

ORDINANCE NO. 2024 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAL-2023-11**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE DESIGNATION FROM PROFESSIONAL INSTITUTIONAL-X (PIX) TO EMPLOYMENT CENTER-X (ECX) ON 26.69 +/- ACRES IN THE NORTH RIDGE SELECTED AREA PLAN (SAP), IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN AND THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) AND AMEND POLICY 2.131-Q4, M, C, (A) TO DELETE THE NEW DRIVEWAY ACCESS PROHIBITION TO US 27. THE SUBJECT SITE IS LOCATED SOUTH OF HOLY HILL GROVE ROAD 1, WEST OF US 27, NORTH OF SAND HILL ROAD AND EAST OF FDC GROVE ROAD AND EAST AND NORTH OF THE CITY OF HAINES CITY AND NORTH OF DAVENPORT, IN SECTION 30, TOWNSHIP 26, RANGE 27; 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-2023-11 is an Applicant-initiated request to change the Future Land Use designation on approximately 29.69 +/- acres in the North Ridge Selected Area Plan (SAP), in the Green Swamp Area of Critical State Concern and the Transit Supportive Development Area (TSDA) and amend Policy 2.131-Q4, M, c, (a) to delete the new driveway access prohibition to US 27 (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 March 6, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on May 7, 2024, held an initial public hearing and authorized transmittal of the Amendment to the Florida Department of Commerce (Florida Commerce) for written comment, and

WHEREAS, Florida Commerce, by letter dated July 17, 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 September 3, 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 Comprehensive Plan of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect the Future Land Use designation change from Professional Institutional-X (PIX) to Employment Center-X (ECX) for the property legally described below and displayed in Attachment “A” and amending Policy 2.131-Q4, M, c, (a) to delete the new driveway access prohibition to US 27 as displayed in Attachment “B”.

Legal Description: (PER TITLE COMMITMENT NO. 22000031164)

PARCEL 1:

TRACT SEVEN (7) IN THE NORTHEAST QUARTER (NE-1/4) OF SECTION THIRTY (30), TOWNSHIP 26 SOUTH, RANGE 27 EAST, AS PER SUBDIVISION OF HOLLY HILL GROVE & FRUIT CO., BEING IN THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION THIRTY (30), TOWNSHIP 26 SOUTH, RANGE 27 EAST, CONTAINING FIVE (5) ACRES, MORE OR LESS. PLAT BOOK 17, PAGE 40

AND

TRACT EIGHT (8) ACCORDING TO THE PLAT OF HOLL HILL GROVE & FRUIT CO. SUBDIVISION, RECORDD IN PLAT BOOK 17, PAGE 40, POLK COUNTY, FLORIDA, LYING IN THE NE-1/4 OF NE-1/4 OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, LESS THE EAST 47.6 FEET THEREOF AS CONVEYED BY ORREA F. PYE TO THE STATE OF FLORIDA UNDER DEED DATED NOVEMBER 16, 1948, RECORDED IN DEED BOOK 844, PAGE 315, POLK COUNTY, FLORIDA, AS RIGHT-OF-WAY FOR STATE ROAD 25 (U.S. HIGHWAY 27).

AND

TRACTS NINE (9) AND TEN (10) IN THE NE-1/4 OF NE-1/4 OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ACCORDING TO THE PLAT OF HOLLY HILL GROVE & FRUIT COMPANY SUBDIVISION RECORD IN PLAT BOOK 17, PAGE 40, POLK COUNTY, FLORIDA; SUBJECT TO EXISTING RIGHT-OF-WAY AS NOW IN USE FOR U.S. HIGHWAY 27 ALONG THE EAST SIDE THEREOF AND FOR COUNTY ROAD ALONG THE SOUTH SIDE THEREOF; AND SUBJECT TO RIGHTS GRANTED TO HOLLY HILL FRUIT PRODUCTS, INCORPORATED, WELL AND PUMP HOUSE ON 25-FOOT SQUARE IN SOUTHEAST CORNER OF SAID TRACT 10 UNDER DEED FROM C.M. HUGHES DATED FEBRUARY 3, 1950, DEED BOOK 875, PAGE 413,

POLK COUNTY, FLORIDA. (THE LAND DESCRIBED ABOVE CONTAINS APPROXIMATELY 9 ACRES.)

AND

TRACT ELEVEN (11) IN THE NE – ¼ OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, HOLLY HILL GROVE ROAD & FRUIT CO., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 40, POLK COUNTY, FLORIDA BEING THE E-1/2 OF SW-1/4 OF THE NE-1/4 OF NE-1/4 OF SAID SECTION 30.

AND

TRACT TWELVE (12), ACCORDING TO THE PLAT OF HOLLY HILL GROVE & FRUIT CO. SUBDIVISION, RECORDED IN PLAT BOOK 17, PAGE 40, POLK COUNTY, FLORIDA, LYING IN THE NE-1/4 OF NE-1/4 OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

AND

THE SE-1/4 OF NE-1/4 OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, LESS THE SOUTH 264 FEET THEREOF AND LESS HIGHWAY 27 RIGHT-OF-WAY.

TOGETHER WITH THE IRRIGATION SYSTEM AND THE 2010/2011 CITRUS FRUIT CROP LOCATED ON THE PROPERTY.

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.

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.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 3rd day of September 2024.

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

ATTACHMENT "B"

2.131-Q4, M. c. Employment Centers DEVELOPMENT CRITERIA - Development within an ECX shall conform to the following criteria:

- (a) Access to parcels shall be by an internal road system, frontage roads, cross-access easements, shared ingress/egress access easements, or some combination of these. ~~No new individual driveways shall be permitted to access US 27.~~
- (b) Different uses shall incorporate the use of shared ingress/egress facilities wherever practical.
- (c) Parking shall be provided to meet the needs of the uses in an efficient manner that best suits the community collectively through optional methods such shared parking and permeable surface parking design.
- (d) Interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- (e) Buffering that meets the County development standards as set forth in the adopted code shall be provided where effects of lighting, noise, odors, and other such factors would adversely impact adjacent land uses.
- (f) Residential development, as a primary use will be permitted in up to 15% of the ECX designation at Medium and High Densities. Location of residential units above non-residential shall be encouraged by not considering such units against the maximum residential densities. Residential development in excess of the 15% ECX designation may be permitted through a Planned Development. Alternatively, residential development may exceed the 15% ECX designation and be permitted a maximum density of 25 dwelling units per acre through a technical review performed by the Development Review Committee if the development provides parallel connector(s) between two or more roads intersecting with US 27 that connect residential and commercial development along the US 27 corridor, consistent with Policy 2.131-W4.
- (g) Industrial uses which include at least fifty percent (50%) office space, assemble products, and conduct research and development, but do not manufacture any products.
- (h) The FAR shall be 0.70. Higher FARs will be allowed through bonus points per the Land Development Code for a total of 2.0.
- (i) Retail and commercial uses are limited to 30 percent of the ECX district. A higher percentage of the limited 30 percent of retail and commercial uses shall be permitted through a Planned Development. The maximum floor area ratio for commercial uses shall be 1.0.
- (j) All development, when it is feasible, shall take advantage of any mass-transit facilities.