



## **PLANNING & ZONING BOARD MEETING MINUTES**

**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)**

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**CALL TO ORDER at 5:30 P.M. by Chair Hall**

**PLEDGE OF ALLEGIANCE- Chair Hall**

**ROLL CALL- Town Clerk, Jenn Garcia**

**MEMBERS PRESENT:**

Ron Hall  
Suzetta Henson  
Jill Kitto  
Ray Hunt  
Jeff Gunter

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Jenn Garcia, Town Clerk  
Seth Claytor, Assistant Town Attorney  
John Vice, Public Works Director  
Lorraine Peterson, Town Planner  
Jorge Rodriguez, Code Enforcement Officer

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

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

Chair Hall opened the floor for public comments, seeing no public come forth the floor was closed.

Lorraine Peterson, Town Planner, introduced the new Code Enforcement Officer, Jorge Rodriguez.

Jorge Rodriguez, Code Enforcement Officer, greeted the board.

**1. APPROVAL OF MINUTES**

**MOTION TO APPROVE** the September 15, 2022 Planning and Zoning Board meeting minutes. Motion made by Kitto, Seconded by Henson. Passed Unanimously.

Voting Yea: Henson, Hunt, Kitto, Gunter, Hall

## **PUBLIC HEARINGS**

### **2. Right-of-Way Vacation- Portion of Helicopter Road**

Town Planner, Lorraine Peterson, gave the presentation.

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).

Assistant Town Attorney gave the background and history of the TECO Solar Farm project.

Member Henson expressed concern about this issue and how it can negatively impact the Town in the future.

Member Kitto stated that it would have been best if the unincorporated Polk County portions of this project were annexed into Dundee.

Assistant Town Attorney Claytor explained that with the current situation, there is no development in that area. The same owner owns the property on both sides of the unpaved and undeveloped right-of-way. He further explained that what the board is considering for purposes of this request is whether the request satisfies the requirements of the Town of Dundee Land Development Code; whether the request is inconsistent with the policies set forth by the 2030 Comprehensive Plan; and whether the vacation would deprive any person of their legal right of egress or ingress to any property as it is currently situated.

**Shelton Rice, Peterson & Meyer Law Firm, 225 East Lemon St., Lakeland**, addressed the board on behalf of the applicant requesting a favorable vote.

**Kevin Kitto, 150 Kitto Lane, Dundee**, recommended approval of the right of way vacation if the applicant commits to turning Tindel Camp Road into four lanes.

**Assistant Attorney Claytor** stated that Tindel Camp Road is a county road. He further advised that the board should not recommend conditional approval on an element of a development that is outside of the jurisdiction of the Town.

Chair Hall stated he is not in favor of vacating the Helicopter Road right-of-way or any other right of ways within the Town.

**MOTION TO RECOMMEND APPROVAL** of the Right-of-Way vacation of a portion of Helicopter Road to the Town Commission made by Hunt. Seconded by Gunter. Motion Passed 3 to 2.

Voting Yea: Hunt, Hall, Gunter

Voting Nay: Henson, Kitto

3. **2022 Annual Update to the Comprehensive Plan's Capital Improvement Element (CIE)**

Town Planner, Lorraine Peterson, gave the 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.

Tracy Mercer, Public Services Director/Special Projects, made a presentation of the CIE to the board.

**MOTION TO RECOMMEND APPROVAL** as presented of the 2022 Annual Update to the Comprehensive Plan's Capital Improvement Element to the Town Commission made by Hunt, Seconded by Henson. Motion passed unanimously.

Voting Yea: Henson, Hunt, Kitto, Gunter, Hall

4. **Special Exception- Xtreme Car Center Inc.**

Lorraine Peterson, Town Planner, gave the presentation.

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

Member Henson stated that it would be beneficial if the entrance driveway were shared with the gas station next door to the location.

Member Kitto questioned if they are prepared to begin building.

Town Planner Peterson responded that the reason the last special exception expired was because of constraints caused by COVID 19.

Town planner Peterson confirmed to Chair Hall that there will be no work performed on vehicles outside of the designated work area.

David Prado, the applicant representative, addressed the board requesting a favorable vote.

**MOTION TO RECOMMEND APPROVAL** to the Town Commission for a Special Exception with stated conditions for Xtreme Car Center Inc made by Gunter. Seconded by Hunt.

Voting Yea: Henson, Hunt, Kitto, Gunter, Hall

## **REPORTS FROM OFFICERS**

Planning Department Comments

Board Comments:

Henson: Inquired of the status of the US 27 Trucking Company code violations and lack of a business license.

Kitto: Questioned Town requirements for food trucks.

Requested maps that were promised at the last meeting.

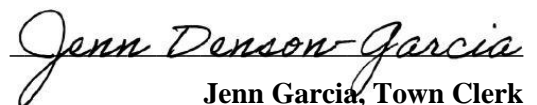
Expressed frustration the US 27 Trucking Company is still actively conducting business although they are violating the Town's Code.

Assistant Attorney Claytor advised against discussing the open code cases at the board meeting.

Hall: Welcomed new member, Jeffery Gunter. Appreciated the efforts of the Town Attorney and Planning to ensure that the board members are properly informed.

**ADJOURNMENT** at 7:07 P.M.

**Respectfully Submitted,**

  
**Jenn Garcia, Town Clerk**