

ORDINANCE No. 24 - ?

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2024-3**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 380 ACRES OF PHOSPHATE MINING (PM) INTO INDUSTRIAL (IND) IN THE RURAL DEVELOPMENT AREA (RDA). THE SUBJECT SITE IS LOCATED ON THE WEST SIDE OF STATE ROAD 37, NORTH OF COUNTY ROAD 640, SOUTH OF STATE ROAD 60, EAST OF NEW WALES ROAD, SOUTHWEST OF THE CITY OF MULBERRY IN SECTION 20, TOWNSHIP 30, RANGE 23; 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 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAL 2023-4 is an applicant-initiated application to change the future land use designation of 380 +/- acres from Phosphate Mining (PM) in the Rural Development Area (RDA) to Industrial (IND) in the Rural Development Area (RDA) (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, Amendment on June 5th, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on August 6th, 2024, held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, DEO, by letter dated _____, 2024 transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on October 1st, 2024; and

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

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

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 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 a 380 acre site from Phosphate Mining (PM) to Industrial (IND) in the Rural Development Area (RDA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels included:

233020-000000-014010

COMM AT NW COR OF SEC 20 RUN S 248.23FT TO POB RUN E 1112.55 FT S 57 DEG14'00"E 2921.77 FT RUN S 02 DEG 24'01"E392.31 FT RUN S 02 DEG 37'41"W 281.49 FTRUN S 01 DEG 25'49"E 1002.98 FT RUN S 01DEG 52'05"E 1792.87 FT TO S LN OF SEC 20RUN W 3130.59 FT RUN N 2982.07 FT RUN N35 DEG 17'01"W 838.57 FT TO W LN OF SEC20 RUN N 1391.67 FT TO POB LESS R/W FORCR S-640 & LESS THAT PT LYING WITHINFOLL: BEG NW COR OF SEC S00-01-21WALONG W LINE SEC 1639.89 FT S35-16-50E838.57 FT S00-48-10 E 2947.14 FT TO NLYR/W CR 640 N89-45-30E ALONG R/W 240.69FT N27-05-06E 690.10 FT N02-24-47W1416.56 FT N02-16-57W 962.77 FT N47-40-26W 371.12 N00-10-29W 510.23 FT N41-47-15E 454.64 FT N36-50- 38E 211.54 FT N46-04-17E 315.75 FT S68-38-44E 257.25 FTN41-39-37E 276.92 FT N57-13-49W 802.04FT N41-16-23E 228.73 FT N41-21-04E101.21 FT TO N LINE SEC W TO POB LESSALL PHOSPHATE INTEREST IN THAT PARTDESC IN OR 5188 PG 2210

233021-000000-042010

BEG AT SW COR SEC 21 RUN E 1450.35 FTTO CENTERLINE OF ANDERSON RD RUN N 03DEG 04'10"W ALONG SAID CENTERLINE1548.45 FT RUN S 88 DEG 39'42"W 233.71FT RUN W 765.64 FT TO BEG OF CURVE TOLEFT RUN SWLY ALONG SAID CURVE 116.43FT RUN S 35 DEG 25'09"W 74.23 FT TO BEGOF CURVE TO LEFT RUN SWLY ALONG SAIDCURVE 103 FT RUN S 20 DEG 51'08"E 71.94FT TO BEG OF CURVE TO RIGHT RUN SELYALONG SAID CURVE 100.41 FT RUN S 12 DEG11'01"W 90.71 FT RUN S 08 DEG 18'48"W313.80 FT RUN S 06 DEG 03'00"W 237.47 FTTO BEG OF CURVE TO RIGHT RUN SWLYALONG SAID CURVE 186.99 FT RUN S 69 DEG04'19"W 27.67 FT RUN N 82 DEG 23'20"W23.55 FT TO W LN OF SEC 21 RUN S 393.50FT TO POB LESS R/W FOR ANDERSON RD &LESS R/W FOR CR S-640

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THAT PT OF SW1/4 OF SEC LYING WLY OFANDERSON RD LESS NE1/4 OF NW1/4 OFSW1/4 & LESS BEG AT SW COR SEC 21 RUNE 1450.35 FT TO CENTERLINE OF ANDERSONRD RUN N 03 DEG 04'10"W ALONG SAIDCENTERLINE 1548.45 FT RUN S 88 DEG39'42"W 233.71 FT RUN W 765.64 FT TO BEGOF CURVE TO LEFT RUN SWLY ALONG SAIDCURVE 116.43 FT RUN S 35 DEG 25'09"W74.23 FT TO BEG OF CURVE TO LEFT RUNSWLY ALONG SAID CURVE 103 FT RUN S 20DEG 51'08"E 71.94 FT TO BEG OF CURVE TORIGHT RUN SELY ALONG SAID CURVE 100.41FT RUN S 12 DEG 11'01"W 90.71 FT RUN S08 DEG 18'48"W 313.80 FT RUN S 06 DEG03'00"W 237.47 FT TO BEG OF CURVE TORIGHT RUN SWLY ALONG SAID CURVE 186.99FT RUN S 69 DEG 04'19"W 27.67 FT RUN N82 DEG 23'20"W 23.55 FT TO W LN OF SEC21 RUN S 393.50 FT TO POB LESS R/W FORANDERSON RD & LESS R/W FOR CR S-640

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THAT PT OF SECTIONS 17 & 20 DESC AS:COMM AT NW COR OF SEC 20 RUN S 248.23FT RUN E 1112.55 FT TO POB RUN S 57 DEG14'00"E 2921.77 FT RUN S 02 DEG 24'01"E392.31 FT RUN S 02 DEG 37'41"W 281.49 FTRUN S 01 DEG 25'49"E 1002.98 FT RUN S 01DEG 52'05"E 1792.87 FT TO S LN OF SEC 20RUN E ALONG S LN OF SEC 20 TO SE COR OFSAID SEC RUN N ALONG E BDRY OF SEC TONE COR OF SEC 20 RUN S 89 DEG 46'02"W245.38 FT ALONG N BDRY SEC 20 RUN S 44DEG 57'34"W 361.82 FT RUN S 41 DEG36'36"W 847.31 FT RUN N 33 DEG 13'49"W302.85 FT RUN N 30 DEG 58'14"E 98.06 FTRUN N 66 DEG 40'25"W 462.76 FT RUN N 47DEG 13'09"W 210.19 FT RUN N 56 DEG31'34"W 955.68 FT RUN N 64 DEG 40'44"W275.38 FT RUN N 57 DEG 52'59"W 485.92 FTRUN N 80 DEG 26'17"W 155.49 FT RUN S 37DEG 19'35"W 194.75 FT RUN S 40 DEG20'53"W 840.23 FT RUN S 41 DEG 16'12"W228.73 FT TO POB LESS R/W FOR SR S-640 &LESS PHOSPHATE INTEREST IN SEC 20 ASDESC IN OR 5188 PG 2210

SECTION 3: 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 4: EFFECTIVE DATE

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

SECTION 5: 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.

