

**ORDINANCE NO. 23 -**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAS-2023-3**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 9.02 +/- ACRES FROM RESIDENTIAL-MEDIUM (RM) TO BUSINESS-PARK CENTER (BPC) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA). THE SUBJECT SITE IS LOCATED EAST OF STATE ROAD 37 (SOUTH FLORIDA AVENUE), NORTH OF COUNTY ROAD 540A AND RIDGE DRIVE, AND SOUTH OF BRANNEN ROAD WEST NEAR THE CITY OF LAKELAND IN SECTION 13, TOWNSHIP 29, 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 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 June 7, 2023; 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 July 25, 2023; 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 parcels 232913-000000-021130 & 232912-000000-021030 (Portion) as legally described below and graphically depicted as referenced in Attachments “A” and “B” of this ordinance, from Residential Medium (RM) to Business-Park Center (BPC) in the Transit Supportive Development Area (TSDA), legally described as:

**BPC -1 LEGAL DESCRIPTION (PARCEL A & B)**

THAT PART OF THE FOLLOWING PARCEL OF LAND LYING SOUTH OF THE CENTERLINE OF FLORIDA POWER EASEMENT AS RECORDED IN DEED BOOK 956, PAGE 581, POLK COUNTY, FLORIDA A PORTION OF LAND IN THE SE ¼ OF SECTION 13, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, AS A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF THE SE ¼ OF SAID SECTION 13, THENCE PROCEED N 00°17'03" W ALONG THE EAST BOUNDARY OF SAID SECTION 13, A DISTANCE OF 1213.00 FEET TO THE NORTHEAST CORNER OF CHRISTINA SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 58 PAGE 12, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA. THENCE N 81°56'16" W ALONG THE NORTH BOUNDARY OF SAID CHRISTINA SHORES A DISTANCE OF 615.11 FEET TO AN EXISTING ½ INCH IRON ROD, THENCE N 89°59'43" W A DISTANCE OF 250.17 FEET TO AN EXISTING ½ INCH IRON ROD, MARKED LB 711, THENCE S 58°18'53" W, A DISTANCE OF 223.42 FEET TO THE **POINT OF BEGINNING** THENCE N 36°01'14" W ALONG THE WESTERN BOUNDARY OF TRACT D OF UNRECORDED EXECUTIVE ESTATES PHASE IV A DISTANCE OF 932.89 FEET TO AN EXISTING 5/8 INCH IRON ROD MARKED LS 4737 ON THE SOUTHERN RIGHT OF WAY LINE OF AN

ABANDONED RAILROAD, THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2840.08 FEET AN ARC LENGTH OF 245.54 FEET A CHORD AND CHORD BEARING OF 245.46 FEET, N 86°01'30" E TO AN EXISTING 5/8 INCH IRON ROD MARKED LS 4737, THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, N 01°27'17"W, A DISTANCE OF 50.02 FEET TO AN EXISTING 5/8 INCH IRON ROD MARKED LS 4737, ON THE NORTH RIGHT OF WAY LINE OF AN ABANDONED RAILROAD, THENCE EASTERLY ALONG SAID NORTH RIGHT OF WAY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2889.93 FEET AN ARC LENGTH OF 21.69 FEET A CHORD AND CHORD BEARING OF 21.69 FEET, N 88°38'43" E TO AN EXISTING 4X4 CONCRETE MONUMENT, THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2889.93 FEET AN ARC LENGTH OF 714.84 FEET A CHORD AND CHORD BEARING OF 713.02 FEET, S 83°59'04" E TO AN EXISTING 4X4 CONCRETE MONUMENT, AND TO A POINT OF TANGENCY THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE S 79°36'22" E A DISTANCE OF 75.54 FEET TO AN EXISTING ½ INCH IRON ROD MARKED LS 3417: THENCE S 02°47'12" W A DISTANCE OF 50.70 FEET TO AN EXISTING ½ INCH IRON ROD MARKED LS#3417 ON THE SOUTH RIGHT OF WAY LINE OF ABANDONED RAIL ROAD RIGHT OF WAY THENCE S 36°06'13" W A DISTANCE OF 844.57 FEET TO THE **POINT OF BEGINNING**.

#### **LESS (PARCEL C)**

A PORTION OF LAND IN THE SE ¼ OF SECTION 13, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, AS A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF THE SE ¼ OF SAID SECTION 13, THENCE PROCEED N 00°17'03" W ALONG THE EAST BOUNDARY OF SAID SECTION 13, A DISTANCE OF 1213.00 FEET TO THE NORTHEAST CORNER OF CHRISTINA SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 58 PAGE 12, OF THE

PUBLIC RECORDS OF POLK COUNTY, FLORIDA. THENCE N 81°56'16" W ALONG THE NORTH BOUNDARY OF SAID CHRISTINA SHORES A DISTANCE OF 615.11 FEET TO AN EXISTING ½ INCH IRON ROD, THENCE N 89°59'43" W A DISTANCE OF 250.17 FEET TO AN EXISTING ½ INCH IRON ROD, MARKED LB 711, THENCE S 58°18'53" W, A DISTANCE OF 223.42 FEET TO THE **POINT OF BEGINNING**; THENCE N 36°01'14" W ALONG THE WESTERN BOUNDARY OF TRACT D OF UNRECORDED EXECUTIVE ESTATES PHASE IV A DISTANCE OF 269.83 FEET; THENCE N 53°58'46" E, 75.00 FEET; THENCE N 72°49'53" E, 181.91 FEET; THENCE S 53°53'47" E, 125.00 FEET; THENCE S 36°06'13" W, 300.00 FEET TO THE **POINT OF BEGINNING**. CONTAINING 9.02 NET 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 August 25, 2023 (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 25<sup>st</sup> day of July 2023.

ATTACHMENT "A"

**LDCPAS 2023-03**

**Development Area:** Transit Supportive Development Area (TSDA)

**Location:** East of State Road 37 (South Florida Avenue), north of County Road 540A and Ridge Drive, and south of Brannen Road West near the City of Lakeland, Florida

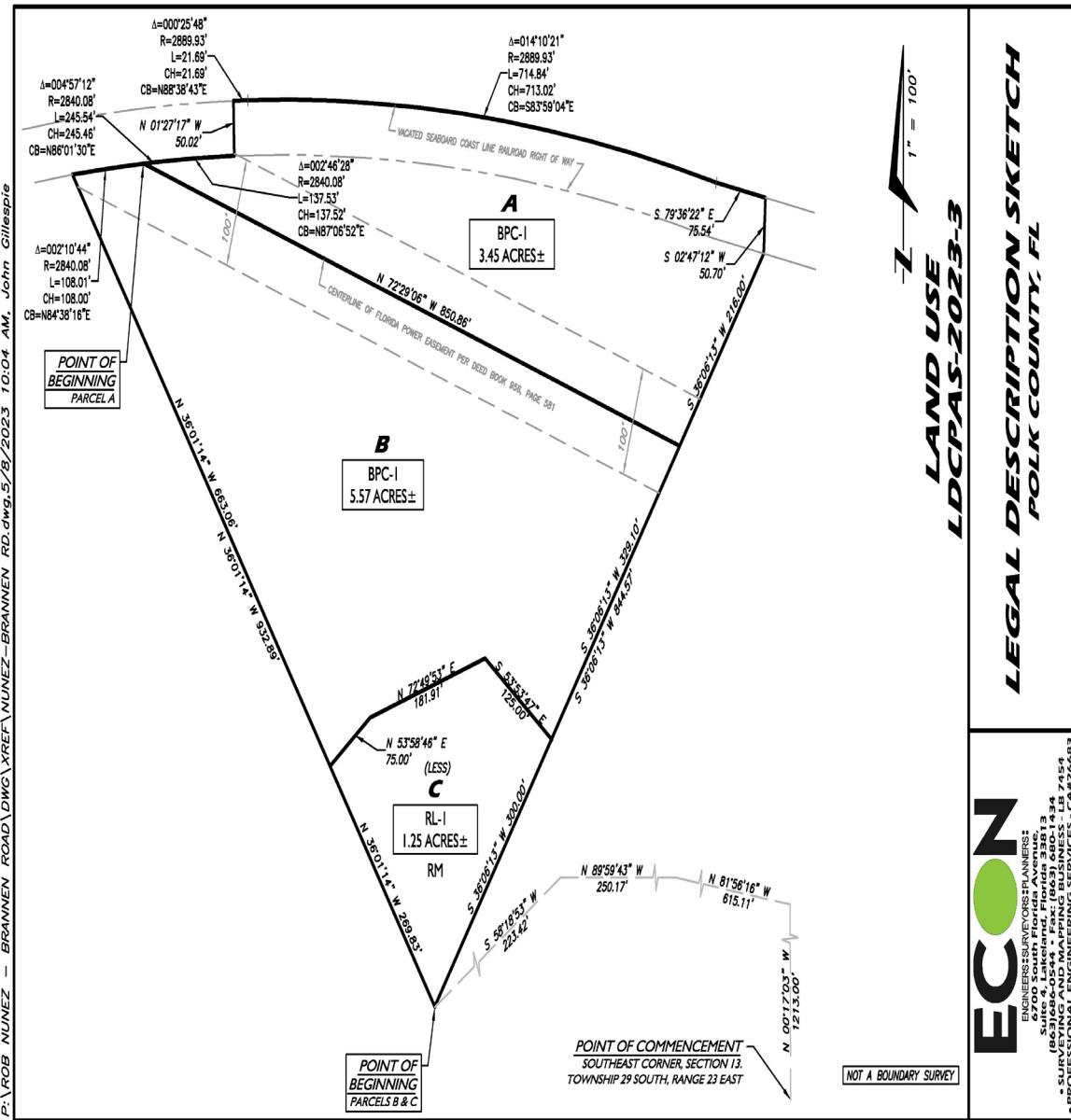
**Section 13, Township 29, Range 23**



**PARCEL DETAIL**

*Note: Not to Scale*

## ATTACHMENT "B"



## LEGAL DESCRIPTION SKETCH