

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCD-2023-5**, AN AMENDMENT TO THE POLK COUNTY LAND DEVELOPMENT CODE SUB-DISTRICT MAP (ORDINANCE 01-69), AS AMENDED, AMENDING THE SUB-DISTRICT MAP TO CHANGE 3.45 +/- ACRES FROM BUSINESS PARK CENTER -1 (BPC-1) TO BUSINESS PARK CENTER (BPC-2) 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 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-2023-5 is an applicant-initiated application (the “Application”) to amend the LDC Sub-district maps to change 3.45+/- 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 June 7, 2023; 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 25, 2023; 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 June 7, 2023 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:

BPC-1 LEGAL DESCRIPTION (PARCEL A) TO BPC-2

THAT PART OF THE FOLLOWING PARCEL OF LAND LYING NORTH 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 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; 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 108.01 FEET A CHORD AND CHORD BEARING OF 108.00 FEET, N 84°38'16" E TO THE **POINT OF BEGINNING**; THENCE CONTINUE EASTERLY ALONG SAID 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 137.53 FEET, A CHORD AND CHORD BEARING OF 137.52 FEET, N 87°06'52" 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 216.00 FEET; THENCE N72°29'06" W A DISTANCE OF 850.86 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3.45 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 25st day of July, 2023.

Date rendered to the Clerk: _____

Exhibits to Board's Order

Exhibit A-Property Map

Exhibit B-Staff Report

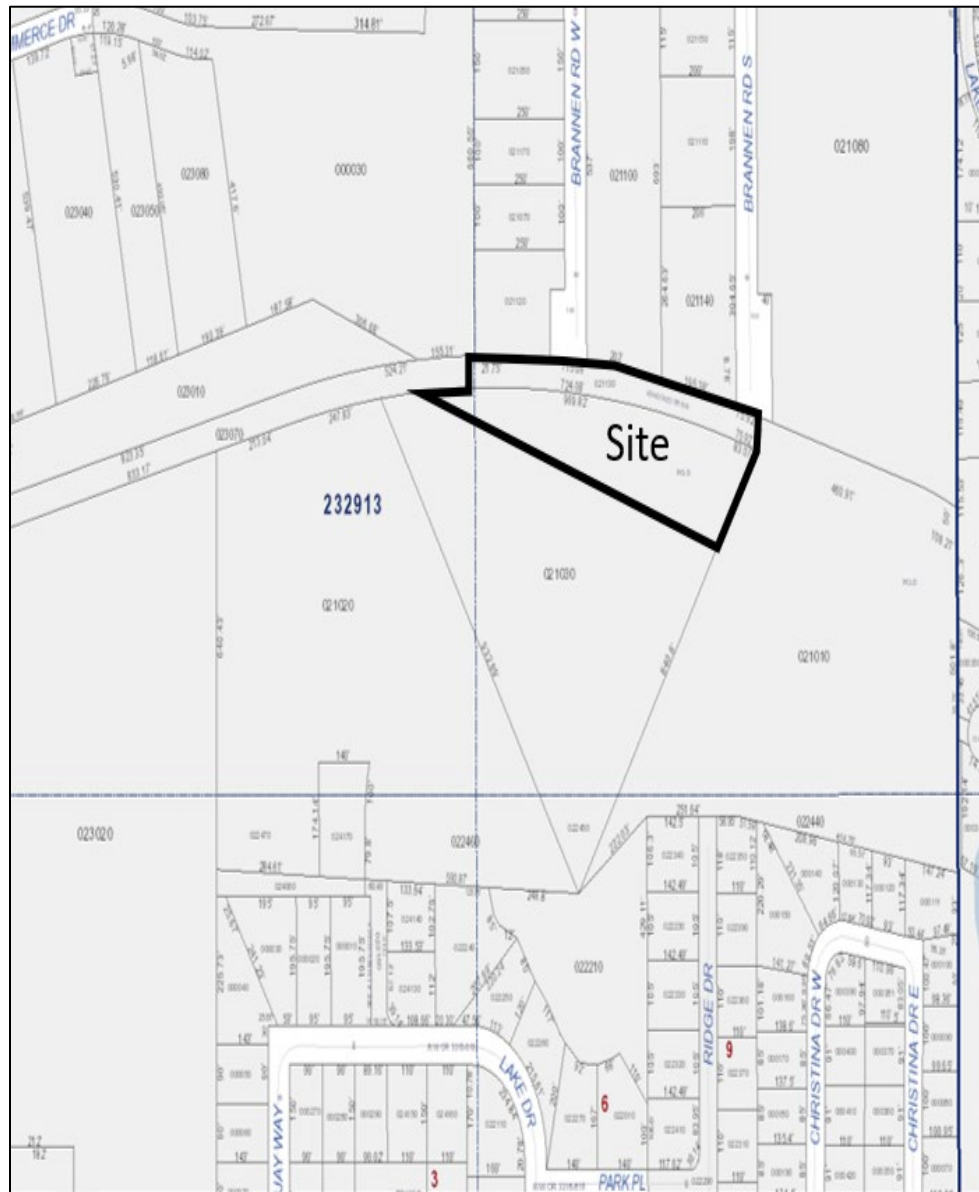
ATTACHMENT "A"

LDCD 2023-5

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