

Ordinance No. 22 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2022-25**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 4.1 +/- ACRES FROM RESIDENTIAL LOW-X (RLX) TO INSTITUTIONAL-X (INSTX) IN THE POLK CITY SPECIAL PROTECTION AREA (SPA) AND THE URBAN GROWTH AREA (UGA). THE SUBJECT SITE IS LOCATED EAST OF MOORE ROAD, WEST OF SCANDINAVIA BOULEVARD, SOUTH OF PINE GLEN ROAD, SOUTH OF VIKING LANE, NORTH OF OLD POLK CITY ROAD, NORTH AND EAST OF THE CITY OF LAKELAND IN SECTION 9, TOWNSHIP 27, RANGE 24; 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 2022-25 is a County-initiated application to change the future land use designation of 4.1 +/- acres from Residential Low-X (RLX) to Institutional-X (INSTX) in the Polk City Special Protection Area (SPA) in the Green Swamp Area of Critical State Concern and in the Urban Growth Area (UGA), (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 February 1, 2023; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on March 2, 2023 held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, DEO, by letter dated May 3, 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 May 7, 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 4.1 +/- acres from Residential Low-X (RLX) to Institutional-X (INSTX), on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

A parcel of land being a portion of the Northwest 1/4 of Section 09, Township 27 South, Range 24 East, Polk County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Section 9; thence South 89°48'18" East, along the north line of said Section 9, a distance of 40.00 feet to the east right-of-way line of Moore Road as described in Official Records Book 1309, Page 14, Public Records of Polk County, Florida; thence South 00°05'30" West, along said east right-of-way line, 470.35 feet to the Point of Beginning; thence continue South 00°05'30" West, along said east right-of-way line, 562.95 feet; thence North 76°21'52" East, 252.14 feet; thence North 53°53'51" East, 186.62 feet to the west right-of-way line of Scandinavia Boulevard as described in Official Records Book 1586, page 315 of said Public Records, also being a point on non-tangent curve to the right having a radius of 505.00 feet, a central angle of 08°17'21", a chord bearing of North 31°57'29" West, and a chord distance of 73.00 feet; thence along said west right-of-way, and the arc of said curve, 73.06 feet; thence North 62°11'12" East, along said west right-of-way line, 15.00 feet to the west right-of-way line Scandinavia Boulevard as described in Official Records Book 1538, page 608 of said Public Records, also being a point on a non-tangent curve to the right having a radius of 490.00 feet, a central angle of 38°58'45", a chord bearing of North 08°19'26" West, and a chord distance of 326.96 feet; thence along said west right-of-way, and the arc of said curve 333.35 feet; thence North 89°48'18" West, 322.21 feet to the POINT OF BEGINNING

Containing 4.00 Acres, more or less.

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. 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 Department of Economic Opportunity.

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 7th day of May 2023.

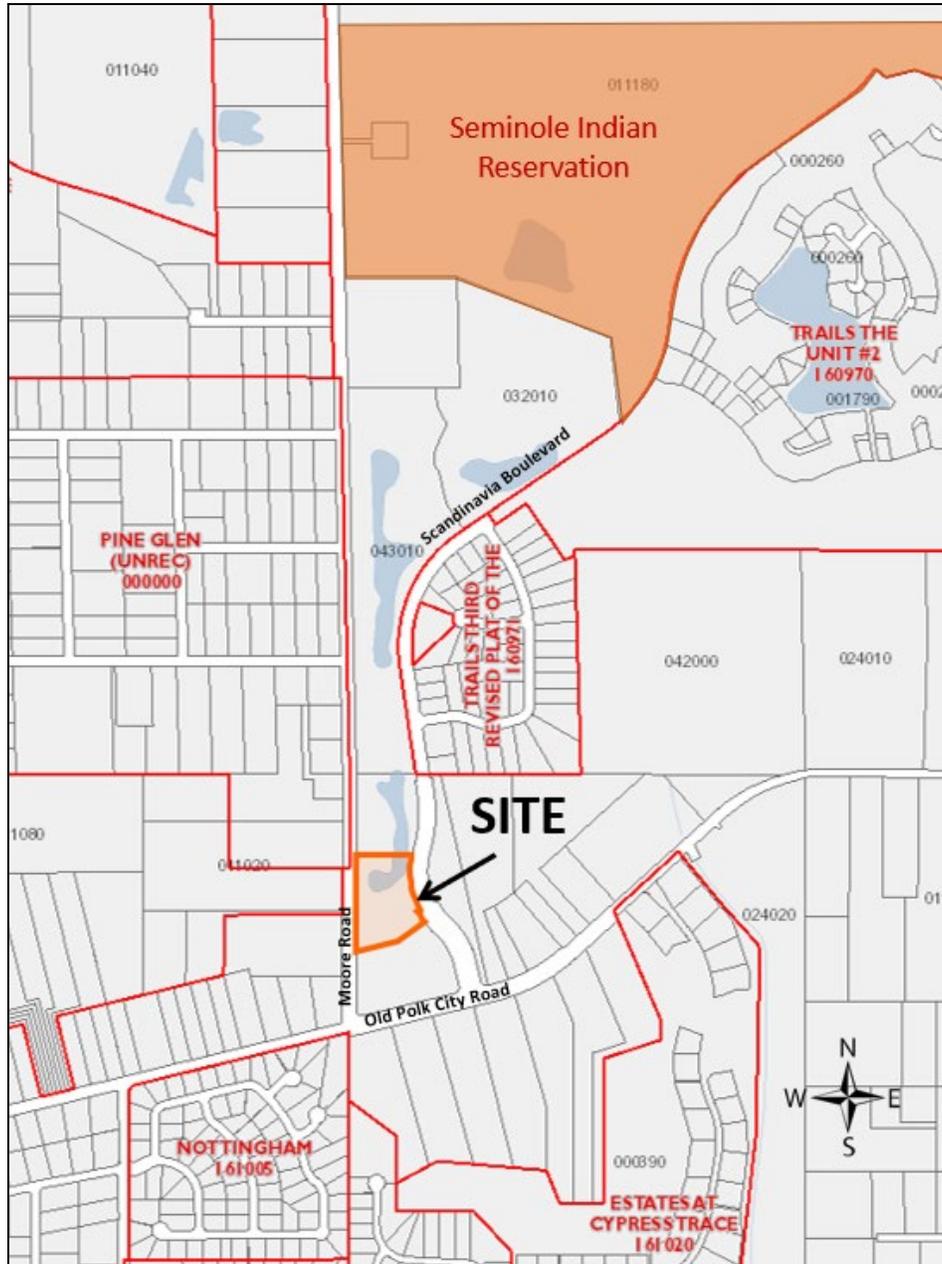
ATTACHMENT "A"

LDCPAL 2022-25

Land Use: RL-X to INSTX (4.1 ± acres)

Location: east of Moore Road, west of Scandinavia Boulevard, South of Pine Glen Road, south of Viking Lane, north of Old Polk City Road, north and east of the city of Lakeland

Section 9, Township 27, Range 24



Parcel Detail

Note: Not to Scale