

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

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAS 2023-20**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 5.8 +/- ACRES FROM RESIDENTIAL LOW (RL), NEIGHBORHOOD ACTIVITY CENTER (NAC), AND BUSINESS PARK CENTER (BPC) TO INSTITUTIONAL (INST) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA); AND AMEND TO SECTION 2.135 PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS. THE SUBJECT SITE IS LOCATED WEST OF SPIRIT LAKE ROAD, SOUTH OF THORNHILL ROAD, EAST OF VARNER HEIGHTS SUBDIVISION AND EAST OF SUMMERVIEW CIRCLE, AND NORTH OF GRADY POLK ROAD, WEST OF THE CITY OF EAGLE LAKE, FLORIDA, IN SECTION 02 AND 11, TOWNSHIP 29, RANGE 25; 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 January 3, 2024; 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 February 20, 2024; 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 of 5.8 +/- acres of portions of parcel 252911-000000-031020 and 252902-000000-042020 as legally described below and graphically depicted as referenced in Attachment “A” of this ordinance, from Residential Low (RL), Neighborhood Activity Center (NAC), and Business Park Center (BPC) to Institutional (INST). in the Transit Supportive Development Area (TSDA), legally described as:

**A portion of Parcel 252911-000000-031020 and all of Parcel 252902-000000-042020**

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 11 AND THE SOUTHWEST QUARTER OF SECTION 2 OF TOWNSHIP 29 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE SOUTH 89°47'18" WEST ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST QUARTER OF SECTION 11 A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF SPIRIT LAKE ROAD ACCORDING TO MAP BOOK 4, PAGE 741, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE NORTH 00°00'25" WEST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1788.60 FEET TO THE SOUTH LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2806, PAGES 103-104, OF SAID PUBLIC RECORDS; THENCE, SOUTH 89°37'40" WEST ALONG SAID SOUTH LINE 826.37 FEET TO THE WEST LINE OF A PARCEL OF

LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2806; THENCE NORTH 00°00'25" WEST, ALONG SAID WEST LINE 530.01 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 11146, PAGES 338-340 OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, CONTINUE NORTH 00°00'25" WEST, ALONG SAID WEST LINE 592.12 FEET, TO THE SOUTH RIGHT OF WAY LINE OF THORNHILL ROAD, AS RECORDED IN MAINTAINED MAP BOOK 22, PAGES 29-54, OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES, (1) SOUTH 67°44'28" EAST, 485.83 FEET; THENCE (2) SOUTH 67°36'36" EAST, 83.00 FEET, TO A LINE BEING 340.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE SOUTH 00°00'25" EAST, ALONG SAID LINE 373.06 FEET, TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 11146; THENCE SOUTH 89°37'40" WEST, ALONG SAID NORTH LINE 526.35 FEET, TO THE POINT OF BEGINNING. SAID PARCEL HAVING 5.832 ACRES MORE OR LESS.

## **SECTION 2: COMPREHENSIVE PLAN AMENDMENT**

The text of Ordinance No. 92-36, as amended, (the "Polk County Comprehensive Plan") is hereby amended to reflect added language to Appendix 2.135- Parcel Specific Future Land Use Map Amendments with Conditions Section 2.135-F to remove a portion of the subject property in LDCPAS-2023-20 as shown in Attachment "B" of this ordinance

## **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**

This ordinance shall be effective on March 22, 2024 (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 Florida Department of Commerce 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 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 20<sup>th</sup> day of February 2024.

**ATTACHMENT "A"**

**LDCPAS 2023-20**

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

**Location:** West of Spirit Lake Road, south of Thornhill Road, east of Varner Heights subdivision and east of Summerview Circle, and north of Grady Polk Road, west of the City of Eagle Lake, Florida  
Section 02 and 11, Township 29, Range 25



**PARCEL DETAIL**

*Note: Not to Scale*

**ATTACHMENT "B"**

**SECTION 2.135-F - Development Guidelines for Parcel IDs #: A portion of 252911-000000-031020, CPA 17A-02.**

OBJECTIVE 2.135-F: Through the adoption of CPA 17A-02, this section of the plan enable this specific property to be developed with Business Park Center (BPC) land uses in a limited fashion as established in the Polk County Land Development Code with conditions adopted into the Land Development Code through LDC 16T 10. This agreement fulfills the objectives of the applicant and the County.

POLICY 2.135-F1: DESIGNATION AND MAPPING - The portion of the parcel referenced in this Section shall be designated and mapped on the Future Land Use Map Series as Business Park Center (BPC).

POLICY 2.135-F2: LOCATION CRITERIA - This section applies to the property legally described as:

THE SOUTH 530.00' OF THE FOLLOWING DESCRIBES THE PROPERTY.

A PARCEL OF LAND LYING IN THE NORTHWEST ¼ OF SECTION 11 AND THE SOUTHWEST ¼ OF SECTION 2 OF TOWNSHIP 29 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST ¼ OF SECTION 11, THENCE S89°47'18"-W ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST ¼ OF SECTION 11 A DISTANCE OF 40.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SPIRIT LAKE ROAD ACCORDING TO MAP BOOK 4, PAGE 741, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N00°00'25"-W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1788.60 FEET TO THE POINT OF BEGINNING; THENCE S89°37'40"-W A DISTANCE OF 826.37 FEET; THENCE NORTH 00°00'25"-W A DISTANCE OF 870.33 FEET TO THE SOUTH BOUNDARY OF SAID SOUTHWEST ¼ OF SECTION 2; THENCE CONTINUE N-00°00'25"-W A DISTANCE OF 252.22 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THORNHILL ROAD ACCORDING TO MAP BOOK 1, PAGES 31—33, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING SIX COURSES; S67°30'17"-E A DISTANCE OF 29.14 FEET; THENCE S67°47'29"-EAST A DISTANCE OF 200.00 FEET; THENCE S67°30'17"-E A DISTANCE OF 200.00 FEET; THENCE S67°47'29"-E A DISTANCE OF 217.56 FEET TO THE NORTH BOUNDARY OF SAID NORTHWEST ¼ OF SECTION 11; THENCE CONTINUE S67°47'29"-E A DISTANCE OF 177.40 FEET TO A POINT ON A RIGHT-OF-WAY LINE FOR SPIRIT LAKE ROAD, ACCORDING TO MAP BOOK 3, PAGE 117,

PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE S-46°18'50"-EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 88.33 FEET TO SAID WEST RIGHT-OF-WAY LINE OF SPIRIT LAKE ROAD, THENCE S-00°00'25"-E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 743.62 FEET TO THE POINT OF BEGINNING.

Less and except – approximately the southern 30 feet so that the portion of parcel 252911-000000-031020 that is within this conditional land use amendment is removed so that the uses in what changes to Institutional (INST) is regulated by Table 2.1 rather than the table in this section.

CONTAINING 10.05 ACRES MORE OR LESS.

POLICY 2.135-F3: DEVELOPMENT CRITERIA - Development within this BPC area shall conform to the criteria established in Section 2.113-A of this Comprehensive Plan consistent with the development standards adopted for this parcel in the Polk County Land Development Code.