

ORDINANCE NO. 26 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2025-38**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE DESIGNATION ON A TOTAL OF 12.5± ACRES, FROM PRE-DEVELOPMENT OF REGIONAL IMPACT (PRE-DRI) TO INSTITUTIONAL (INST) AND NEIGHBORHOOD ACTIVITY CENTER (NAC) IN THE UTILITY ENCLAVE AREA (UEA). THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF MARIGOLD AVENUE AND HEMLOCK AVENUE, EAST OF FLOUNDER ROAD, SOUTH OF HALIBUT ROAD, AND WEST OF LAUREL AVENUE EAST OF THE CITY OF HAINES CITY, IN SECTIONS 02, AND 28, TOWNSHIP 28, RANGE 28; 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 March 4, 2026; 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 April 21, 2026; 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 designation on a 12.5± acre site from Pre-Development of Regional Impact (DRI) to Institutional (INST) and Neighborhood Activity Center (NAC) in the Utility Enclave Area (UEA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels: **282802-934710-147060 and 282802-934710-147160**

Neighborhood Activity Center (NAC)

PARCEL "A"

THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, VIZ:

TRACT F OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53 AT PAGES 4 THROUGH 18, INCLUSIVE, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTIONS THEREOF WHICH HAVE BEEN PREVIOUSLY CONVEYED, REPLATTED OR VACATED BY RESOLUTION.

LESS AND EXCEPT THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, VIZ:

A PORTION OF TRACT "F", POINCIANA NEIGHBORHOOD 4, VILLAGE 7, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE(S) 4 THROUGH 18, INCLUSIVE OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EASTERN MOST CORNER OF SAID TRACT "F", SAID POINT LYING ON THE ARC OF A CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE SOUTHEASTERLY LINE OF TRACT "F", ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY, 934.59 FEET ALONG THE ARC OF

SAID CURVE TO THE LEFT HAVING A RADIUS OF 2002.86 FEET, A CENTRAL ANGLE OF 26°44'09" AND A CHORD BEARING AND DISTANCE OF S 67°11'59" W, 926.14 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHEASTERLY LINE OF TRACT "F" AND THE NORTHERLY RIGHT OF WAY OF POINCIANA PARKWAY, S 53°49'54" W, 73.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 53°49'54" W, 174.96 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE 35.35 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5795.58 FEET, A CENTRAL ANGLE OF 00°20'58" AND A CHORD BEARING AND DISTANCE OF S 53°39'25" W, 35.35 FEET TO A POINT OF REVERSE CURVATURE; THENCE 38.89 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°08'37" AND A CHORD BEARING AND DISTANCE OF N 81°57'11" W, 35.09 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TRACT "F"; THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID TRACT "F", SAID LINE ALSO BEING THE NORTHERLY RIGHT OF WAY OF HEMLOCK AVENUE, N 37°23'03" W, 9.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE 206.99 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 3075.00 FEET, A CENTRAL ANGLE OF 03°51'25" AND A CHORD BEARING AND DISTANCE OF N 39°18'45" W, 206.95 FEET; THENCE DEPARTING SAID SOUTHWESTERLY LINE OF TRACT "F" AND NORTHERLY LINE OF HEMLOCK AVENUE, N 53°49'54" E, 247.00 FEET; THENCE S 36°10'06" E, 240.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, TO-WIT:

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLYMOST CORNER OF SAID TRACT "F" OF SAID POINCIANA NEIGHBORHOOD 4, VILLAGE 7, SAID CORNER LYING ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2002.86 FEET; THENCE FROM A TANGENT BEARING OF S 80°34'02" W RUN WESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY A DISTANCE OF 146.26 FEET THROUGH A CENTRAL ANGLE OF 04°11'02" TO A POINT; THENCE FROM A TANGENT BEARING OF S 76°23'00" W AND LEAVING SAID RIGHT OF WAY

LINE RUN THENCE N 08°17'09" E 49.56 FEET TO THE NORTH LINE OF AFORESAID TRACT "F"; THENCE RUN S 81°42'51" E ALONG SAID NORTH LINE 137.57 FEET TO THE POINT OF BEGINNING. CONTAINING THEREIN 3,279 SQUARE FEET MORE OR LESS.

LESS AND EXCEPT THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, TO-WIT:

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "F" FOR THE POINT OF BEGINNING: THENCE, ALONG THE NORTH LINE OF SAID TRACT "F", SOUTH 81°42'51" EAST, A DISTANCE OF 1942.23 FEET; THENCE DEPARTING THE NORTH LINE OF SAID TRACT "F", SOUTH 08°17'09" WEST, A DISTANCE OF 49.56 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "F", THE NORTH RIGHT OF WAY LINE OF MARIGOLD AVENUE AND A POINT ON A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY HAVING A RADIUS DISTANCE OF 2002.86 FEET, CENTRAL ANGLE OF 14°00'08", A CHORD BEARING OF SOUTH 69°22'55" WEST, A CHORD DISTANCE OF 488.26 FEET; THENCE SOUTHWESTERLY ALONG ARC OF SAID CURVE, NORTH RIGHT OF WAY LINE AND SOUTH LINE OF SAID TRACT "F", AN ARC DISTANCE OF 489.47 FEET; THENCE DEPARTING ARC OF SAID CURVE NORTH 08°17'09" EAST, A DISTANCE OF 265.56 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 632.61 FEET; THENCE SOUTH 08°17'09" WEST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 08°17'09" EAST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 635.04 FEET TO THE EAST RIGHT OF WAY OF HEMLOCK AVENUE AND WEST LINE OF SAID TRACT "F"; THENCE NORTH 58°43'36" WEST, ALONG SAID EAST RIGHT OF WAY LINE AND WEST LINE OF SAID TRACT "F", A DISTANCE OF 51.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.0436 ACRES OR 1325808 SQUARE FEET, MORE OR LESS.

PARCEL 2: (NON-EXCLUSIVE EASEMENT ESTATE)

TOGETHER WITH NON-EXCLUSIVE EASEMENT(S) AS SET FORTH AND CREATED BY THAT CERTAIN EASEMENT AGREEMENT BETWEEN AVATAR PROPERTIES, INC., A

FLORIDA CORPORATION, AND BOO-HEMLOCK, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DATED APRIL 17, 2015, RECORDED APRIL 29, 2015 IN OFFICIAL RECORDS BOOK 9513, PAGE 687, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, OVER, UNDER AND ACROSS THE LANDS DESCRIBED THEREIN.

Institutional (INST)

PARCEL "B"

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "F" FOR THE POINT OF BEGINNING: THENCE, ALONG THE NORTH LINE OF SAID TRACT "F", SOUTH 81°42'51" EAST, A DISTANCE OF 1942.23 FEET; THENCE DEPARTING THE NORTH LINE OF SAID TRACT "F", SOUTH 08°17'09" WEST, A DISTANCE OF 49.56 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "F", THE NORTH RIGHT OF WAY LINE OF MARIGOLD AVENUE AND A POINT ON A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY HAVING A RADIUS DISTANCE OF 2002.86 FEET, CENTRAL ANGLE OF 14°00'08", A CHORD BEARING OF SOUTH 69°22'55" WEST, A CHORD DISTANCE OF 488.26 FEET; THENCE SOUTHWESTERLY ALONG ARC OF SAID CURVE, NORTH RIGHT OF WAY LINE AND SOUTH LINE OF SAID TRACT "F", AN ARC DISTANCE OF 489.47 FEET; THENCE DEPARTING ARC OF SAID CURVE NORTH 08°17'09" EAST, A DISTANCE OF 265.56 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 632.61 FEET; THENCE SOUTH 08°17'09" WEST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 08°17'09" EAST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 635.04 FEET TO THE EAST RIGHT OF WAY OF HEMLOCK AVENUE AND WEST LINE OF SAID TRACT "F"; THENCE NORTH 58°43'36" WEST, ALONG SAID EAST RIGHT OF WAY LINE AND WEST LINE OF SAID TRACT "F", A DISTANCE OF 51.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.0436 ACRES OR 1325808 SQUARE FEET, MORE OR LESS.

PARCEL "C" Parcel ID: 282802934710147160

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLYMOST CORNER OF SAID TRACT "F" OF SAID POINCIANA NEIGHBORHOOD 4, VILLAGE 7, SAID CORNER LYING ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2002.86 FEET; THENCE FROM A TANGENT BEARING OF S 80°34'02" W RUN WESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY A DISTANCE OF 146.26 FEET THROUGH A CENTRAL ANGLE OF 04°11'02" TO A POINT; THENCE FROM A TANGENT BEARING OF S 76°23'00" W AND LEAVING SAID RIGHT OF WAY LINE RUN THENCE N 08°17'09" E 49.56 FEET TO THE NORTH LINE OF AFORESAID TRACT "F"; THENCE RUN S 81°42'51" E ALONG SAID NORTH LINE 137.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0753 ACRES OR 3279 SQUARE FEET, 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 May 22, 2026 (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 21st day of April 2026.

LDCPAS 2025-38
Development Area: Utility Enclave Area
Location: North side of Hemlock Ave and Marigold Ave (Poinciana Pkwy), south of Halibut Road
Sections-10 and 11 Township-28 Range-28



PARCEL DETAIL
Note: Not to Scale