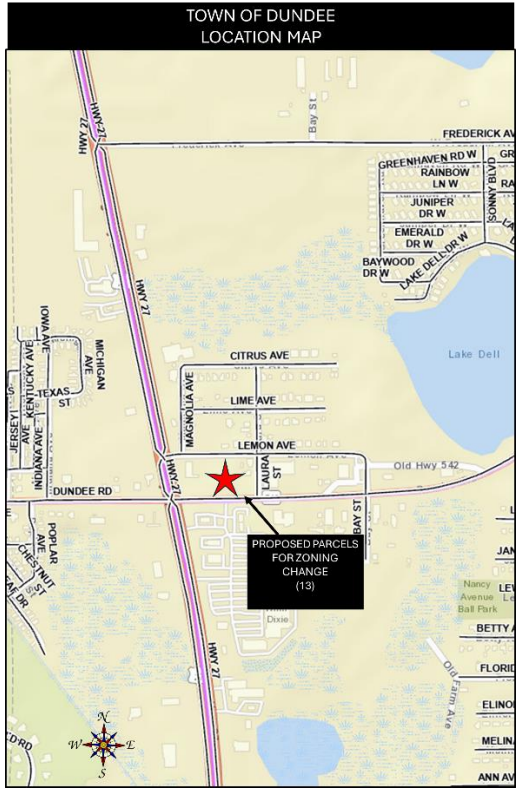



# TOWN OF DUNDEE PLANNING AND ZONING BOARD WAWA SPECIAL EXCEPTION

|  |   |
|--|---|
|  | <b>To:</b> Planning and Zoning Board  |
|  | <b>Agenda Date:</b> January 15, 2026  |
|  | <b>Department:</b> Planning and Zoning  |
|  | <b>Discussion Topic:</b> Special Exception for Business Directional Sign                              |
|  | <b>Applicant:</b> Matthew Development   |
|  | <b>Property Owners:</b> Cynthia C Payne, Payne 27 LLC, & Payne Norman III & Cynthia C Revocable Trust |
|  | <b>Planning &amp; Zoning Board Recommendation:</b> Pending Hearing                                    |
|  | <b>Town Commission 1<sup>st</sup> Hearing:</b> Pending Hearing  |
|  | <b>Town Commission 2nd Hearing:</b> N/A   |
|  | <b>DEO Comments:</b> N/A  |
|  | <b>Prepared By:</b> Lorraine Peterson, Development Director   |
|  |                   |

## REQUEST AND SITE LOCATION:

The Applicant, Matthew Dundee Investments LLC, is requesting a Special Exception for property located in the Town of Dundee. The applicant current Zoning is General Retail Commercial (CC), the proposed zoning is Highway Commercial (CH) on 2.86 +/- acres.

The proposed site is located at the northeast corner of Highway 27 and Dundee Road on 2.86 +/- acres in the Town of Dundee in Section 29, Township 28, Range 27, further described as parcels:

272829-848000-001430, 272829-848000-001060, 272829-848000-001082,  
272829-848000-001080, 272829-848000-001102, 272829-848000-001101,  
272829-848000-001121, 272829-848000-001122, 272829-848000-001142,  
272829-848000-001141, 272829-848000-001371, 272829-848000-001372,  
272829-848000-001390

**TOWN OF DUNDEE  
PLANNING AND ZONING BOARD  
WAWA SPECIAL EXCEPTION**

**BUSINESS DIRECTIONAL SIGNS**

**SECTION 4.05.00**

Business directional signs may be authorized in all districts as a special exception subject to the following requirements:

- 1.Signs shall face and be located on property fronting U.S. 27.
- 2.Signs shall be limited to 30 square feet in size and 15 feet in height.
- 3.Signs shall be set back no less than 15 feet from all property lines.
- 4.No business directional sign shall be located within 500 feet of another business directional sign or billboard on the same side of the road.
- 5.Signs shall not contain changeable copy or advertise businesses or activities which are discontinued or not located in the Town of Dundee.

**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 safety measures 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 violations provided in the Regulations.

# **TOWN OF DUNDEE PLANNING AND ZONING BOARD WAWA SPECIAL EXCEPTION**

## **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's 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.

# TOWN OF DUNDEE PLANNING AND ZONING BOARD WAWA SPECIAL EXCEPTION

## 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.

## SURROUNDING USES

**Table 1: Surrounding Uses**

|  |  |   |
|--|--|---|
| <b>Northwest</b><br>Bar & Vacant Land<br>FLU-Commercial<br>Zoning-CH     | <b>North</b><br>Dundee<br>Commercial & Residential<br>FLU-Comm. & MDR<br>Zoning-CH & RTF   | <b>Northeast</b><br>Dundee<br>Residential<br>FLU-MDR<br>Zoning-RTF                  |
| <b>West</b><br>Dundee<br>Auto Sales<br>FLU-Commercial<br>Zoning-CH       | <b>Subject Site</b><br>Current Use:<br>Medical Clinic/ Vacant<br>Land<br>Current FLU-Commercial<br>Current Zoning- CC<br>Proposed Zoning-CH<br>Proposed Use:<br>Wawa Gas Station & Big<br>Dan's Car Wash | <b>East</b><br>Dundee<br>Commercial<br>FLU-Commercial<br>Zoning-CC                  |
| <b>Southwest</b><br>Dundee<br>Gas Station<br>FLU-Commercial<br>Zoning-CH | <b>South</b><br>Dundee<br>Hardee's & Grease Monkey<br>FLUM-Commercial<br>Zoning-CH   | <b>Southeast</b><br>Dundee<br>Ridge Community Church<br>FLU-Commercial<br>Zoning-CH |

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

# **TOWN OF DUNDEE**

## **PLANNING AND ZONING BOARD**

### **WAWA SPECIAL EXCEPTION**

#### **POTABLE WATER & SANITARY SEWER**

This site is currently served by the Town of Dundee's potable water system, and will tie into the Town's sanitary sewer system, there is an 8" force main located on Lemon Avenue.

#### **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 the proposed site will be off Lemon Ave, and Dundee Road and a traffic impact study is currently being reviewed by FDOT and the Town.

#### **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, 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 at that time.

#### **SCHOOL IMPACTS**

The proposed use does not pose any impact to the public school system. However, any development will have to address school concurrency issues and any necessary mitigation at the time of site plan approval.

# TOWN OF DUNDEE

## PLANNING AND ZONING BOARD

### WAWA SPECIAL EXCEPTION

#### 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>   |
|---|---|
| <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.   | Potable water is currently provided by the TOD, and septic currently serves as the wastewater but there is an 8" force main on the south side of Lemon Ave.   |
| <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:<br>1. Infrastructure Element<br>2. Transportation Element<br>3. Capital Improvements Element<br>4. Public School Facilities Element | The proposed impacts of the potential Zoning map amendment can be facilitated. There is currently a Medical Clinic on the proposed site the has potable water provided by the Town of Dundee and there is an 8" force main on the southside of Lemon Ave. |
| <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.   | The property is located near an existing development.   |

# TOWN OF DUNDEE

## PLANNING AND ZONING BOARD

### WAWA SPECIAL EXCEPTION

|   |  |
|---|--|
| <b>FLU Policy 6.2:</b> Promote compact urban growth through the location of public facility expansions contiguous to existing development areas   | The proposed site currently has a commercial business on it and therefore represents a very efficient pattern of growth.   |
| <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.   | Adequate public facilities will be available at the time of site plan approval to keep the levels of service in all areas. |
| <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. | The current and proposed use is commercial and does not pose any impact on the public school system.                       |

#### **DEVELOPMENT REVIEW COMMITTEE**

As required by Section 7.02.03.01 (c) of the LDC, DRC members have reviewed the Special Exception submitted by Matthew Development, LLC with specific regard to the codes and ordinances of the Town of Dundee and have given their approval.

DRC Team:

TOD Fire Chief- Chief Joseph Carbon

TOD Public Works Director-Johnathan Vice

TOD Utilities Director-Tracy Mercer

TOD Utilities Supervisor- Raymond Morales

TOD Development Services Director-Lorraine Peterson

TOD Consulting Engineering Firm- Rayl Engineering and Surveying, LLC

TOD Consulting Attorney- Seth Claytor of Boswell & Dunlap, LLP

# TOWN OF DUNDEE

## PLANNING AND ZONING BOARD

### WAWA SPECIAL EXCEPTION

#### **MOTION OPTIONS:**

1. I move the Planning & Zoning Board **recommend approval to Town Commission** of the request by Matthew Development Investments, LLC for a Special Exception for Directional Signs for property located in the Town of Dundee on 2.86+/- acres of land zoned Commercial Highway. The subject property is located at the northeast corner of Hwy. 27 & Dundee Rd, further described as parcels:

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2. I move the Planning & Zoning Board **recommend approval with changes to Town Commission** of the request by Matthew Development Investments, LLC for a Special Exception for Directional Signs for property located in the Town of Dundee on 2.86+/- acres of land zoned Commercial Highway. The subject property is located at the northeast corner of Hwy. 27 & Dundee Rd, further described as parcels:

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3. I move the Planning & Zoning **recommend denial to Town Commission** of the request by Matthew Development Investments, LLC for a Special Exception for Directional Signs for property located in the Town of Dundee on 2.86+/- acres of land zoned Commercial Highway. The subject property is located at the northeast corner of Hwy. 27 & Dundee Rd, further described as parcels:

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**TOWN OF DUNDEE  
PLANNING AND ZONING BOARD  
WAWA SPECIAL EXCEPTION**

Attachments: Legal Descriptions

Location Map

Aerial Map

Existing Zoning Map

Site Development Plans

# TOWN OF DUNDEE PLANNING AND ZONING BOARD WAWA SPECIAL EXCEPTION

272829848000001060 SCENIC HEIGHTS PB 22 PG 21 LOTS 106 & S PT OF CLOSED ST W OF  
SAME & 107 & LOT 159 LESS HWY

272829848000001430 SCENIC HEIGHTS PB 22 PG 21 LOTS 143 THRU 146 & PT OF CLOSED  
ST W OF LOT 146 LESS RD R/W PER OR 10026-429 THRU 435

272829848000001082 SCENIC HEIGHTS PB 22 PG 21 LOT 108 W1/2

272829848000001080 SCENIC HEIGHTS PB 22 PG 21 LOTS 108 E1/2 & 109

272829848000001102 SCENIC HEIGHTS PB 22 PG 21 LOT 110 N1/2 & N1/2 OF 111

272829848000001101 SCENIC HEIGHTS PB 22 PG 21 LOTS 110 S1/2 & S1/2 OF 111

272829848000001390 SCENIC HEIGHTS PB 22 PG 21 LOTS 139 THRU 142 LESS RD R/W PER OR 10026-429 THRU 435

272829848000001121 SCENIC HEIGHTS PB 22 PG 21 LOT 112 N 50 FT & N 50 FT OF 113

272829848000001122 SCENIC HEIGHTS PB 22 PG 21 LOTS 112 LESS N 50 FT & 113 LESS N 50 FT

272829848000001142 SCENIC HEIGHTS PB 22 PG 21 LOTS 114 LESS S 50 FT & 115 LESS S 50 FT

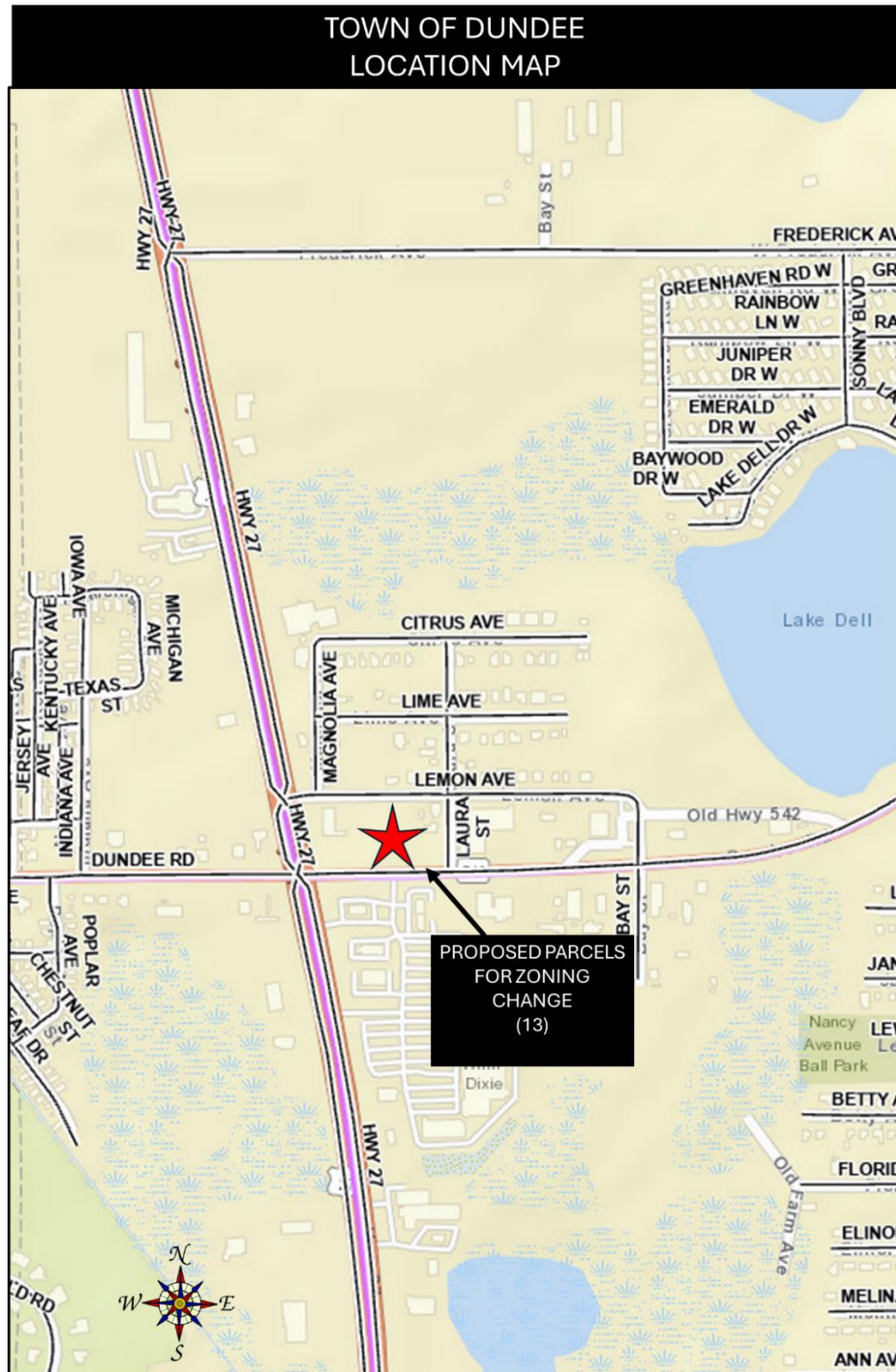
272829848000001141 SCENIC HEIGHTS PB 22 PG 21 LOT 114 S 50 FT & S 50 FT OF LOT 115

272829848000001371 SCENIC HEIGHTS PB 22 PG 21 LOT 137 N 60 FT & N 60 FT OF 138

272829848000001372 SCENIC HEIGHTS PB 22 PG 21 LOTS 137 S 75 FT LESS RD R/W & S 75 FT OF 138 LESS RD R/W & LESS  
ADDNL RD R/W PER OR 10026-338 THRU 347

## LEGAL DESCRIPTION

TOWN OF DUNDEE  
PLANNING AND ZONING BOARD  
WAWA SPECIAL EXCEPTION



LOCATION MAP

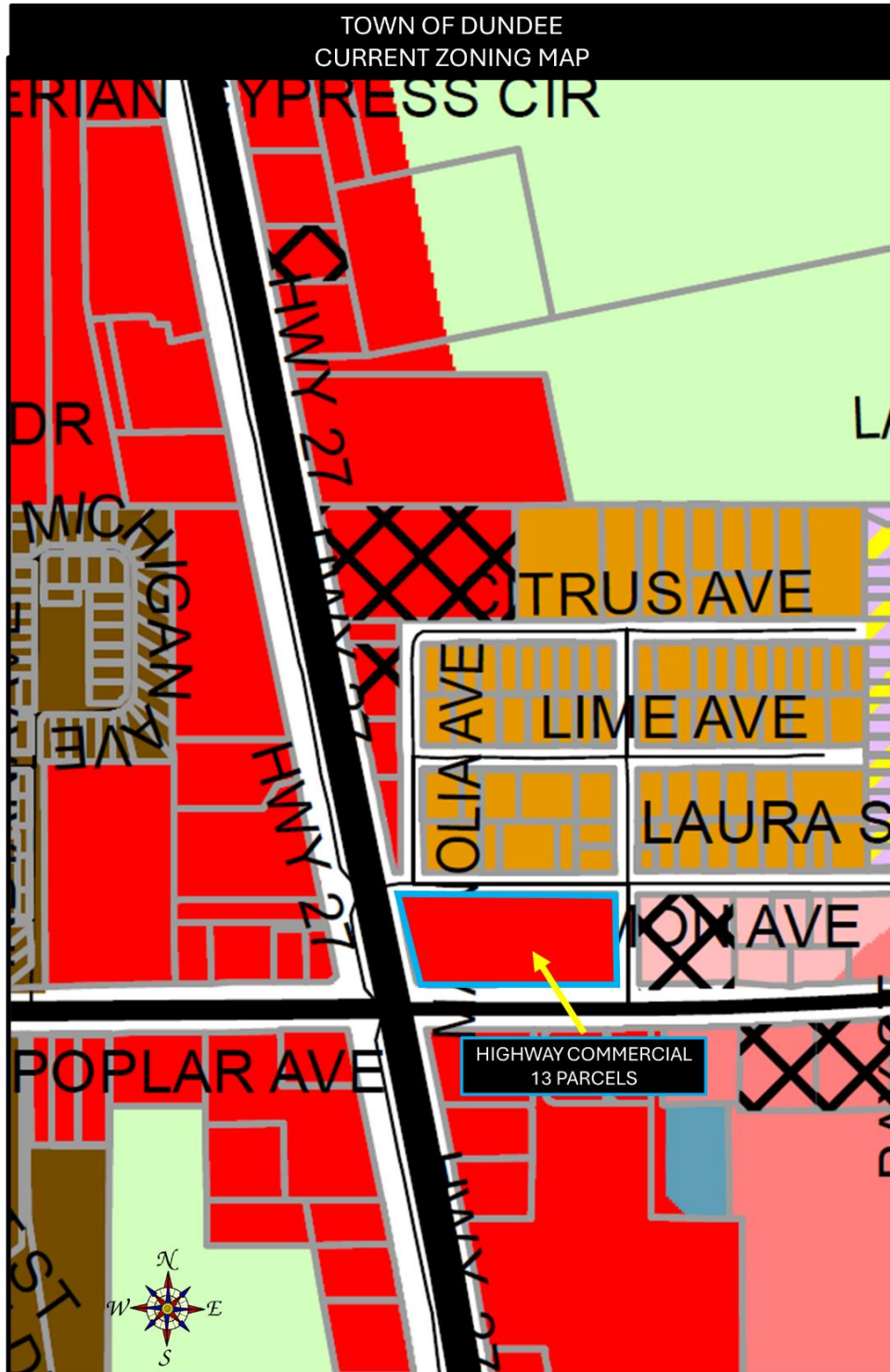
# TOWN OF DUNDEE PLANNING AND ZONING BOARD WAWA SPECIAL EXCEPTION



## AERIAL MAP



TOWN OF DUNDEE  
PLANNING AND ZONING BOARD  
WAWA SPECIAL EXCEPTION



CURRENT ZONING MAP



TOWN OF DUNDEE  
PLANNING AND ZONING BOARD  
WAWA SPECIAL EXCEPTION