

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

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF LDCD-2024-3, AN AMENDMENT TO THE POLK COUNTY LAND DEVELOPMENT CODE SUB-DISTRICT MAP (ORDINANCE 01-69), AS AMENDED; AMENDING THE SUB-DISTRICT MAP TO CHANGE 2.55 +/- ACRES FROM BUSINESS PARK CENTER-1 (BPC-1) TO BUSINESS PARK CENTER-2 (BPC-2) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA), AT 4815 NEW TAMPA HIGHWAY (US-92), WEST OF GALLOWAY ROAD, EAST OF KRAFT ROAD, NORTH OF OLD TAMPA HIGHWAY, SOUTH OF I-4, NORTH AND WEST OF THE CITY OF LAKE LAND IN SECTION 20, TOWNSHIP 28, 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 Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; (the “LDC”) and

**WHEREAS**, the Board of County Commissioners adopted a LDC Sub-district Map on September 26, 2001; and

**WHEREAS**, Chapter 9, Section 903 of the LDC provides the approval process for amending the LDC Sub-district Map as a Level 4 Review; and

**WHEREAS**, LDCD-2024-3 is an applicant-initiated application (the “Application”) to amend the LDC Sub-district maps to change +/- 2.55 acres from Business Park Center-1 (BPC-1) to Business Park Center-2 (BPC-2); and

**WHEREAS**, pursuant to Section 163.3174 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Sub-district Map Amendment on July 10, 2024; and

**WHEREAS**, pursuant to Section 125.66 of the Florida Statutes, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Land Development Code Sub-district Map Amendment on August 6, 2024; and

**WHEREAS**, the Board reviewed and considered all comments received during said public hearing, the Planning Commission's recommendation, the staff report, and provided for necessary revisions, if any; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

**SECTION 1: FINDINGS** The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on July 10, 2024, to consider the LDC Sub-district map amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Sub-district Map Amendment contained within the Application.
- b) Pursuant to section 907D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
  - a. Whether the proposed development is consistent with all relevant requirements of the Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
  - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, section 907.
- e) The Application is compatible with surrounding uses and the general character of the area.
- f) The record is hereby incorporated by reference into this ordinance and is on file with the

County Clerk. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, the Planning Commission's recommendation, and all testimony and evidence presented at the hearing.

**SECTION 2: AREA AMENDED.**

Polk County Ordinance No. 01-69 as amended (the "Polk County Land Development Code Sub-district Map"), of Polk County Ordinance No. 00-09, as amended (the "Polk County Land Development Code") is hereby amended to reflect a change in the Sub-district of Parcels, legally described below and graphically depicted in Attachment "A" of this ordinance, from Business Park Center-1 (BPC-1) to Business Park Center-2 (BPC-2) as:

**Parcel Number: 232820-000000-012010**

Begin at a point where the West line of the Southeast 1/4 of the Southeast 1/4 of Northeast 1/4 of Section 20, Township 28 South, Range 23 East, Polk County, Florida, intersects with North right-of-way line of State Highway No.17 (92) and run North along said West line of the said Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 28 South, Range 23 East, a distance of 236.69 feet, thence run East and parallel with the North line of said Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 a distance of 182.0 feet, thence South to a point on the North right-of-way line of said Highway 17 (92), which point is 182.0 feet from the point of beginning, thence run Southwesterly along the said North right-of-way line to the point of beginning. Subject to easement for ingress and egress over and across the East 20.0 foot thereof.

ALSO

That part of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 28 South, Range 23 East, Polk County, Florida, more particularly described as beginning on State Highway No. 17 where the East boundary of said Tract crosses said Highway, running North from the North boundary of said Highway 254.0 feet, thence West 208.0 feet, thence South 290.87 feet to the North boundary of State Highway No. 17, thence East to Point of beginning. LESS AND EXCEPT a strip of land off the South side thereof conveyed to the State of Florida for highway purposes, as contained in Quit Claim Deed recorded in Deed Book 732, page 257, of the Public Records of Polk County, Florida.

Said lands being described as: Begin at intersection of State Road 17 & West line of SE 1/4 of SE 1/4 of NE 1/4, run North 236.69 feet, run East 182 feet, run South to Highway, run West along Highway to Beginning, AND Begin at intersection of State Road 17 & East line of West 1/2 of SE 1/4 of NE 1/4, run North 254 feet, run West 208 feet, run South to Highway, run

Easterly, along Highway, to the Point of Beginning.

**And that portion not designated BPC-2 of Parcel Number: 232820-000000-012150**

The East 208 feet of the following described property:

All that part of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 28 South, Range 23 East, Polk County, Florida, lying North of the right-of-way of State Road No. 17, except the following: Beginning at a point on the East line of said tract where same intersects the Northerly line of said State Highway No. 17, and run thence North along the East line of said tract a distance of 254 feet, thence run West 208 feet, thence South, parallel to said East line, to the Northerly line of said Highway, thence run Easterly along the Northerly line of said Highway to the place of beginning.

**SECTION 3: SEVERABILITY.**

If any portion of this Ordinance is for any reason held unconstitutional or otherwise invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4: EFFECTIVE DATE.**

This Ordinance shall become effective upon filing of a certified copy of the Ordinance with the Department of State.

**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 6<sup>th</sup> day of August, 2024.

Date rendered to the Clerk: \_\_\_\_\_

**Exhibits to Board's Order**

Exhibit A-Property Map

Exhibit B-Staff Report

