

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCD-2023-13**, AN AMENDMENT TO THE POLK COUNTY LAND DEVELOPMENT CODE SUB-DISTRICT MAP (ORDINANCE 01-69), AS AMENDED; AMENDING THE SUB-DISTRICT MAP TO CHANGE 67.0± ACRES FROM BUSINESS PARK CENTER-1 (BPC-1) TO BUSINESS PARK CENTER-2 (BPC-2). THIS CASE IS RELATED TO LDCPAL-2023-10 AND LDCT-2023-23. 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 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-2023-23 is an applicant-initiated application (the “Application”) to amend the LDC Sub-district maps to change 67.0 +/- 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 July 10, 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:

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.

Containing 100.982 acres, more or less.

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 1st day of October, 2024.

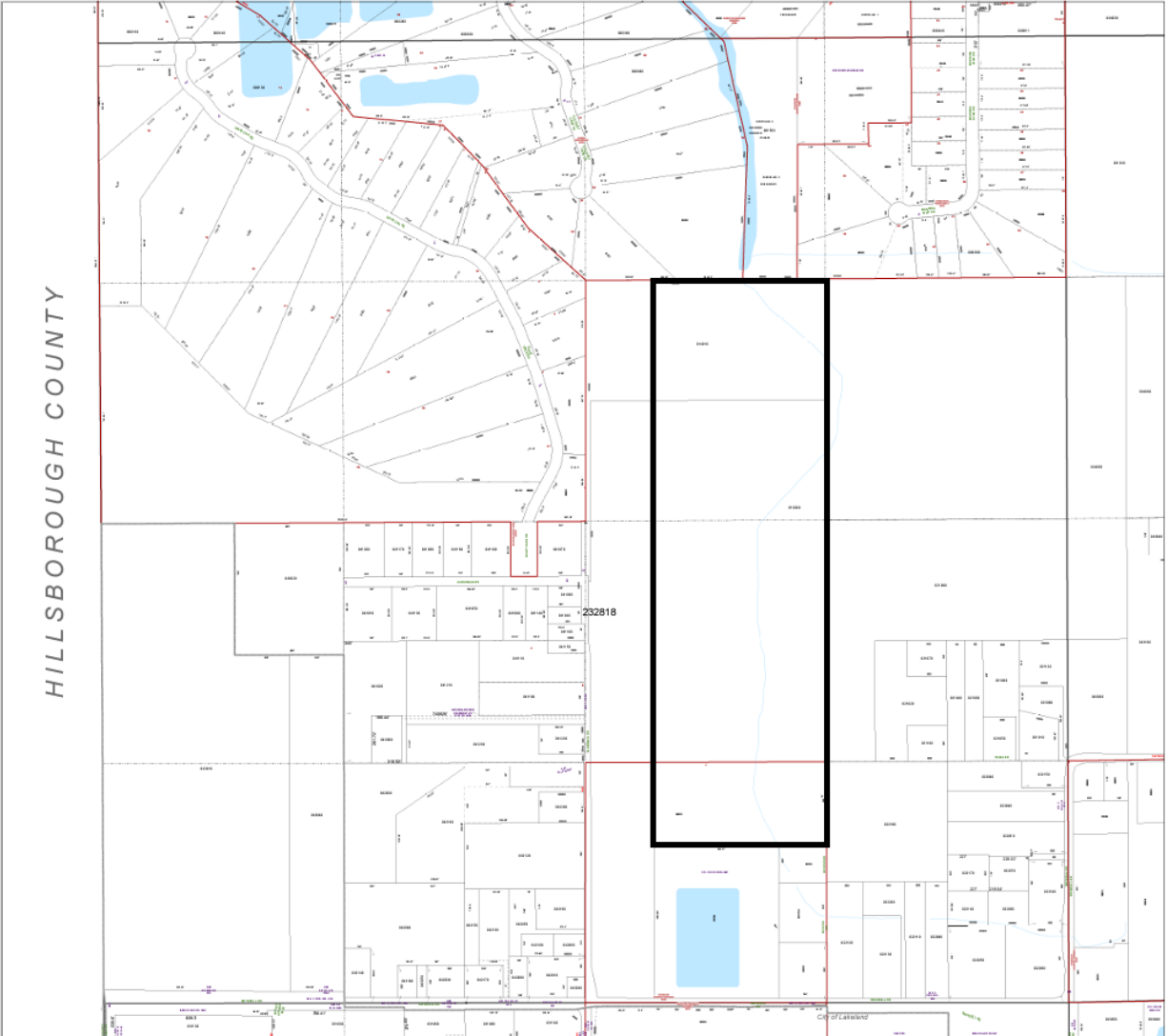
Date rendered to the Clerk: _____

Exhibits to Board's Order

Exhibit A-Property Map

Exhibit B-Staff Report

LDCD 2023-5
Land Use: Business Park Center-1 (BPC1) to Business Park Center-2 (BPC2)
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



All of Section 18 Twp. 28 Rge. 23
Acres: 647 +/-

1 inch = 200 feet
0 100 200 300 400 500
Feet

Note: This map is established used for Exclusionary purposes only. This is not a survey.

Date Printed: 6/1/2024

Prepared by the Office of
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Legend

Parcels	Sections	Easements
Lots	Quarter Section Lines	RR Lines
Subdivisions	Meander Lines	Water Lines
Municipal Boundaries	Gov't Lots	Water Bodies

PARCEL DETAIL

Note: Not to Scale