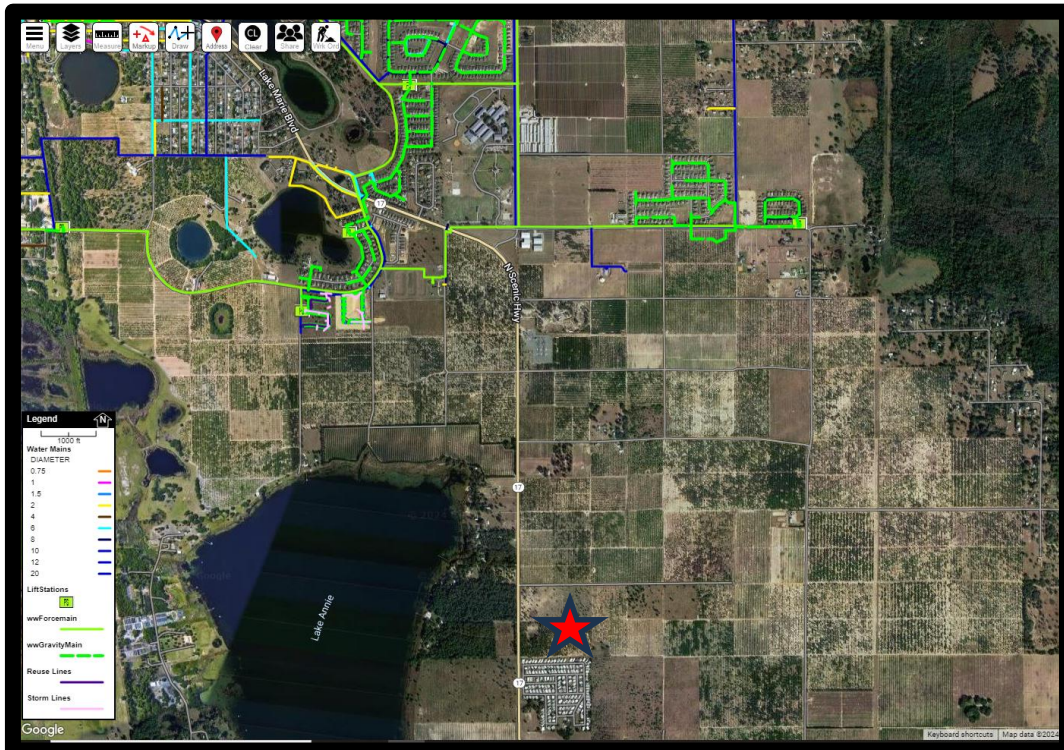
- Existing Future Land Use:
  - 13.6 dwelling units \* 360 gpd = 4,896 gpd
- Proposed Future Land Use:
  - 818 dwelling units \* 360 gpd = 294,480 gpd

## Sanitary Sewer

Sanitary sewer lines are not yet located in the area. There is a 10' gravity main and a 16' force main at the corner of Lake Mabel Loop Rd and Steward Rd. approximately 1.30 miles North. The Town of Dundee will provide sanitary sewer services for the property and its development. The maximum development potential for the property under the existing Future Land Use designation generates a sewer demand of 3,672 gpd. The maximum development potential for the property under the proposed Future Land Use designation generates a sewer demand of 220,860 gpd. The Future Land Use map amendment increases the potential impact on the Town's sanitary sewer services by 217,188 gpd. See calculations below. The Town has capacity to serve the project. The developer will be responsible for connecting to the Town's sanitary sewer system.

Estimated sanitary sewer consumption for residential is based on 270 gallons per day (gpd) as established in the Code of Ordinances.

- Existing Future Land Use:
  - 13.6 dwelling units \* 270 gpd = 3,672 gpd
- Proposed Future Land Use:
  - 818 dwelling units \* 270 gpd = 220,860 gpd



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## Solid Waste

Dundee transfers solid waste collected in the Town to the Polk County Landfill. As the operators of the landfill, the County plans for capacity for all municipalities in the county, as well as unincorporated areas. Polk County determined that there is sufficient landfill space for the county, including Dundee, to dispose of household garbage for approximately 65 years.

## Roads

Access to any proposed development would be from Scenic Highway on the west side and Stalnaker Road on the south side. These are State and County maintained roads respectively. According to the Polk Transportation Planning Organization (April 2022), S.R. 17 (Scenic Highway) is an Urban Collector Road and roadway links 5206 N. (Waverly Rd. to Main St. @ Center St.) and 5206 S. (Waverly Rd to Main St.) have a level of service (LOS) of C. Per the applicant the 5,701 AADT daily trips and 730 peak hour trips this proposed project will generate will not lower the LOS. Any proposed development will require a full traffic study to determine necessary off-site improvements. Coordination with FDOT is required.

## Recreation

The Town currently meets the level of service requirement of 4.5 acres per 1,000 residents as established in the Comprehensive Plan. The applicant will be required to provide recreational opportunities per the Land Development Code. The dedication of land for park and recreation services is 0.0116 acres/dwelling unit. The Town Commission may approve a dedication of land, a fee paid in lieu of dedication, or a combination of the two. The Town Commission makes this determination at time of concept plan.

## Environmental Impacts

According to the Fish and Wildlife Service (FWS), the sand skink (endangered species) is endemic to the sandy ridges of central Florida, occurring in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam counties. The proposed site is in an area identified as potential habitat for the Gopher Tortoises, Sand Skinks and threatened species so, if the proposed project continues through to site development plan or subdivision review approval stages, specific environmental studies will be completed, and requirements will be addressed.

## School Impacts

The Polk County School Board will review the proposed project as it continues through the subdivision review and approval stages. Any development will have to address school concurrency issues and any necessary mitigation.

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## CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following Town of Dundee Comprehensive Plan policies are relevant to the proposed request. The policy is provided with an analysis of how the request may or may not be consistent with the Town’s Comprehensive Plan. The request is consistent with the Comprehensive Plan.

**Table 2: Consistency with the Comprehensive Plan**

<b>Comprehensive Plan Policy</b>	<b>Analysis</b>
<p><b>FLU Policy 5.1:</b> Direct higher densities and intensity of use to areas where public facilities and services are available or are projected to be available. Limit the density and intensity of use in areas where public facilities and services are not available.</p>	<p>Public facilities (water and wastewater) are located less than 1 mile from the property. The Town’s Code of Ordinances requires connection for a development of more than 20 homes if facilities are located within one mile.</p>
<p><b>FLU Policy 5.2:</b> Ensure that development orders or permits for future development and redevelopment are issued only if the public facilities and services necessary to meet the adopted level of service standards are available concurrent with the impacts of the development as established within all Elements of the Town of Dundee Comprehensive Plan, including the level of service standards listed within the following Elements:</p> <ol style="list-style-type: none"> <li>1. Infrastructure Element</li> <li>2. Transportation Element</li> <li>3. Capital Improvements Element</li> <li>4. Public School Facilities Element</li> </ol>	<p>The proposed impacts of the potential Future Land Use map amendment can be facilitated within the Town’s existing services; therefore, the adopted levels of service will be maintained.</p>
<p><b>FLU Policy 5.4:</b> Agricultural land uses shall not be converted to uses of higher density or intensity until adequate public facilities and services are available concurrent with the impacts of the proposed new development.</p>	<p>Adequate public facilities will be available at the time of final plat approval.</p>
<p><b>FLU Policy 6.1:</b> Locate Future Land Uses at densities and intensities that will reduce greenhouse gas emissions while encouraging energy efficiency and will discourage urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the Town.</p>	<p>The property is located near existing residential development within the Town of Dundee and the County.</p>

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<p><b>CIE Policy 2.3:</b> At the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.</p>	<p>Adequate public facilities will be available at the time of final plat approval.</p>
<p><b>PSFE Policy 2.4.1:</b> Final subdivision and site plan approvals for residential development shall be conditioned upon the availability of adequate school capacity as per the adopted level of service standards (LOS) of this element and as required by Section 163.3180(13) F.S.</p>	<p>The School Board will review any proposed projects for concurrency determination during the subdivision review process.</p>

## **DEVELOPMENT REVIEW COMMITTEE**

As required by Section 7.02.03.01 (c) of the LDC, DRC members have reviewed the Future Land Use Map Amendment for AG Investments of Polk County, LLC with specific regard to the codes and ordinances of the Town of Dundee and have given their approval.

DRC:

- TOD Fire Chief- Chief Joseph Carbon
- TOD Public Works Director-Johnathan Vice
- TOD Utilities Director-Tracy Mercer
- TOD Utilities Supervisor- Raymond Morales
- TOD Development Director-Lorraine Peterson
- TOD Consulting Engineering Firm- Rayl Engineering and Surveying, LLC
- TOD Consulting Attorney- Seth Claytor of Boswell & Dunlap, LLP

## **PUBLIC NOTICE OF HEARINGS**

Per Section 8.06.00, No change in land use classification or designation, or variance may be considered by the planning and zoning board or development special magistrate until due public notice has been given of a public hearing. Public hearing notice shall be given at least seven days in advance of the hearing by the publication in a newspaper of regular and general circulation in the town, and notice shall be posted at town hall. No official action may be taken unless and until the public hearing has been advertised. The advertised notice shall contain the name of the applicant, the legal description of the affected property, the parcel number, the existing land use, classification and any special designation(s), the request being considered by the planning and zoning board or development special magistrate, and the time and place of the public hearing at which the application will be considered.

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For each zoning or variance application to be considered at a public hearing, a notice shall be mailed to all property owners of record within a radius of 300 feet of the affected property, provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. A sign stating the date and location of the hearing, the type of request for variance being considered, and the name of the owner requesting the hearing shall be posted on the affected property seven days prior to the hearing in a conspicuous location.

When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the planning board or local governing body of that local government shall be notified so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

(Ord. No. 01-12, § 1, 12-11-01; Ord. No. 19-04 , § 4(Exh. A, § 1(o)), 3-26-19)

All public hearing requirements have been met.

## **MOTION OPTIONS:**

1. I move the Planning & Zoning Board **recommend approval to the Town Commission** of the request by AG Investments of Polk County, LLC to amend the Future Land Use for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Medium Density Residential (MDR) on the approximately 68.18 +/- acres located on the eastside of Scenic Highway (S.R. 17), north of Tindel Camp Road, west of Lake Mabel Loop Road, and the southside of Stalnaker Road in the Town of Dundee in Section 02, Township 29, Range 27, further described as parcels: 27-29-02-000000-032040, 27-29-02-000000-032020, 27-29-02-000000-034010, 27-29-02-000000-014020, 27-29-02-000000-014040, and 27-29-02-000000-032010 (7parcels).
2. I move the Planning & Zoning Board **recommend approval with changes to the Town Commission** of the request by AG Investments of Polk County, LLC to amend the Future Land Use for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Medium Density Residential (MDR) on the approximately 68.18 +/- acres located on the eastside of Scenic Highway (S.R. 17), north of Tindel Camp Road, west of Lake Mabel Loop Road, and the southside of Stalnaker Road in the Town of Dundee in Section 02, Township 29, Range 27, further described as parcels: 27-29-02-000000-032040, 27-29-02-000000-032020, 27-29-02-000000-034010, 27-29-02-000000-014020, 27-29-02-000000-014040, and 27-29-02-000000-032010 (7parcels).
3. I move the Planning & Zoning Board **recommend denial to the Town Commission** of the request by AG Investments of Polk County, LLC to amend the Future Land Use for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to



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Medium Density Residential (MDR) on the approximately 68.18 +/- acres located on the eastside of Scenic Highway (S.R. 17), north of Tindel Camp Road, west of Lake Mabel Loop Road, and the southside of Stalnaker Road in the Town of Dundee in Section 02, Township 29, Range 27, further described as parcels: 27-29-02-000000-032040, 27-29-02-000000-032020, 27-29-02-000000-034010, 27-29-02-000000-014020, 27-29-02-000000-014040, and 27-29-02-000000-032010 (7parcels).

Attachments: Legal Descriptions

Location Map

Existing Future Land Use Map

Proposed Future Land Use Map

# Planning and Zoning Board Staff Report

## SKETCH OF DESCRIPTION

SECTION 2, TOWNSHIP 29 SOUTH, RANGE 27 EAST  
POLK COUNTY, FLORIDA

THIS IS NOT A BOUNDARY SURVEY

### LEGAL DESCRIPTION (OVERALL PARCEL)

A parcel of land lying within Section 2, Township 29 South, Range 27 East, Polk County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of the Northwest 1/4 of said Section 2; thence N.89 degrees 14'49"E., on the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 2, a distance of 33.00 feet to a point on the East right of way line of Scenic Highway and the POINT OF BEGINNING; thence N.00 degrees 36'30"W., on the East right of way line of said Scenic Highway, a distance of 663.53 feet to a point on the North line of the Southwest 1/4 of the Northwest 1/4 of said Section 2 also being the South line of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 2; thence N.00 degrees 36'30"W., continuing on the East right of way line of said Scenic Highway, a distance of 648.41 feet to a point at the intersection of the East right of way line of said Scenic Highway and the South right of way line of Stalnaker Road; thence N.89 degrees 15'15"E., on the South right of way line of said Stalnaker Road, a distance of 1285.32 feet to a point on the East line Southwest 1/4 of the Northwest 1/4 of said Section 2 also being a point on the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 2; thence N.89 degrees 15'15"E., continuing on the South right of way line of said Stalnaker Road, a distance of 659.16 feet to the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 2 also being the West line of the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 2; thence N.88 degrees 57'38"E., continuing on the South right of way line of said Stalnaker Road, a distance of 653.70 feet to a point on the East line of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2; thence S.00 degrees 47'33"E., on the East line of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2, a distance of 650.30 feet to the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2; thence S.89 degrees 06'56"W., on the South line of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2, a distance of 656.30 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 2 also being a point on the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 2; thence S.00 degrees 33'42"W., on the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 2, a distance of 663.54 feet to the Southeast corner of the Northwest 1/4 of said Section 2; thence S.89 degrees 55'32"W., on the South line of the Northwest 1/4 of said Section 2, a distance of 1318.08 feet to the Northeast corner of TWIN FOUNTAINS CLUB, INC., as recorded in Condominium Plat Book 33 Page 3 of the Public Records of Polk County, Florida, also being the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 2 also being the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 2; thence S.88 degrees 25'09"W., on the North line of the said TWIN FOUNTAINS CLUB, INC. also being the South line of the Northwest 1/4 of said Section 2, a distance of 1284.78 feet to the POINT OF BEGINNING.


Parcel contains 87.60 acres, more or less.

### SURVEYOR'S REPORT

1. This sketch not valid unless embossed or stamped with a surveyor's seal.
2. Underground encroachments such as utilities and foundations, that may exist, have nor been located.
3. Parcel numbers, owners name, address and zoning shown hereon obtained from the Polk County Property Appraisers web site.
4. This is NOT a Boundary Survey.
5. This sketch was prepared without the benefit of a current Title Commitment, Title Opinion or Ownership and Encumbrance Report. Therefore there may be easements, rights of way or other encumbrances that are not shown on this sketch that may be found in the Public Records of Polk County, Florida.
6. Legal description shown hereon prepared by the undersigned surveyor.
7. Bearings shown hereon are based on the Florida State Plane Coordinate System, West Zone, 1983-2011 adjustment, holding the West line of the Northwest 1/4 Section 2, Township 29 South, Range 27 East as being N.00 degrees 36'30"W.

### SURVEYOR'S CERTIFICATE

I, the undersigned Professional Surveyor and Mapper, hereby certify that this Sketch of Description was prepared under my direct supervision, that to the best of my knowledge, information and belief is a true and accurate representation shown and described, and that it meets the Standards of Practice for Land Surveying in the State of Florida Administrative Code.

  
 \_\_\_\_\_  
 Steven C. Semple  
 Professional Surveyor and Mapper No. 5489  
 State of Florida

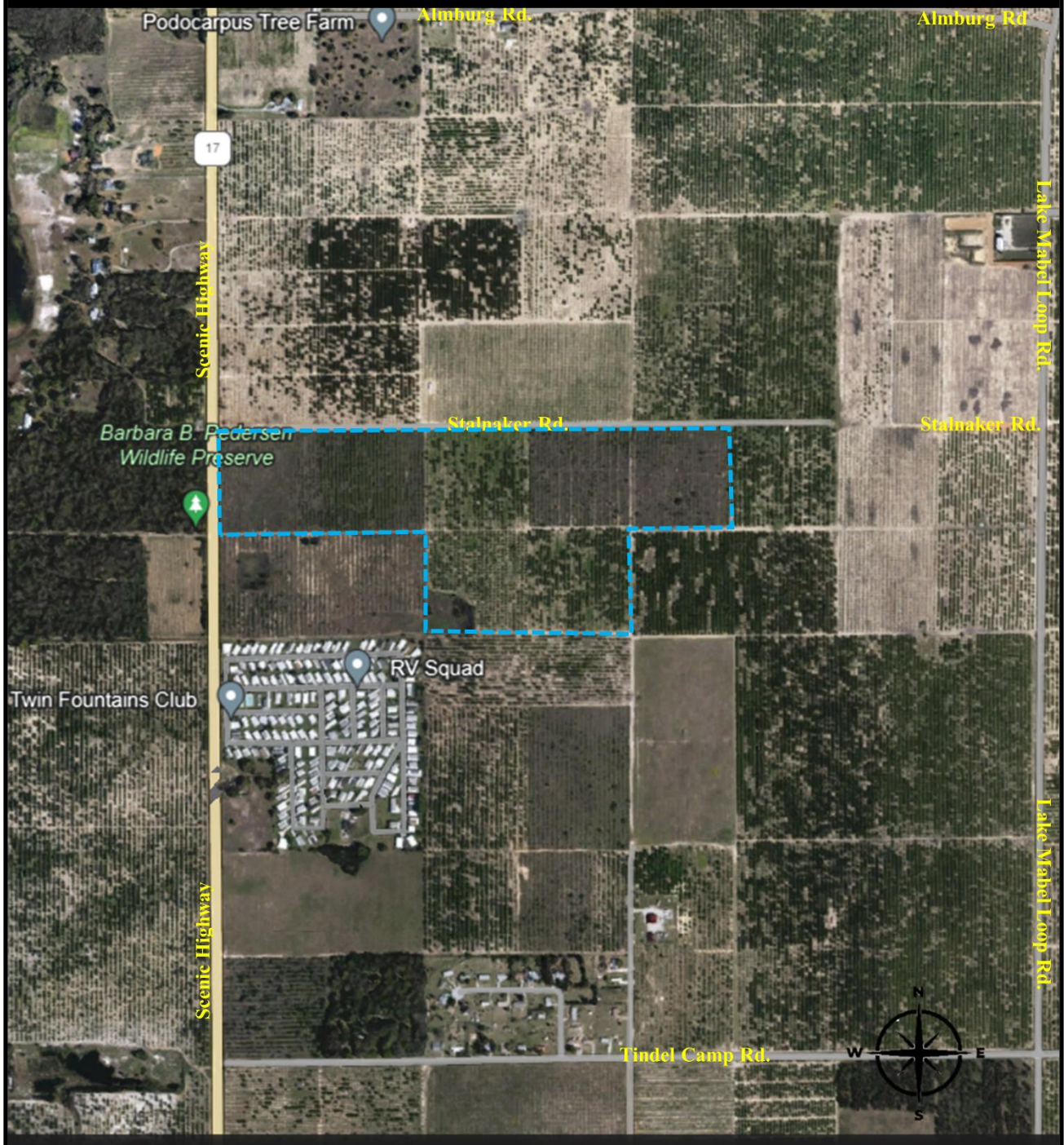


PREPARED BY: <b>ACCURATE SURVEYING OF FLORIDA, INC.</b> 4206 NATIONAL GUARD DRIVE PLANT CITY, FLORIDA 33563 (813) 645-2300 LICENSE BUSINESS NO. 8211	PREPARED FOR: <b>AG INVESTMENT OF POLK COUNTY LLC</b> 5529 US HIGHWAY 98 N LAKELAND, FLORIDA 33809-3103 SHEET NAME: <b>SKETCH OF DESCRIPTION          HILLS OF DUNDEE - OVERALL PARCEL          POLK COUNTY, FLORIDA</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">CREW CHIEF:</td> <td style="text-align: center;">N/A</td> <td style="font-size: small;">PROJECT #</td> <td style="text-align: center;">STALNAKER OVERALL</td> </tr> <tr> <td style="font-size: small;">DRAWN BY:</td> <td style="text-align: center;">BB</td> <td style="font-size: small;">DATE:</td> <td style="text-align: center;">11/27/22</td> </tr> <tr> <td style="font-size: small;">CHECKED BY:</td> <td style="text-align: center;">D.J.B.</td> <td style="font-size: small;">SHEET</td> <td style="text-align: center;">1 OF 3</td> </tr> <tr> <td style="font-size: small;">REVISION DATE:</td> <td style="text-align: center;">01/20/23 01/28/23</td> <td style="font-size: small;">DATE:</td> <td style="text-align: center;">02/02/23</td> </tr> </table>	CREW CHIEF:	N/A	PROJECT #	STALNAKER OVERALL	DRAWN BY:	BB	DATE:	11/27/22	CHECKED BY:	D.J.B.	SHEET	1 OF 3	REVISION DATE:	01/20/23 01/28/23	DATE:	02/02/23
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## Legal Description

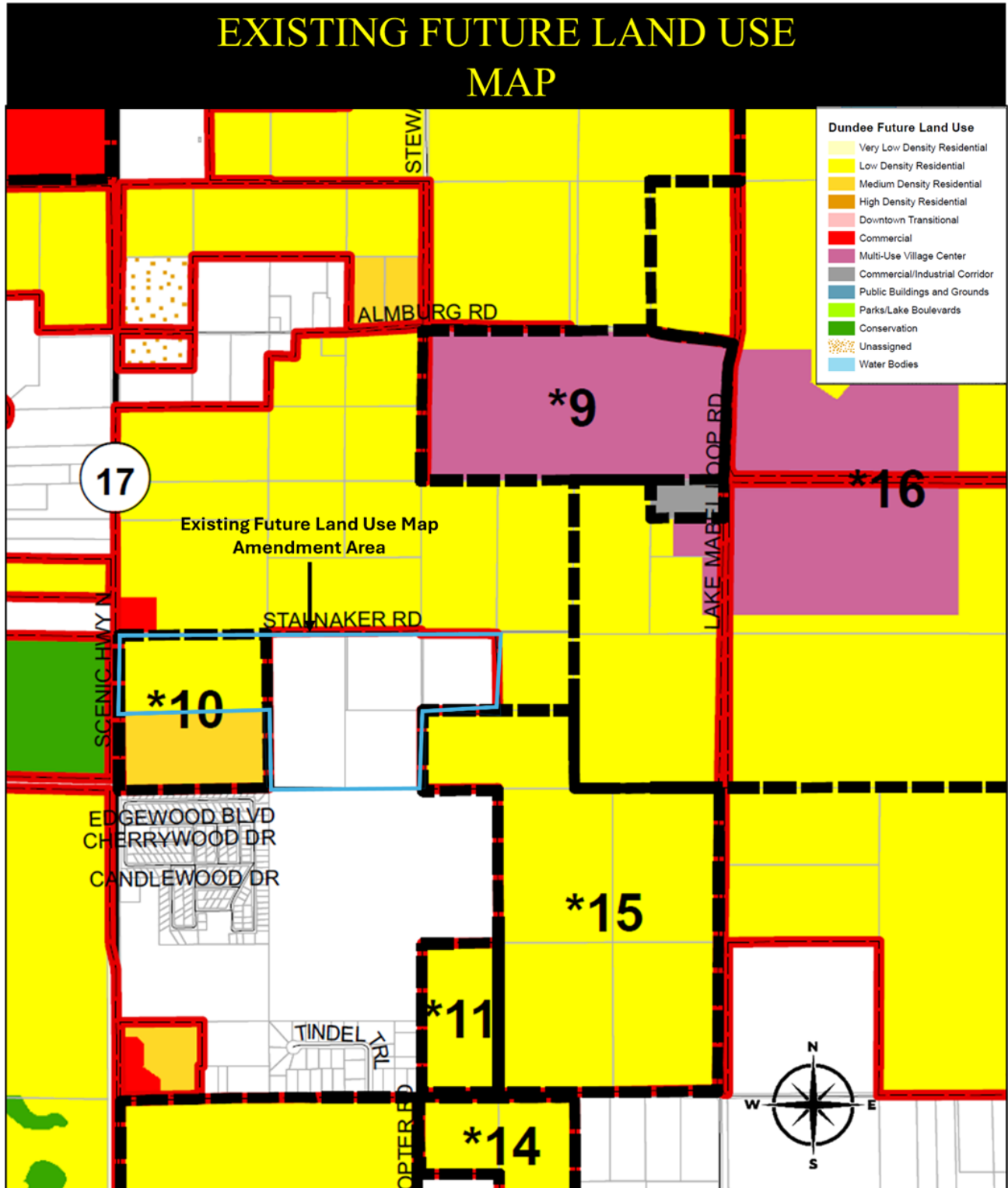


## AERIAL MAP CONTEXT



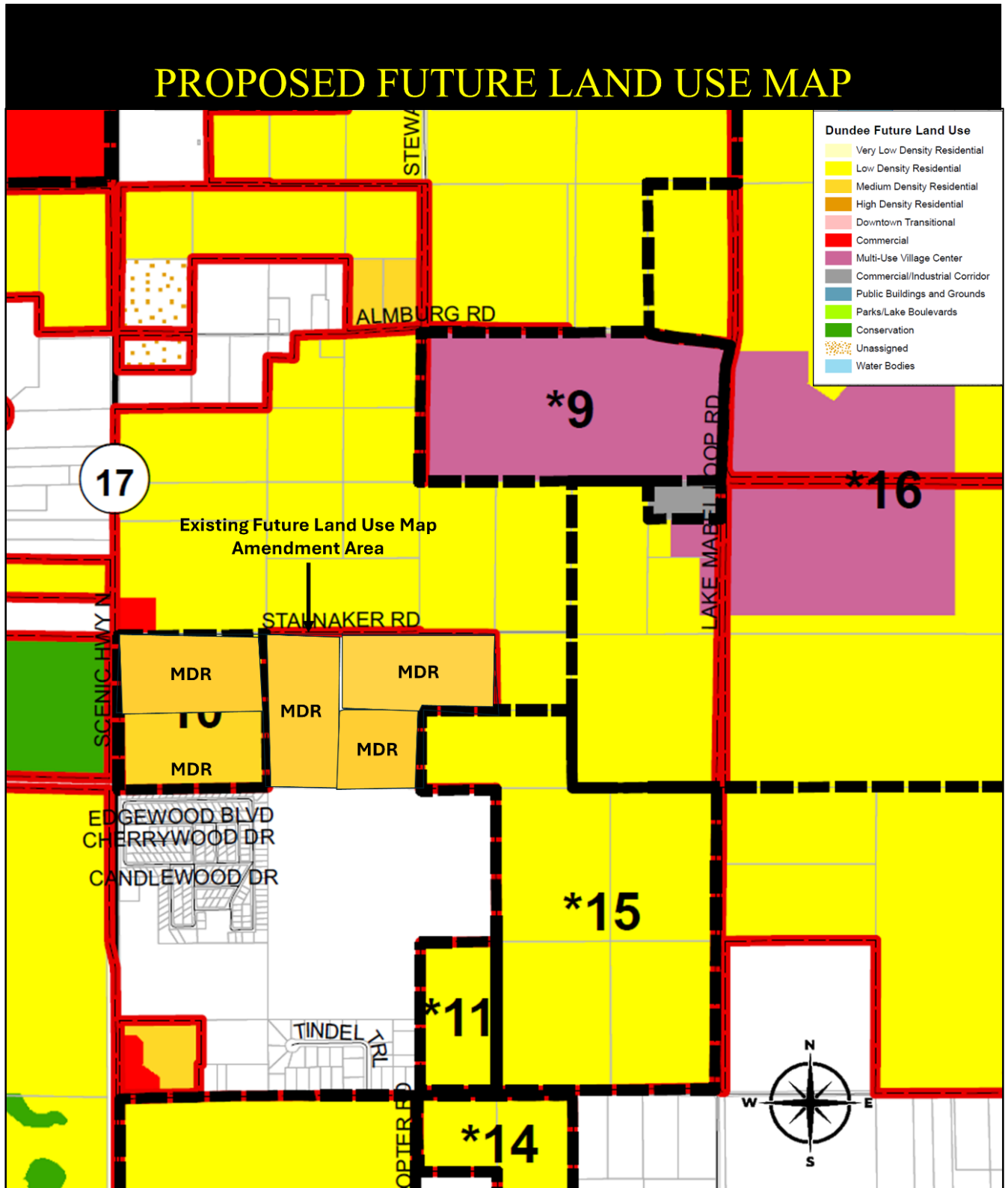
Aerial Map Context

# Planning and Zoning Board Staff Report



## Existing FLUM Map

# Planning and Zoning Board Staff Report



## Proposed Future Land Use Map