

ORDINANCE NO. 24 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2023-11**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 7.48 +/- ACRES FROM PRESERVATION-X (PRES-X) TO COMMUNITY ACTIVITY CENTER-X (CAC-X), LOCATED ON THE EAST SIDE OF US HWY 17/92, SOUTH OF RONALD REAGAN PARKWAY, NORTH OF EARNIE CALDWELL BOULEVARD, NORTHEAST OF DAVENPORT CITY LIMITS, IN SECTION 12, TOWNSHIP 26 AND RANGE 27; AND SECTION 07, TOWNSHIP 26 AND RANGE 28, 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, 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 proposed Plan revisions on February 7, 2024; 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 March 19, 2024; 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: 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 District of portions of parcels 272612-702500-011010, 272612-702500-012000, 272612-702500-013000 and as legally described below and graphically depicted as referenced in Attachment “A” of this ordinance, from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X) in the Urban Growth Area (UGA), legally described as:

LEGAL DESCRIPTION:

Lots 1 through 8, Block K; and a portion of Blocks L and M; TOGETHER WITH the vacated portions of Bay Street; all as described and recorded on the plat of ROY A. MILLER's SUBDIVISION AT LOUGHMAN, FLA.; TOGETHER WITH a portion of unnamed right-of-way as recorded on the plat of CAPT. DAVID BURNS SUBDIVISION, as recorded in Plat Book 4, Page 34, Public Records of Polk County, Florida; all being situated in Section 12, Township 26 South, Range 27 East and in Section 7, Township 26 South, Range 28 East, Polk County, Florida, being described as follows:

Commence at the northeast corner of Tract B, DRA YTON-PRESTON WOODS AT PROVIDENCE - PHASE 2, according to the plat thereof as recorded in Plat Book 161, Pages 35 through 40, Public Records of Polk County, Florida; thence run westerly along the northerly line of said Tract B, the following five (5) courses and distances: run N 86°22'00" W, a distance of 1,040.22 feet; thence run S 78°45'54" W, a distance of 60.00 feet; thence run S 70°06'06" W, a distance of 1138.27 feet; thence run S 81°58'38" W, a distance of 259.22 feet; thence run S 78°59'45" W, a distance of 35.94 feet to a point on the centerline of the aforesaid unnamed right-of-way as recorded on the plat of CAPT. DAVID BURNS SUBDIVISION; said right-of-way vacated pursuant to Official Records Book 5220, Page 1447 and Official Records Book 5235, Page 645, Public Records of Polk County, Florida; thence run N 54°50'49" W, along said centerline, a distance of 73.62 feet to a point on the centerline of Bay Street, said right-of-way vacated pursuant to Official Records Book 5220, Page 1447 and Official Records Book 5235, Page 645, Public Records of Polk County, Florida; thence run N 28°53'06" E, a distance of 741.74 feet to a point being the intersection with the southeasterly extension of Lot 13; thence run N 61°06'54" W, along the southwesterly line of said Lot 13 and the southeasterly extension thereof, a distance of 290.50 feet to the southeast corner of Tract 0-3, according to the plat of POINCIANA PARKWAY - POLK COUNTY PORTION, as recorded in Plat Book 154, Pages 43 through 48, Public Records of Polk county, Florida; thence run northerly along the easterly line of said Tract 0-3 the following three (3) courses and distances: run N 28°53'06" E, a distance of 595.90 feet to the POINT OF BEGINNING; thence continue N 28°53'06" E, a

distance of 668.91 feet; thence run N 78°40'41" E, a distance of 39.29 feet to a point on the southwesterly line of Tract 0-4, POINCIANA PARKWAY - POLK COUNTY PORTION; said point being a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 5,808.00 feet; thence, on a chord bearing of S 53°07' 48" E and a chord distance of 294.22 feet, run southeasterly along the arc of said curve, a distance of 294.25 feet, through a central angle of 02°54'10" to a point of reverse curvature of a curve, having a radius of 5,652.00 feet and a central angle of 01°50'04"; thence run southeasterly along the arc of said curve, a distance of 180.97 feet to a point on a non-radial line; said point being a point on the southwesterly right-of-way line of Kinney Harmon Road, as recorded in Official Records Book 6161, Page 570, Public Records of Polk county, Florida; thence run S 50°14'24" E, along said southwesterly right-of-way line, a distance 188.93 feet to the easterly line of a wetland area; thence departing said southwesterly right-of-way line, run along the easterly line of said wetland area the following eight (8) courses: thence run S 39°06'09" W, a distance of 70.35 feet; thence run S 7°07'30" W, a distance of 104.31 feet; thence run N 86°28'46" W, a distance of 103.82 feet; thence N 90°00'00" W, a distance of 90.63 feet; thence N 78°38'53" W, a distance of 33.02 feet; thence N 59°01'11" W, a distance of 75.52 feet; thence N 90°00'00" W, a distance of 110.06 feet; thence S 19°34'00" W, a distance of 274.93 feet; thence departing said easterly line N 63°26'06" W, a distance of 114.56 feet; thence N 61°53'47" W, a distance of 266.11 feet to the POINT OF BEGINNING.

Said parcel containing 7.48 acres, more or less

SECTION 2: 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 3: EFFECTIVE DATE

This ordinance shall be effective on April 19, 2024 (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 4: 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 19th day of March 2024.

