



## TOWN OF DUNDEE ZONING AMENDMENT STAFF REPORT

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

**PREPARED BY:** Lorraine Peterson

**AGENDA DATE:** August 17, 2023

**REQUESTED ACTION:** **APPLICANT-INITIATED OFFICIAL ZONING MAP AMENDMENT**

A request by Raysor Ventures, LLC to amend the Official Zoning Map designation for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on the approximately 24 +/- acre parcels located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.

### **BACKGROUND:**

The subject property, which is located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, includes two parcels and totals approximately 24+/- acres of land and are currently a grape farm.

The property has a Low Density Residential (LDR) Future Land Use designation (see companion Future Land Use agenda item), which is consistent with the proposed zoning classification.



### **ZONING MAP REQUEST:**

The applicant is requesting a Zoning Map amendment from Polk County/NA to Moderate Density Single Family Residential (RSF-3) on approximately 24 +/- acres. A description of the existing and proposed Zoning categories is provided below.

### **FUTURE LAND USE**

#### **Town of Dundee Comprehensive Plan, Future Land Use Element, Policy 2.3: Low Density Residential:**

The primary function of the Low-Density Residential classification is to accommodate low density residential development consisting primarily of single-family dwellings. Maximum density is 5.0 residential dwelling units per acre; Agricultural uses are permissible in this category.

### **PROPOSED ZONING**

#### **Town of Dundee, Policy 2.02.02.04(B): RSF3 moderate-density single family residential**

The purpose of the RSF3 single-family residential zoning district shall be to locate and establish areas within the Town of Dundee that are deemed to be suited for the development and maintenance of moderately, low density residential living of an urban character on minimum 55-foot wide lots; to designate those uses and services appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a moderately, low density residential environment. It is intended that the maximum residential density within the district shall be 5.0 dwelling units per net acre of land.

### **REASON FOR REQUEST:**

The subject property is part of a proposed 80-unit subdivision known as Caldwell Ridge. There is a companion Future Land Use Map amendment running concurrently with this zoning amendment.

### **ANALYSIS:**

Table 1 includes the density/intensity for the existing and proposed Zoning designations for the property. Table 2 includes the development standard requirements for the applicable zoning districts under the Low Density Residential and Commercial Future Land Use districts.

**Table 1:**  
**Analysis of Impacts from Proposed Future Land Use Text Amendment**

	<b>Existing Zoning: Polk County/A/RR</b>	<b>Proposed Zoning: RSF-3 (24 +/- acres)</b>
Density/Intensity	A/RR: 1.0/5 acres	RSF-3: 5.0 DU/acre
Density Potential	A/RR: 4.8 DU	RSF-3: 120 DU
Difference	Increase of 115.2 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		
AL	1.0	1 ac.	100 ft.	1,000 s.f.	NA	30 ft.	35 ft.	10 ft.	10%	35 ft.
RSF1	3.2	10,000 s.f.	80 ft.	1,600 s.f.	NA	30 ft.	35 ft.	10 ft.	35%	35 ft.
RSF2	4.0	7,500 s.f.	60 ft.	1,500 s.f.	NA	25 ft.	25 ft.	7.5 ft.	40%	35 ft.
RSF3	5.0	6,000 s.f.	55 ft.	1,400 s.f.	NA	20 ft.	25 ft.	6 ft.	45%	35 ft.

The proposed zoning change is compatible with the surrounding area based on the Future Land Use and zoning of adjacent and nearby properties. More information is available in the Land Use Analysis located below.

**PUBLIC FACILITIES AND SERVICES ANALYSIS:**

Potable Water

Information to be distributed at the hearing.

Sanitary Sewer

Information to be distributed at the hearing.

Solid Waste

Dundee transfer 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.

Traffic/Transportation

Information to be distributed at the hearing.

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. This site is also located in areas identified as potential habitat for the Gopher Tortoise, a threatened species. Since this site is located in an area identified as potential sand skink and gopher tortoise habitat, as the project continues through to site development plan approval stages, specific environmental studies will be completed, and requirements will be addressed.

School Impacts:

The Polk County School Board will review the project if it continues through to subdivision review and approval stages. Any development will have to address school concurrency issues and any necessary mitigation. However, the addition of the provision for a solar power generation facility would not create school impacts.

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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. The proposed removal of the site-specific condition, thereby allowing the property to utilize the maximum development potential of the assigned Future Land Use district is consistent with the opportunities for surrounding properties within the Town of Dundee.

**Table 4:**  
**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.	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.
<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	The proposed impacts of the potential Zoning map amendment can be facilitated within the Town's existing services; therefore, the adopted levels of service will be maintained.

<p>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><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 construction to keep the levels of service in all areas.</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 development within the Town limits.</p>
<p><b>FLU Policy 6.2:</b> Promote compact urban growth through the location of public facility expansions contiguous to existing developed areas</p>	<p>There are single-family residential developments, less than one mile from this location. Public facility expansions to this property would provide connection opportunities for existing residents in the area.</p>
<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 construction to keep the levels of service in all areas.</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>

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**CONSISTENCY WITH LAND DEVELOPMENT CODE:**

Section 7.04.01 of the Land Development Code provides the basis for rezoning applications that the Planning and Zoning Board is to consider and evaluate.

- (A) The character of the district and its peculiar suitability for particular uses.
- (B) Conservation of the value of buildings and encouraging the most appropriate use of land throughout the town.
- (C) The applicable portions of any current town plans and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing.
- (D) The needs of the town for land areas for specific purposes to serve population and economic activities.
- (E) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- (F) The facts and opinions were presented to the planning and zoning board through hearings.
- (G) The public welfare: Is there a substantial relationship between the protection and advancement of the health, safety, morals and general welfare of Dundee and the zoning or land use classification you are recommending for the property in question? A recommendation to keep the zoning or land use the same, and therefore deny the request, still requires you to answer this question.
- (H) Comprehensive planning: Has the town undertaken a thorough study of all of the factors and conditions that influence the growth and development of Dundee, and developed a comprehensive plan that safeguards the wishes of the people and their general welfare? Has the comprehensive plan been adopted according to Florida Statutes, and how does it direct and guide the zoning or land use decision before you?
- (I) Need of the change: Has there been a significant change in the assumptions that underlie the comprehensive plan and the zoning map for Dundee, that would support the requested rezoning? Has there been a great deal of growth or has new infrastructure been extended to the property or has the petitioner presented a market analysis or other information that would change the planning conclusions supporting the present zoning district?
- (J) State concerns (level of service): This is another way of describing the system of infrastructure in the town. It refers not only to water, sewer, streets and

drainage, but also to fire and police protection, recreation facilities, schools, garbage collection and disposal, health care, jails, and the condition of the natural environment itself. What impact will the change in zoning or land use have on the current and future level of service of all of these systems and services?

- (K) The character of the district and its peculiar suitability for particular uses.
- (L) Conservation of the value of buildings and encouraging the most appropriate use of land throughout the town.
- (M) The applicable portions of any current town plans and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing.
- (N) The needs of the town for land areas for specific purposes to serve population and economic activities.
- (O) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- (P) The facts and opinions were presented to the planning and zoning board through hearings.
- (Q) The public welfare: Is there a substantial relationship between the protection and advancement of the health, safety, morals and general welfare of Dundee and the zoning or land use classification you are recommending for the property in question? A recommendation to keep the zoning or land use the same, and therefore deny the request, still requires you to answer this question.
- (R) Comprehensive planning: Has the town undertaken a thorough study of all of the factors and conditions that influence the growth and development of Dundee, and developed a comprehensive plan that safeguards the wishes of the people and their general welfare? Has the comprehensive plan been adopted according to Florida Statutes, and how does it direct and guide the zoning or land use decision before you?
- (S) Need of the change: Has there been a significant change in the assumptions that underlie the comprehensive plan and the zoning map for Dundee, that would support the requested rezoning? Has there been a great deal of growth or has new infrastructure been extended to the property or has the petitioner presented a market analysis or other information that would change the planning conclusions supporting the present zoning district?
- (T) State concerns (level of service): This is another way of describing the system of infrastructure in the town. It refers not only to water, sewer, streets and drainage, but also to fire and police protection, recreation facilities, schools, garbage collection and disposal, health care, jails, and the condition of the natural



environment itself. What impact will the change in zoning or land use have on the current and future level of service of all of these systems and services?

- (U) Zoning and use of nearby property: What is the pattern of zoning of nearby property, and how does the pattern of the actual land use compare to the zoning? This knowledge is important in judging whether the comprehensive plan and the zoning map are reasonably consistent in accommodating development and in respecting the timing of development. Depending on the inconsistency of the two patterns, rezoning may be overdue, or early, and the comprehensive plan may require amending to keep things synchronized.
- (V) Substantial change in land use circumstances: Apart from paragraph (I), above, have there been significant changes in land use in the vicinity of the property requested for rezoning? Such changes are substantial if they include: widening of a street from two lanes to three or four lanes; a large expansion of an existing use like a new wing on the hospital or the doubling of an office complex; the completion of a subdivision that was only platted a few years ago; the construction of a new public facility like a park, fire station, or even a town hall; or any number of other examples. One such change may not be significant, but several would be.
- (W) Effect on property values: Has evidence been presented that the proposed rezoning will adversely affect the value of neighboring property? This information can be presented by either the petitioner or the opponents. And, has the petitioner presented any information that shows that the current zoning classification has devalued the property by removing some or all of its reasonable use?
- (X) Suitability: Is the land, the location and the amount of property suitable for the purposes for which it is zoned, or is the proposed rezoning or land use change better? This idea also requires an answer to a related question: Is the requested zoning or land use classification compatible with development on surrounding property, or can it be made so with the imposition of conditions, buffers or limitations on the uses within the zone? The answers to these questions should lead to a conclusion as to the appropriate use of the property.
- (Y) Time vacant: How long has the property been vacant under the present zoning classification, or a similar classification prior to its present one? This information should be compared to the rate of land development in the vicinity of the property and particularly in the conversion of vacant land to development in the same zoning district in other parts of the town.
- (Z) Gain versus hardship: This idea has only one interpretation and should be answered before you recommend denial. Is the public gain in maintaining the present zoning or land use classification so great that the hardship imposed on the property owner is justified?

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**PUBLIC HEARING MOTION OPTIONS:**

1. I move the Planning & Zoning Board **recommend approval to the Town Commission** of the request by Raysor Ventures, LLC to amend the Zoning classification for property located in the Town of Dundee from Polk County/NA to Moderate Density Single Family Residential (RSF-3) on approximately 24 +/- acres located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.
  
2. I move the Planning & Zoning Board **recommend approval with changes to the Town Commission** of the request by Raysor Ventures, LLC to amend the Zoning classification for property located in the Town of Dundee from Polk County/NA to Moderate Density Single Family Residential (RSF-3) on approximately 24 +/- acres located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.

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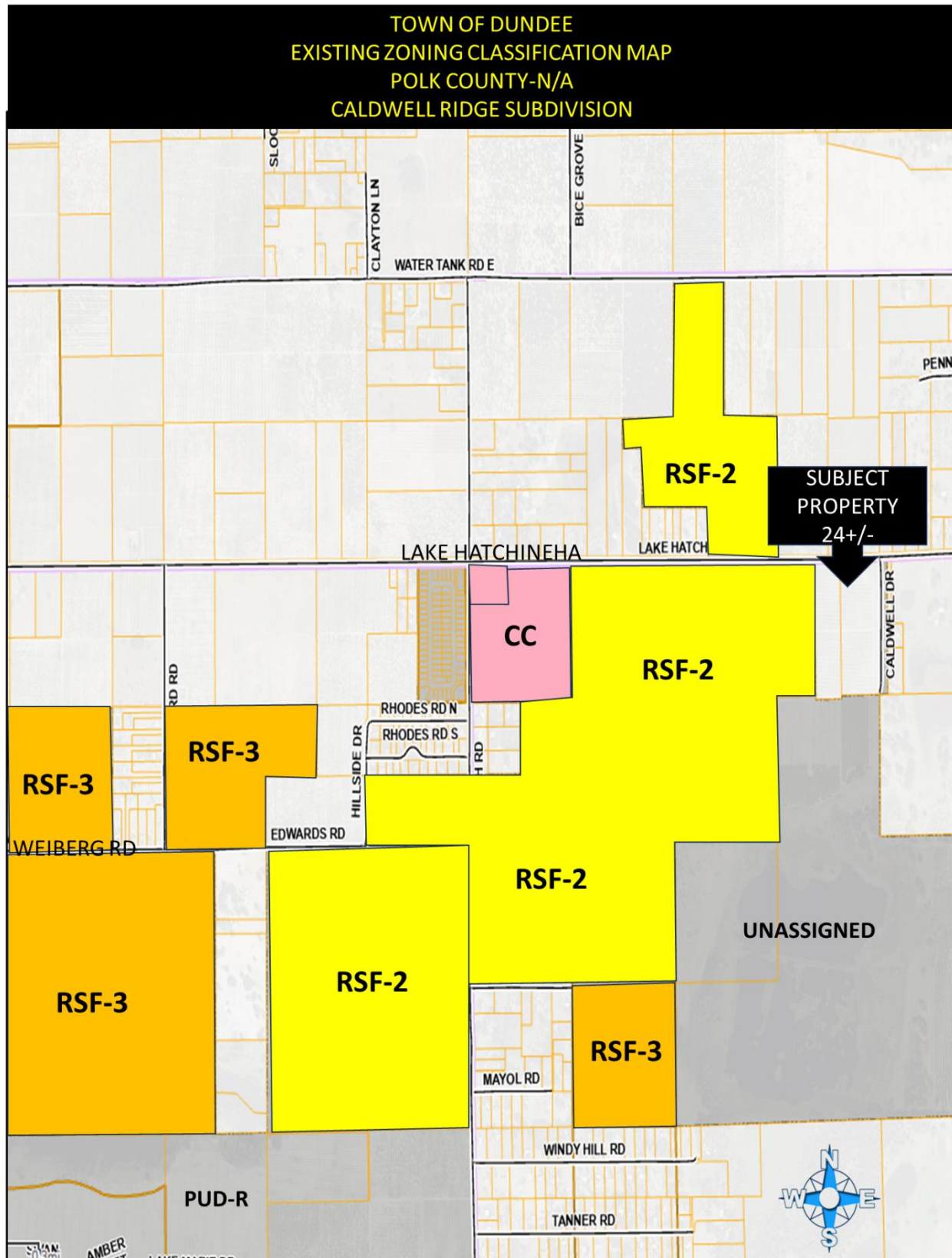
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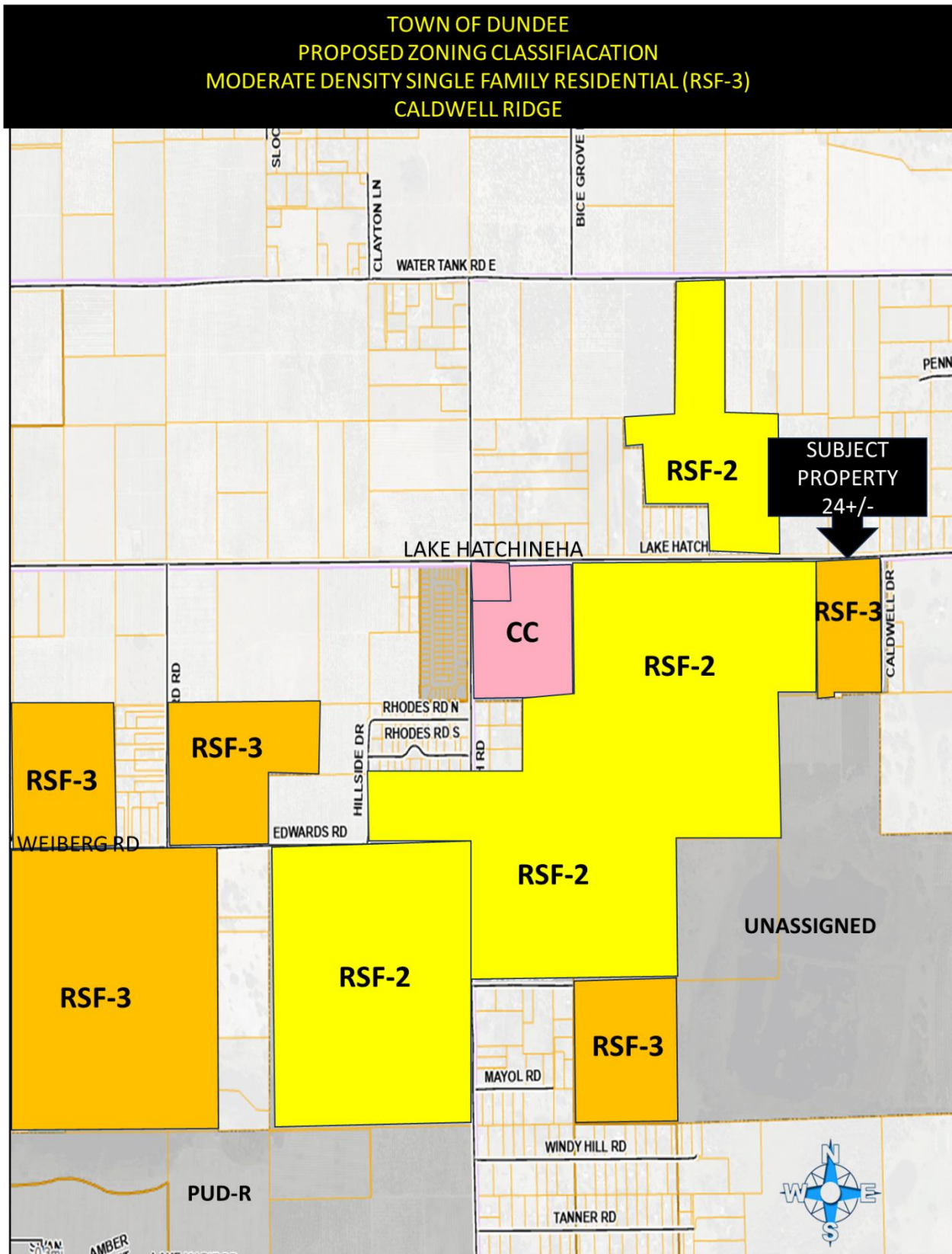
Attachments:

Aerial Photo  
Existing Zoning Map  
Proposed Zoning Map











CONCEPT PLAN

