

**ORDINANCE NO. 24 - \_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAL-2023-10**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE DESIGNATION ON A TOTAL OF 101.0± ACRES, OF WHICH 60.5± ACRES FROM RESIDENTIAL LOW (RL) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA), AND 40.5± ACRES FROM AGRICULTURAL/RESIDENTIAL RURAL (A/RR) IN THE RURAL DEVELOPMENT AREA (RDA) TO BUSINESS PARK CENTER (BPC) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) AND RURAL DEVELOPMENT AREA (RDA) AND A TEXT AMENDMENT TO APPENDIX 2.135 PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS TO REFERENCE THAT THE PARCELS SUBJECT TO THIS CASE HAS DEVELOPMENT CONDITIONS IN APPENDIX E OF THE LAND DEVELOPMENT CODE (LDCT-2023-23). THIS CASE IS ALSO RELATED TO LDCD-2023-13. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF SWINDELL ROAD, EAST OF N. ALDERMAN RD., SOUTH OF MUSKET DRIVE, AND WEST OF SWINDELL ROAD, NORTH OF LAKELAND CITY LIMITS, IN SECTION 18, TOWNSHIP 28 AND 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-2023-10 is an applicant-initiated application to change the future land designation of 101.0± acres from Residential Low (RL) in the Transit Supportive Development Area (TSDA), and Agricultural/Residential Rural (A/RR) in the Rural Development Area (RDA) to Business Park Center (BPC) in the Transit Supportive Development Area (TSDA) and Rural Development Area (RDA) (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 July 10, 2024; and

**WHEREAS**, pursuant to Section 163.3184, FS, the Board of County Commissioners on August 6, 2024, held an initial public hearing and authorized transmittal of the Amendment to the Florida Commerce for written comment, and

**WHEREAS, FLORIDA COMMERCE**, 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 1, 2024; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during said public hearings, 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 101.0± acres from Residential Low (RL) in the Transit Supportive Development Area (TSDA), and Agricultural/Residential Rural (A/RR) in the Rural Development Area (RDA) to Business Park Center (BPC) in the Transit Supportive Development Area (TSDA) and Rural Development Area (RDA) on the parcels listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels included (portion of):

232818-000000-014010, 232818-086500-012000, and 232818-087000-000701

Legally described as:

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:  
For a POINT OF REFERENCE commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence S.89°36'20"W., along the North line of the South 1/2 of the Northeast 1/4 of said Section 18, a distance of 1,318.75 feet for a POINT OF BEGINNING; thence S.00°02'23"E., a distance of 3,121.55 feet; thence S.89°55'34"W., a distance of 949.87 feet; thence S.00°04'46"W., a distance of 833.44 feet to the Northerly maintained right-of-way line of Swindell Road; thence along said Northerly right-of-way line the following four (4) courses: (1) N.89°44'36"W., a distance of 32.03 feet; (2) S.89°52'25"W., a distance of 100.00 feet; (3) S.89°35'14"W., a distance of 100.00 feet; (4) N.89°22'54"W., a distance of 95.80 feet to the Easterly maintained right-of-way line of Alderman Road; thence along said Easterly maintained right-of-way line the following three (3) courses: (1) N.11°08'53"W., a distance of 176.17 feet; (2) N.00°21'10"E., a distance of 1,125.29 feet; (3) N.00°00'53"E., a distance of 1,324.90 feet; thence S.89°40'48"W., a distance of 24.69 feet to the West line of the Northeast 1/4 of said Section 18; thence N.00°01'04"E., along said West line, a distance of 1,323.97 feet to the aforementioned North line of the South 1/2 of the Northeast 1/4 of said Section 18; thence N.89°36'20"E., along said North line, a distance of 1,327.79 feet to the POINT OF BEGINNING.

## **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**

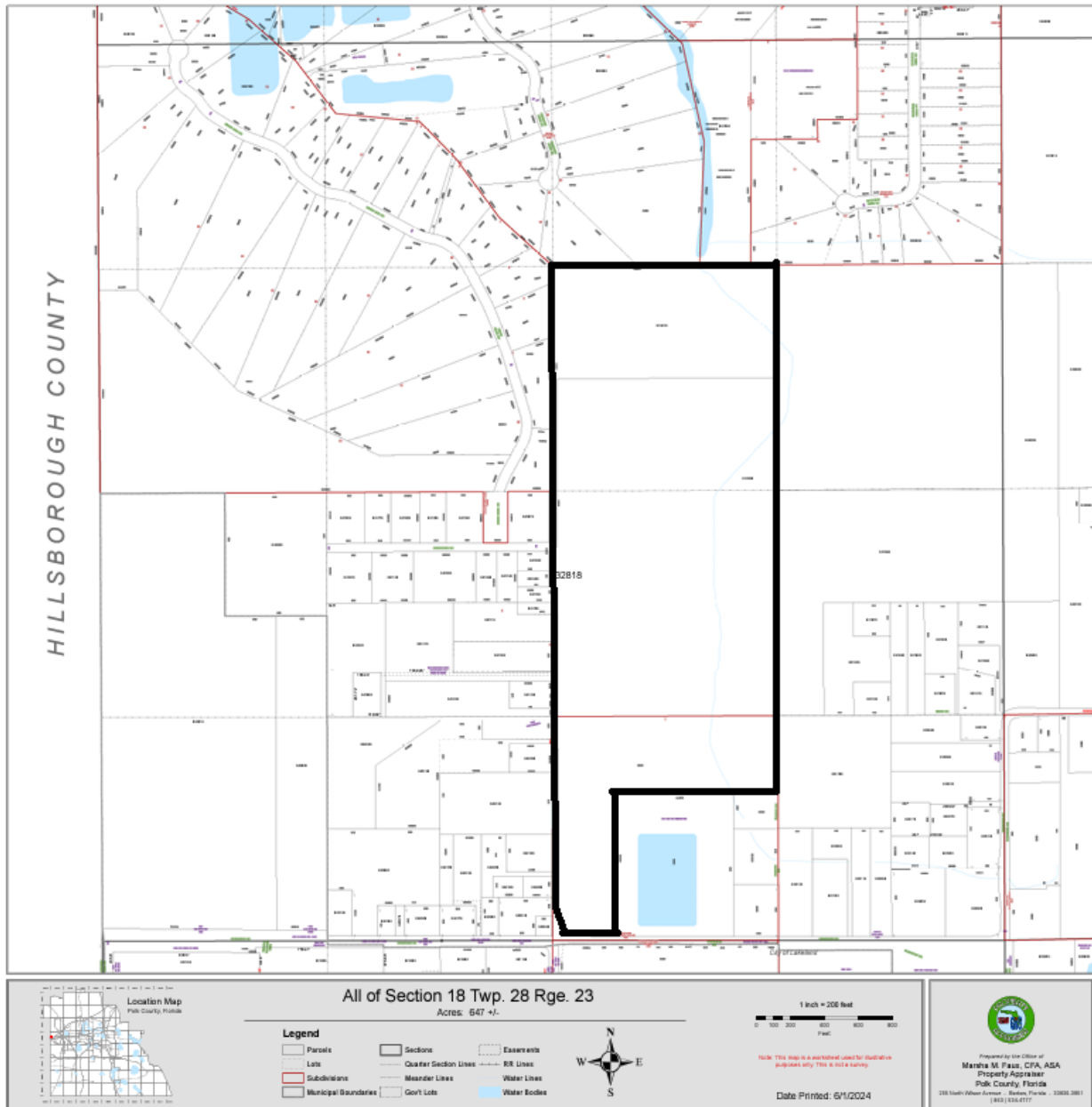
This ordinance shall be effective 31 days after the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes effective on the date the state land planning agency or the Administration Commission enters a final order 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.

#### **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 1<sup>st</sup> day of October, 2024.

**LDCPA-2023-10**  
**Land Use: A/RR and RL to BPC (101.0± acres)**  
**Location:** The site is located on the north side of Swindell Road, east of N. Alderman Rd., south of Musket Drive, and west of Swindell Road, north of Lakeland city limits.  
**Section-18 Township-28 Range-23**



**Parcel Detail**  
 Note: Not to Scale

ATTACHMENT "B"

**Section 2.135-R – Development Guidelines for Parcel numbers 232818-000000-014010, 232818-000000-012000, 232818-087000-000701, and 232818-000000-021090**

**OBJECTIVE 2.135-R; Through the adoption of LDCPAL-2023-10, this section of the plan enables this specific property to be developed with Business Park Center (BPC), Residential Low, and Agricultural Residential Rural (A/RR) 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-2023-23. This agreement fulfills the objectives of the applicant and the County.**

**Policy 2.135-R1: DESIGNATION AND MAPPING – Land use for these parcels shall be designated and mapped on the Future Land Use Map Series as Business Park Center (BPC), Residential Low, and Agricultural Residential Rural (A/RR) and include more acreage than that described in LDCPAL-2023-10.**

**Policy 2.135-R2: LOCATION CRITERIA – This section applies to the properties legally described as:**

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence S.00°11'50"E., along the East line of the Northeast 1/4 of said Section 18, a distance of 1,327.39 feet to the Northeast corner of the Southeast 1/4 of said Section 18; thence S.00°16'11"E., along the East line of the Southeast 1/4 of said Section 18, a distance of 666.63 feet; thence S.89°46'39"W., a distance of 1,059.48 feet; thence S.00°11'25"E., a distance of 664.22 feet; thence S.89°45'05"W., a distance of 267.33 feet; thence S.00°02'23"E., a distance of 467.13 feet; thence S.89°55'34"W., a distance of 949.87 feet; thence S.00°04'46"W., a distance of 833.44 feet to the Northerly maintained right-of-way line of Swindell Road; thence along said Northerly right-of-way line the following four (4) courses: (1) N.89°44'36"W., a distance of 32.03 feet; (2) S.89°52'25"W., a distance of 100.00 feet; (3) S.89°35'14"W., a distance of 100.00 feet; (4) N.89°22'54"W., a distance of 95.80 feet to the Easterly maintained right-of-way line of Alderman Road; thence along said Easterly right-of-way line the following three (3) courses: (1) N.11°08'53"W., a distance of 176.17 feet; (2) N.00°21'10"E., a distance of 1,125.29 feet; (3) N.00°00'53"E., a distance of 1,324.90 feet; thence S.89°40'48"W., a distance of 24.69 feet to the West line of the Northeast 1/4 of said Section 18; thence N.00°01'04"E., along said West line, a distance of 1,323.97 feet to the North line of the South 1/2 of the Northeast 1/4 of said Section 18; thence N.89°36'20"E., along said North line, a distance of 2,646.54 feet to the POINT OF BEGINNING.

Containing 165.484 acres, more or less.

**POLICY 2.135-R3: DEVELOPMENT CRITERIA – Development within this BPC area shall conform to the criteria established in Section 2.113-B of this Comprehensive Plan as per the development standards adopted for these parcels in the Polk County Land Development Code.**