

ORDINANCE No. 22 -24

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2023-4**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 12.86 ACRES OF PROFESSIONAL/INSTITUTIONAL (PIX) INTO RESIDENTIAL HIGH (RHX) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) IN THE NORTH US 27 SPECIAL PROTECTION AREA (SPA) OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN (ACSC). THE SUBJECT SITE IS LOCATED ON THE WEST SIDE OF US HIGHWAY 27, NORTH OF US INTERSTATE 4, SOUTH OF US HIGHWAY 192, EAST OF GREEN SWAMP, WEST OF US HIGHWAY 27, NORTH OF THE CITY OF HAINES CITY IN SECTION 12, TOWNSHIP 25, RANGE 26; 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 2023-4 is an applicant-initiated application to change the future land use designation of 12.86 +/- acres from Professional/Institutional (PIX) in the Transit Supportive Development Area (TSDA) to Residential High (RHX) in the Transit Supportive Development Area (TSDA) (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 June 7th, 2023; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on August 8th, 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 _____, 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 December 5th, 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 a 12.86 acre site from Professional/Institutional (PIX) to Residential High (RHX) in the Transit Supportive Development Area (TSDA) in North US 27 Selected Area Plan (SAP) in the Green Swamp Area of Critical State Concern (ACSC) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel included:

262512-000000-033010

That part of the NW 1/4 of the NW 1/4 of Section 12, Township 25 South, Range 26 East, which lies West of U.S Highway No. 27, Polk County, Florida, LESS county maintained road right-of-way along the South boundary for Poitras Road;

LESS AND EXCEPT a parcel of land being a portion of the NW 1/4 of the NW 1/4 of Section 12, Township 25 South, Range 26 East, Polk County, Florida lying West of U.S Highway No. 27, being described as follows:

Commence at the Southwest corner of said NW 1/4 of the NW 1/4 of Section 12 for the Point of Beginning; thence North 00° 17' 17" West, along the West line of said NW 1/4 of the NW 1/4 of Section 12, a distance of 542.45 feet; thence North 89° 29' 39" East, parallel with the South line of said NW 1/4 of the NW 1/4 of Section 12, a distance 776.76 feet to the Westerly right-of-way line of State Road Number 25(U.S. 27); thence South 08° 14' 08" East, along said Westerly right-of-way line, 547.43 feet to aforesaid South line of the NW 1/4 of the NW 1/4 of Section 12; thence South 89° 29' 39" West, along said South line 852.46 feet to the Point of Beginning. LESS AND EXCEPT right-of-way for Poitras Road Two, as recorded in Map Book 7, Pages 167 and 168, public records of Polk County, Florida.

ALSO DESCRIBED AS;

Commence at the Southwest corner of NW 1/4 of the NW 1/4 of Section 12, Township 25 South, Range 26 East, Polk County, Florida; thence North 00° 17' 17" West, along the West line of said NW 1/4 of the NW 1/4 of Section 12, a distance of 542.45 feet to the Point of Beginning; thence continue North 00° 17' 17" West, along the West line of said NW 1/4 of the NW 1/4 of Section 12, a distance of 786.52 feet to the Northwest Section corner of Section 12, Township 25 South, Range 26 East; thence North 89°28' 38" East, along the North line of said NW 1/4 of the NW 1/4 of Section 12, a distance of 664.64 feet to the Westerly right-of-way line of State Road Number 25(U.S. 27); thence South 08°24' 34" East, along said Westerly right-of-way line, a distance of 794.26 feet; thence South 89°29' 39" West, parallel with the South line of said NW 1/4 of the NW 1/4 of Section 12, a distance of 776.84 feet to the Point of Beginning.

Containing 566,950.6 Square Feet or 13.02 Acres of Land, 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 December 5th, 2023.

ATTACHMENT "A"

LDCPAL 2023-4

Land Use: PIX to RHX (12.86 ± acres)

Location: The site is located on the west side of US Highway 27, north of Interstate 4, east edge of the Green Swamp and south of US Highway 192.

Section-12 Township-25 Range-26



Parcel Detail

Note: Not to Scale