

ORDINANCE NO. 25 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2025-17**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE DESIGNATION ON A TOTAL OF 7.95± ACRES, FROM RESIDENTIAL LOW (RL) TO NEIGHBORHOOD ACTIVITY CENTER (NAC) AND A TEXT AMENDMENT TO APPENDIX 2.135 PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS TO REFERENCE THAT THE PARCEL SUBJECT TO THIS CASE HAD DEVELOPMENT CONDITIONS IN APPENDIX E OF THE LAND DEVELOPMENT CODE (LDCT-2025-19). THE SUBJECT PROPERTY IS LOCATED EAST OF THE POLK PARKWAY (SR 570), NORTH SIDE OF BRADDOCK ROAD, WEST SIDE OF BERKLEY ROAD (SR 655), SOUTH OF GAPWAY ROAD AND ADJACENT TO THE CITY OF AUBURNDALE TO THE EAST, WITH AUBURNDALE IN CLOSE PROXIMITY TO THE NORTH, WEST AND SOUTH IN SECTION 28, TOWNSHIP 27, RANGE 25; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAS-2025-17 is an applicant-initiated application to change the future land designation of 7.95± acres from Residential Low (RL) in the Urban Growth Area (UGA), to Neighborhood Activity Center (NAC) in the Urban Growth Area (UGA) (the “Amendment”); and to add a new sub section to Section 2.135 (the “Amendment”); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the Amendment on November 5, 2025; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on December 16, 2025; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN MAP AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation on 7.95± acres from Residential Low (RL) to Neighborhood Activity Center (NAC) in the Urban Growth Area (UGA) on the parcels listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels included:

Tract 1 (252728-000000-043020)

The north 125.00 feet of the East 360 feet of the SE ¼ of the NW ¼ of the SW ¼ of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655 Containing 0.93 acres.

and

Tract 2 (252728-000000-043180)

The South 125.00 feet of the North 250.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655. Containing 0.93 acres.

and

Tract 3: (252728-000000-043190)

The South 125.00 feet of the North 375.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27, South Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655. Containing 0.93 acres.

and

Tract 4: (252728-000000-043200)

The East 200.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 375.00 feet thereof, Less road right-of-way for S.R. 655 and Braddock Road. Containing 0.96 acres.

and

Tract 5: (252728-000000-043210)

The West 160.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 375.00 feet thereof, less road right-of-way for Braddock Road. Containing 0.94 acres.

and

Tract 6: (252728-000000-043220)

The SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 400.00 feet thereof and less the East 460.00 feet thereof, less road right-of-way for Braddock Road. Containing 1.1 acres.

and

Tract 7: (252728-000000-043230)

The South 200.00 feet of the North 400.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the East 410.00 feet thereof.

and

The West 50.00 feet of the East 460.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 400.00 feet thereof and less road right-of-way for Braddock Road. Containing 1.4 acres.

and

Tract 8: (252728-000000-043240)

The North 200.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the East 360.00 feet thereof:

and

The West 50.00 feet of the East 410.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 200.00 feet thereof and less road right-of-way for Braddock Road. Containing 1.87 acres.

Less and except

A parcel of land lying in the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, Township 27 South, Range 25 East, less the road right of way for Braddock Road as recorded in Official Records Book 958, at Page 415, and Official Records Book 7565, at Page 109, of the Public Records of Polk County, Florida, being more particularly described as follows:

COMMENCE at a 4 inch by 4 inch concrete monument (broken) with a 1/2 inch iron rod bent marking the Southwest corner of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 00°12'09" West, along the West line of said Southwest one-quarter (S.W. 1/4), a distance of 1,311.41 feet to the Southwest corner of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 89°59'56" East, along the South line of said Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, a distance of 665.49 feet to a railroad spike marking the Southeast corner of the Southwest one-quarter (S.E. 1/4) of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 00°01'11" West, along the West line of said Southeast one-quarter (S.E. 1/4) of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, a distance of 25.00 feet to the POINT OF BEGINNING, being on the existing Northerly right of way line of Braddock Road (also known as Spring Road) per Official Record Book 872, Page 339 of the Public Records of Polk County, Florida; thence North 00°01'11" West, continuing along said West line, a distance of 68.56 feet; thence departing said East line, run South 89°54'17" East, a distance of 593.84 feet; thence North 44°38'36" East, a distance of 52.50 feet to the existing West right of way line of State Road No. 655 (Berkley Road) as recorded in said Official Records Book 7565, at Page 109; thence South 05°01'43" East, along said existing West right of way line, a distance of 79.93 feet; thence South 42°35'00" West, along said existing West right of way line, a distance of 34.36 feet to its intersection with the existing North right of way line of said Braddock Road; thence South 89°59'56" West, along said existing North right of way line, a distance of 614.46 feet to the POINT OF BEGINNING. Containing 1.005 acres, more or less.

Containing 7.95 acres, more or less.

SECTION 3: COMPREHENSIVE PLAN TEXT AMENDMENT

The text of Ordinance No. 92-36, as amended (the "Polk County Comprehensive Plan"), is hereby amended by changing Appendix 2.135 as shown in Attachment "B" of this Ordinance.

SECTION 4: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This ordinance shall be effective January 16, 2026 (31 days after adoption) unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a

Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

SECTION 6: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 16st day of December, 2025.

LDCPAS-2025-17

Land Use: RL to NAC (7.95± acres)

Location: The site is located on the north side of Braddock Road, west side of Berkley Road., south of Gapway Road and adjacent to the city of Auburndale to the east.

Section-28 Township-27 Range-25



Parcel Detail

Note: Not to Scale

ATTACHMENT “B”

Section 2.135-V – Development Guidelines for Parcel numbers: 252728-000000-043020, - 252728-000000-043180, 252728-000000-043190, 252728-000000-043200, 252728-000000-043210, 252728-000000-043230, 252728-000000-043230, 252728-000000-043240

OBJECTIVE 2.135-V; Through the adoption of LDCPAS-2025-17, this section of the plan enables this specific property to be developed with Neighborhood Activity Center (NAC) land uses in a limited fashion as established in the Polk County Land Development Code with conditions adopted into the Land Development Code through LDCT-2025-19. This agreement fulfills the objectives of the applicant and the County.

Policy 2.135-V1: DESIGNATION AND MAPPING – Land use for these parcels shall be designated and mapped on the Future Land Use Map Series as Neighborhood Activity Center (NAC) and include the same acreage as described in LDCPAS-2025-17.

Policy 2.135-V2: LOCATION CRITERIA – This section applies to the properties legally described as:

Tract 1 (252728-000000-043020)

The north 125.00 feet of the East 360 feet of the SE ¼ of the NW ¼ of the SW ¼ of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655 Containing 0.93 acres.

and

Tract 2 (252728-000000-043180)

The South 125.00 feet of the North 250.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655. Containing 0.93 acres.

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and

Tract 4: (252728-000000-043200)

The East 200.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 375.00 feet thereof, Less road right-of-way for S.R. 655 and Braddock Road. Containing 0.96 acres.

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and

The West 50.00 feet of the East 460.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 400.00 feet thereof and less road right-of-way for Braddock Road. Containing 1.4 acres.

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Tract 8: (252728-000000-043240)

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and

The West 50.00 feet of the East 410.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 200.00 feet thereof and less road right-of-way for Braddock Road. Containing 1.87 acres.

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28, a distance of 665.49 feet to a railroad spike marking the Southeast corner of the Southwest one-quarter (S.E. 1/4) of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 00°01'11" West, along the West line of said Southeast one-quarter (S.E. 1/4) of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, a distance of 25.00 feet to the POINT OF BEGINNING, being on the existing Northerly right of way line of Braddock Road (also known as Spring Road) per Official Record Book 872, Page 339 of the Public Records of Polk County, Florida; thence North 00°01'11" West, continuing along said West line, a distance of 68.56 feet; thence departing said East line, run South 89°54'17" East, a distance of 593.84 feet; thence North 44°38'36" East, a distance of 52.50 feet to the existing West right of way line of State Road No. 655 (Berkley Road) as recorded in said Official Records Book 7565, at Page 109; thence South 05°01'43" East, along said existing West right of way line, a distance of 79.93 feet; thence South 42°35'00" West, along said existing West right of way line, a distance of 34.36 feet to its intersection with the existing North right of way line of said Braddock Road; thence South 89°59'56" West, along said existing North right of way line, a distance of 614.46 feet to the POINT OF BEGINNING. Containing 1.005 acres, more or less.

Containing 7.95 acres, more or less.

POLICY 2.135-V3: DEVELOPMENT CRITERIA – Development within this NAC area shall conform to the criteria established in Section 2.110-D of this Comprehensive Plan as per the development standards adopted for these parcels in the Polk County Land Development Code.