

ORDINANCE NO. 2024 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAL-2023-5**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 82.21+/- ACRES FROM RESIDENTIAL LOW - X (RLX) TO 80.26+/- ACRES OF RECREATION AND OPEN SPACE – X (ROSX) AND 1.95+/- ACRES OF INSTITUTIONAL-X (INSTX) LOCATED EAST OF U.S. HIGHWAY 27, SOUTH OF INTERNATIONAL BASS BOULEVARD, NORTH OF FLORENCE VILLA GROVE ROAD, WEST OF THE OSCEOLA COUNTY LINE, SOUTH OF CLERMONT, NORTH OF HAINES CITY AND THE CITY OF DAVENPORT IN SECTION 12, TOWNSHIP 25, AND RANGE 26.; 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 2023-5 is a County-initiated application to change the future land use designation of 82.21+/- acres from Residential Low - X (RLX) to 80.26+/- acres of Recreation And Open Space – X (ROSX) and 1.95+/- acres of Institutional-X (INSTX) in the North U.S. Highway 27 Selected Area Plan and in the Transit Supportive Development Area (TSDA), (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 September 6, 2023; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on November 7, 2023, held an initial public hearing and authorized transmittal of the Amendment to the Florida Department of Commerce (Florida Commerce) for written comment, and

WHEREAS, **DEO**, by letter dated **December ??, 2023**, 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 January 2, 2023; 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 80.26 +/- acres from Residential Low-X (RLX) to Recreation Open Space-X (ROSX), on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels:

**262512-000000-014010,
262512-000000-011120,
262512-000000-011130, and
262512-000000-011140.**

Described to follow.

Lot No. 13 described as:

Commencing 780 feet East of N $\frac{1}{4}$ Corner Section 12, Township 25 South, Range 26 East; thence S $26^{\circ}16'$ W, 661.8 feet; thence S $21^{\circ}52'$ E, 940 feet; thence S $39^{\circ}55'$ E, 45 feet for a Point of Beginning; thence S $39^{\circ}55'$ E, 130 feet; thence Northeasterly to Northeast Corner Section 12; thence Southwesterly to Point of Beginning;

AND

Lot No. 14 described as:

Commencing 780 feet East of North $\frac{1}{4}$ corner Section 12, Township 25 South, Range 26 East; thence S $26^{\circ}16'$ West, 661.8 feet; South $21^{\circ}52'$ E, 940 feet; thence S $39^{\circ}55'$ E, 175 feet for a Point of Beginning; thence S $39^{\circ}55'$ E, 133 feet; thence Northeasterly to Northeast Corner Section 12; thence Southwesterly to Point of Beginning;

AND

Lot No. 15 described as:

Commence at a point 780 feet East of the North $\frac{1}{4}$ Corner of Section 12, Township 25 South, Range 26 East; thence South $26^{\circ}16'$ West, 661.8 feet; thence South $21^{\circ}52'$ East, 940 feet; thence South $39^{\circ}55'$ East, 308 feet for a Point of Beginning; thence South $39^{\circ}55'$ East, 137 feet; thence Northeasterly to the Northeast corner of Section 12, thence Southwesterly to the Point of Beginning, Polk County, Florida.

AND

Lot No. 16 described as:

Commence at a point 780 feet East of the North $\frac{1}{4}$ Corner of Section 12, Township 25 South, Range 26 East, thence South $26^{\circ}16'$ West, 661.8 feet; thence South $21^{\circ}52'$ East, 940 feet; thence South $39^{\circ}55'$ East, 445 feet for a Point of Beginning, thence South $39^{\circ}55'$ East, 141 feet, thence Northeasterly to the Northeast Corner of Section 12; thence Southwesterly to the Point of Beginning, Polk County, Florida.

AND

The Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 25 South, Range 26 East; AND All that part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 25 South, Range 26 East, lying East of Federal Highway #27.

AND

Beginning at the Northwest Corner of Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 12, Township 25 South, Range 26 East, thence East 789.85 feet; thence at an angle of $67^{\circ}58'$ to the Right, 140 feet; thence at an angle of $18^{\circ}03'$ to the Left, 749.65 feet to a point in the East line of said Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$, thence South 635 feet to the Southeast Corner of said Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$; thence West to the Southwest Corner of said Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$; thence North to Point of Beginning.

AND

LESS AND EXCEPT COMMENCE AT THE NORTHWEST CORNER OF LAKE DAVENPORT ESTATES WEST, PHASE ONE AS RECORDED IN PLAT BOOK 96, PAGES 35 - 38, OF SAID PUBLIC RECORDS, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF UNITED STATES HIGHWAY 27 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 16180-2510; THENCE NORTH $89^{\circ}34'28''$ EAST, ALONG THE NORTH LINE OF SAID LAKE DAVENPORT ESTATES 25.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH $89^{\circ}34'28''$ EAST, 4.36 FEET; THENCE NORTH $48^{\circ}05'07''$ WEST, 3.22 FEET; THENCE SOUTH $41^{\circ}54'53''$ WEST, 2.93 FEET TO THE POINT OF BEGINNING. CONTAINING 5 SQUARE FEET MORE OR LESS.

Less and Except

COMM SE COR OF LAKESIDE AT BASS LAKE SUBD PB 99 PG 35 S89-32-24W ALONG S LINE OF SAID LAKESIDE AT BASS LAKE SUBD 1094 FT TO SE COR OF INTERNATIONAL BASS LAKE RESORT PH ONE SUBD PB 87 PG 16 CONT S89-32-24W ALONG S LINE OF SAID INTERNATIONAL BASS LAKE RESORT PH ONE 836.83 FTS00-

27-36E 60 FT TO POB S00-27-36E 250 FT S89-32-24W 340 FT N00-27-36W 250 FT N89-32-24E 340 FT TO POB

Containing 80.26 Acres, more or less.

SECTION 3: 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 1.95 +/- acres from Residential Low-X (RLX) to Institutional-X (INSTX), on the parcel listed below and graphically depicted on the parcel map in Attachment “B”.

Parcel: 262512-000000-032010 described as:

COMM SE COR OF LAKESIDE AT BASS LAKE SUBD PB 99 PG 35 S89-32-24W ALONG S LINE OF SAID LAKESIDE AT BASS LAKE SUBD 1094 FT TO SE COR OF INTERNATIONAL BASS LAKE RESORT PH ONE SUBD PB 87 PG 16 CONT S89-32-24W ALONG S LINE OF SAID INTERNATIONAL BASS LAKE RESORT PH ONE 836.83 FTS00-27-36E 60 FT TO POB S00-27-36E 250 FT S89-32-24W 340 FT N00-27-36W 250 FT N89-32-24E 340 FT TO POB

Containing 1.95 Acres, more or less.

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

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Florida Department of Commerce (Florida Commerce) 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 Florida Department of Commerce (Florida Commerce).

SECTION 6: FILING WITH THE DEPARTMENT OF STATE:

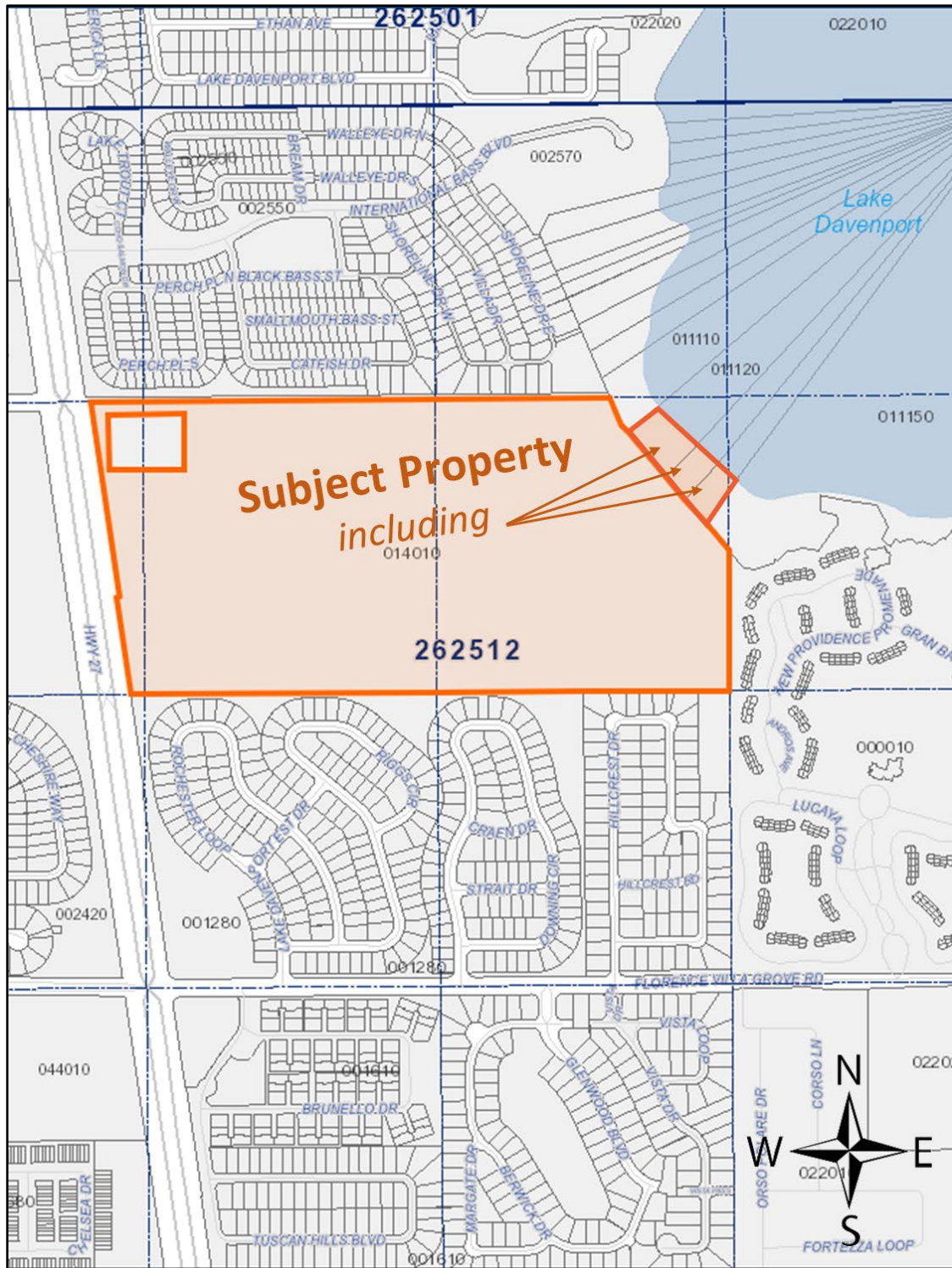
The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 9th day of January 2024.

LDCPAL-2023-5

Future Land Use: From RLX to ROSX on 80.26+/- Acres

Location: East of U.S. Highway 27, south of International Bass Boulevard, north of Florenceville Grove Road, west of the Osceola County Line, South of Claremont, North of Haines City of the city of Davenport in **Section 12, Township 25, and Range 26.**



PARCEL DETAIL

Note: Not to Scale

LDCPAL-2023-5

Future Land Use: From RLX to INSTX on 1.95+/- Acres

Location: East of U.S. Highway 27, south of International Bass Boulevard, north of Florenceville Grove Road, west of the Osceola County Line, South of Claremont, North of Haines City and the city of Davenport in **Section 12, Township 25, and Range 26.**



PARCEL DETAIL

Note: Not to Scale