

POLK CITY

Special City Commission Meeting

November 26, 2018

Polk City Government Center
123 Broadway Blvd., SE

7:00 P.M.

CALL TO ORDER – Mayor Joe LaCascia

INVOCATION – Pastor Walter Lawlor, New Life Community Church

PLEDGE OF ALLEGIANCE – Mayor Joe LaCascia

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

AGENDA

- 1) **PUBLIC HEARING – ORDINANCE 2018-14** - AN ORDINANCE OF POLK CITY, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF POLK CITY, FLORIDA, SPECIFICALLY, CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 26.07 ACRES LOCATED AT 0 STATE ROAD 33 (PARCEL NUMBER 24-27-01-000000-012020) FROM CONVENIENCE CENTER-X (CC-X) TO BUSINESS PARK CENTER-X (BPC-X) AND RETAINING APPROXIMATELY 2.08 ACRES IN CONSERVATION-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE, first reading

- 2) **PUBLIC HEARING – ORDINANCE 2018-15** - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POLK CITY, FLORIDA TO CHANGE THE ZONING FOR APPROXIMATELY 26.07 ACRES LOCATED AT 0 STATE ROAD 33 (PARCEL NUMBER 24-27-01-000000-012020) FROM CONVENIENCE CENTER-X (CC-X) TO BUSINESS PARK CENTER-1X (BPC-1X) AND RETAINING APPROXIMATELY 2.08 ACRES IN CONSERVATION-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, first reading.

CITY MANAGER ITEMS

CITY ATTORNEY ITEMS

COMMISSIONER ITEMS

Commissioner Blethen
Commissioner Carroll
Commissioner Kimsey
Commissioner Harper
Mayor LaCascia

ANNOUNCEMENTS

ADJOURNMENT

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered during this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in city meetings should contact the Office of the City Clerk, Polk City Government Center, 123 Broadway, Polk City, Florida 33868 Telephone (863) 984-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda. Minutes of the City Commission meetings may be obtained from the City Clerk's office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.



**POLK CITY
LARGE SCALE FUTURE LAND USE MAP AMENDMENT
& REZONING
STAFF REPORT
NOVEMBER 26, 2018**

TO: POLK CITY COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: Ordinance 2018-14:

A City-initiated request for a **large-scale Future Land Use map amendment** to change the Future Land Use designation of ± 26.07 acres located at 0 State Road 33 (Parcel Number 24-27-01-000000-012020) from Convenience Center-X (CCX) to Business Park Center-X (BPCX) and retaining approximately 2.08 acres In Conservation-X in the Green Swamp Area Critical State Concern.

AND

Ordinance 2018-15:

A City-initiated request for a **rezoning** of ± 26.07 acres located at 0 State Road 33 (Parcel Number 24-27-01-000000-012020) from Convenience Center-X (CC-X) To Business Park Center-1X (BPC-1X) and retaining approximately 2.08 acres in Conservation-X in the Green Swamp Area of Critical State Concern.

AGENDA & HEARING DATES:

Planning & Zoning Commission Public Hearing: November 26, 2018 at 6:00 PM

City Commission Transmittal Public Hearing: November 26, 2018 at 7:00 PM

APPLICANT: City of Polk City

OWNER: Strohl Family LLC

Attachments

- Overview Report
- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map

OVERVIEW REPORT

PROJECT DESCRIPTION/REQUEST:

Property Location/Request:

The property is located at 0 State Road 33 N, Polk City, 33868.

Polk City proposes to amend the Future Land Use of ±26.07 acres from Convenience Center-X to Business Park Center-X and retaining approximately 2.08 acres in Conservation-X in the Green Swamp Area Critical State Concern.

Polk City proposes to amend the Zoning of ±26.07 acres from Convenience Center-X (CC-X) to Business Park Center-X (BPC-X) and retaining approximately 2.08 acres in Conservation-X in the Green Swamp Area of Critical State Concern.

Please see the attached Proposed Future Land Use Map and Proposed Zoning Map.

FUTURE LAND USE AMENDMENT AND REZONING	
Applicant	Polk City
Owner	Strohl Family LLC
Property Size	±28.15 acres
Previous Hearing Dates	None
Parcel IDs	24-27-01-000000-012020
Future Land Use	Existing: Convenience Center-X (CC-X) on 26.07 acres Proposed: Business Park Center-X (BPC-X) on 26.07 acres The remaining 2.08 acres will remain in Conservation-X.
Zoning	Existing: Convenience Center-X (CC-X) on 26.07 acres Proposed: Business Park Center-1X (BPC-1X) on 26.07 acres The remaining 2.08 acres will remain in Conservation-X.

SITE ANALYSIS:

Description of Property:

The parcel is at 0 State Road 33 N, Polk City, Florida and its existing use is vacant land.

Future Land Use:

Currently, the properties have a Future Land Use designation of Convenience Center-X. This request is to change the Future Land Use on the ±26.07 acres from Convenience Center-X to Business Park Center-X and retaining approximately 2.08 acres in Conservation-X in the Green Swamp Area of Critical State Concern.

A description of each Future Land Use designation as defined in the Polk City 2030 Comprehensive Plan is provided below.

Convenience Center (CC-X): Convenience Centers are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area. The CCX district permits non-residential uses such as offices, convenience stores, gas stations, dry cleaners and community facilities. The maximum floor area ratio shall not exceed 0.25. Convenience Centers shall be located at the intersections of arterial and/or collector roads. There shall be a one (1) mile traveling distance within the Polk City SPA on public roads between the center of a Convenience Center and the center of any other Convenience Center, or other higher-level Activity Center or Linear Commercial Corridor providing for the same convenience shopping needs. This required separation may be reduced if: a) The higher-level Activity Center or Linear Commercial Corridor within the required distance separation is over 80% developed; or, b) the proposed Convenience Center market-area radius, minimum population support is over 5,000 people.

Business-Park Center (BPC-X): Business-Park Centers are intended to promote employment opportunities within the region by allowing for the establishment of office parks, research and development parks, areas for light-industrial facilities, distribution Centers, and mixed-use employment parks. Business-Park Centers are intended for land use activities that are conducted entirely within enclosed structures with the exception of loading and unloading. These centers are not intended to accommodate major commercial or other similar high-traffic producing facilities. However, these centers often contain other minor commercial facilities, and wholesale facilities, within the Business-Park Center to support the businesses located there. The maximum floor area ratio for commercial activities shall not exceed 0.25. The maximum floor area ratio for non-commercial activities shall not exceed 0.75. Business-Park Centers shall have frontage on, or direct access to, an arterial roadway, or a frontage road or service drive that directly serves an arterial roadway. Business-Park Centers shall be located with consideration being given to regional transportation issues, and should be located at the intersections of arterial roads, and preferably on a fixed-route mass-transit line when they become available in Polk City.

Conservation (CONX): The primary function of the Conservation classification is to protect natural resources while allowing passive recreation. Wetlands and 100-year floodplains in the Green Swamp ACSC shall be designated as Conservation. Passive recreation land uses including docks, fishing, and hiking are permissible. No residential,

commercial, industrial or other development is allowed except as listed below and in the Polk City Table of Uses in the Unified Land Development Code.

Zoning:

Currently, the property is zoned as Convenience Center-X. The request is to rezone the ±26.07 acres from Convenience Center-X to Business Park Center-X and retaining approximately 2.08 acres in Conservation-X in the Green Swamp Area of Critical State Concern.

A description of each Zoning designation as defined in Polk County and City of Polk City's Land Development Code is provided below.

Business-Park Centers (BPCX): Business-Park Centers are intended to promote employment opportunities within the region by allowing for the establishment of office parks, research and development parks, areas for light-industrial facilities, distribution centers, and mixed-use employment parks. Business-Park Centers are intended for land use activities that are conducted entirely within enclosed structures with the exception of loading and un-loading. These centers are not intended to accommodate major commercial or other similar high-traffic producing facilities. However, these centers often contain other minor commercial facilities, and wholesale facilities, within the Business-Park Center to support the businesses located there. Business-Park Centers shall be located with consideration being given to regional transportation issues, and should be located at the intersections of arterial roads, and when mass transit becomes available, on a fixed-route mass-transit line.

Convenience Centers (CCX): Convenience Centers are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area. Convenience Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distance, on public roads, between the center of a Convenience Center and the center of any other Convenience Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same convenience shopping needs.

Surrounding Existing Uses:

<p><u>Northwest:</u></p> <p>FLU: County Residential Suburban-X</p> <p>ZONING: County Residential Suburban-X</p> <p>EXISTING USE: Single Family Residential</p>	<p><u>North:</u></p> <p>FLU: County Residential Suburban-X</p> <p>ZONING: County Residential Suburban-X</p> <p>EXISTING USE: Single Family Residential</p>	<p><u>Northeast:</u></p> <p>FLU: County Residential Low-1X</p> <p>ZONING: County Residential Low-1X</p> <p>EXISTING USE: State Road 33, Mobile Homes</p>
<p><u>West:</u></p> <p>FLU: Business Park Center-X</p> <p>ZONING: Business Park Center-1X</p> <p>EXISTING USE: Vacant, Distribution Center</p>	<p><u>Subject Property</u></p> <p>FLU: Convenience Center-X</p> <p>ZONING: Convenience Center-X</p> <p>EXISTING USE: Vacant</p>	<p><u>East:</u></p> <p>FLU: County Residential Low-1X</p> <p>ZONING: County Residential Low-1X</p> <p>EXISTING USE: State Road 33, Mobile Homes</p>
<p><u>Southwest:</u></p> <p>FLU: Business Park Center-X</p> <p>ZONING: Business Park Center-1X</p> <p>EXISTING USE: Distribution Center</p>	<p><u>South:</u></p> <p>FLU: Business Park Center-X</p> <p>ZONING: Business Park Center-1X</p> <p>EXISTING USE: Distribution Center</p>	<p><u>Southeast:</u></p> <p>FLU: Residential Low-X</p> <p>ZONING: Planned Unit Development</p> <p>EXISTING USE: Single Family Dwelling Units</p>

PUBLIC FACILITIES AND SERVICES ANALYSIS

Any future development of the subject property will be required to undergo concurrency review during the site plan approval process. The following is an analysis of current conditions and capacity of public facilities that would be impacted by maximum development of the site.

Potable water

Additional development resulting from this change can be adequately served by the Polk City potable water delivery system.

Wastewater

Additional development resulting from this change can be adequately served by the Polk City current wastewater system.

Traffic Circulation

The developer will be required to obtain concurrency approval prior to additional development of these properties.

Drainage:

Stormwater LOS is based on each new development project meeting the standards as reviewed and permitted by Southwest Florida Water Management District (SWFWMD). The LOS standard is consistent with SWFWMD standard and met on a project by project basis. There are no current deficiencies noted. New development will have to meet SWFWMD standards during the site plan approval process.

Recreation:

The proposed commercial Future Land Use and Zoning would not require any additional acres of recreation/open space.

Solid Waste:

Polk County plans solid waste capacity for all municipalities in Polk County as well as unincorporated Polk County. It has been determined by Polk County that there is sufficient capacity for Polk City to meet LOS standards for approximately 65 years. Solid waste within Polk City is collected by a private company.

School Concurrency:

The proposed non-residential Future Land Use and Zoning would not impact school concurrency.

Emergency Services:

The County provides police protection, EMS, and fire protection. A volunteer fire department also serves the area.

COMPREHENSIVE PLAN COMPATIBILITY AND ZONING COMPATIBILITY:

The proposed Future Land Use designation of Business Park Center-X (BPC-X) is compatible with the existing development in the area. The land use request is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan.

The proposed zoning classifications of Business Park Center-1X (BPC-1X) is compatible with the existing development in the area.

CITY COMMISSION MOTIONS:

Large Scale Future Land Use map amendment to change the Future Land Use designation of ±26.07 acres from Convenience Center-X to Business Park Center-X.

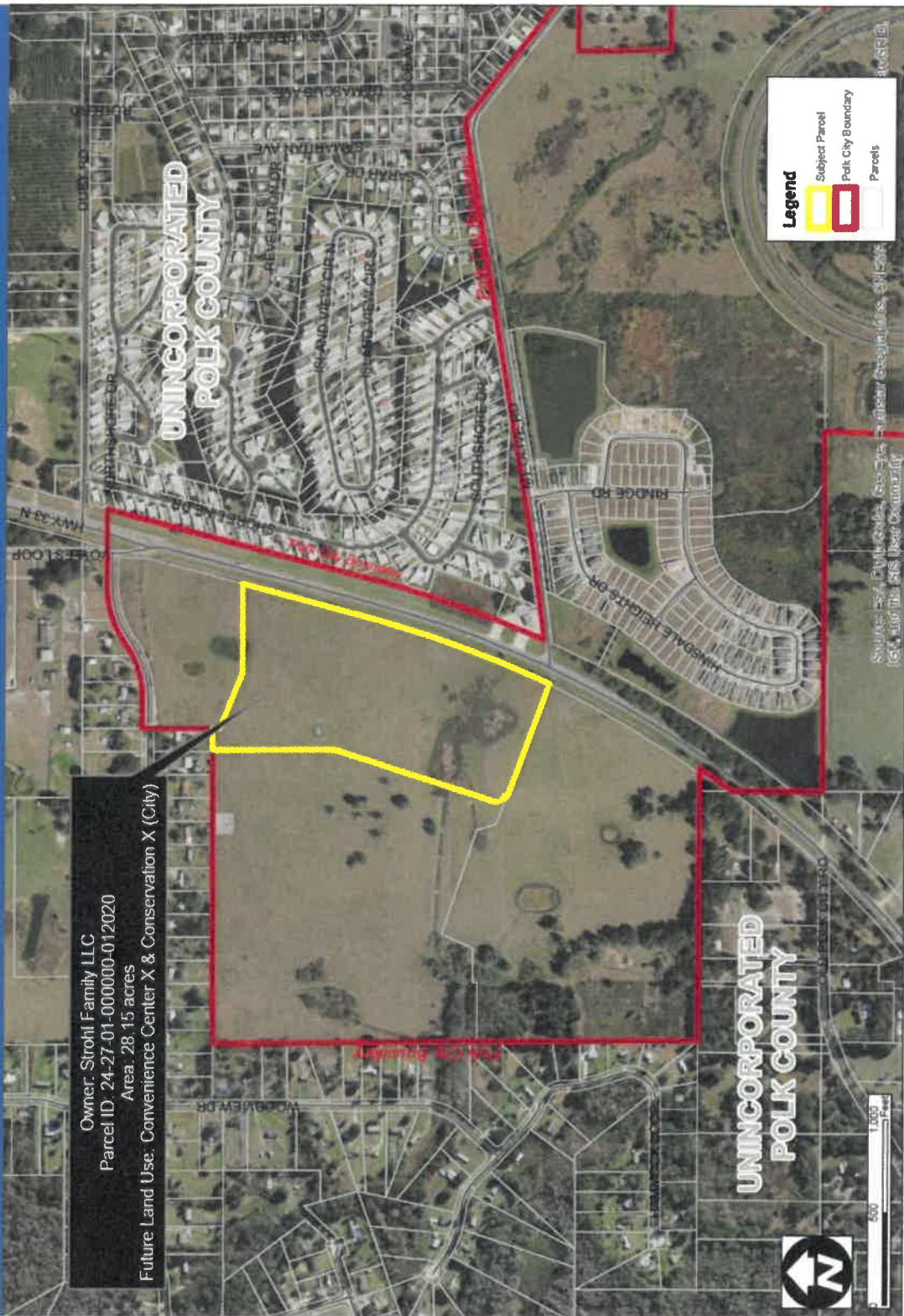
1. I move the City Commission transmit Ordinance 2018-14 to the Florida Department of Economic Opportunity for review.
2. I move the City Commission transmit Ordinance 2018-14 to the Florida Department of Economic Opportunity **with changes** for review.
3. I move the City Commission not transmit Ordinance 2018-14 to the Florida Department of Economic Opportunity for review.

Rezoning to change the zoning designation of ±26.07 acres from Convenience Center-X to Business Park Center-X.

1. I move the City Commission approve Ordinance 2018-15 on first reading.
2. I move the City Commission approve Ordinance 2018-15 with changes on first reading.
3. I move the City Commission not transmit Ordinance 2018-15 to the Florida Department of Economic Opportunity for review.

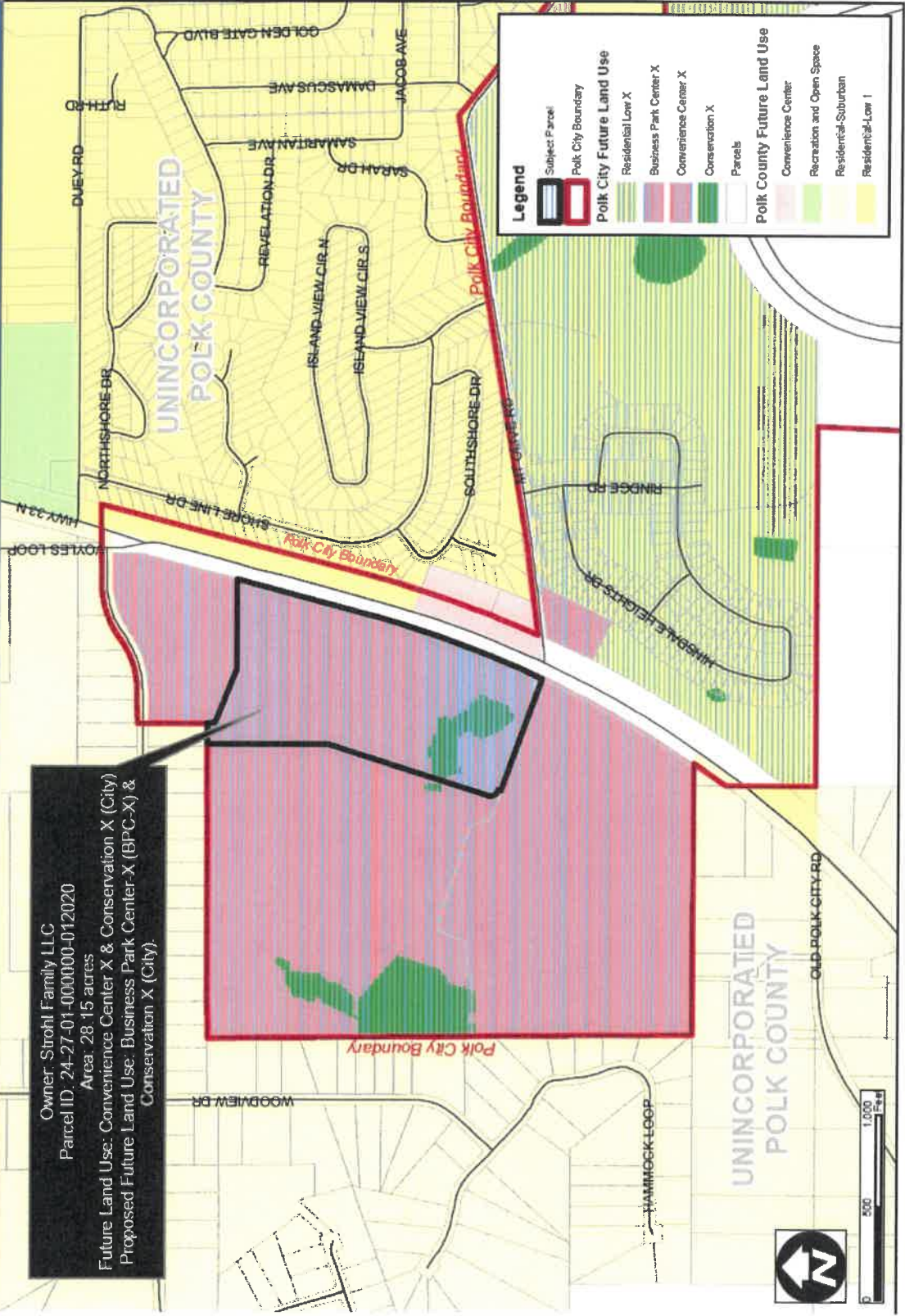
POLK CITY
AERIAL PHOTO MAP
STROHL FAMILY LLC

Owner: Strohl Family LLC
Parcel ID: 24-27-01-000000-012020
Area: 28.15 acres
Future Land Use: Convenience Center X & Conservation X (City)



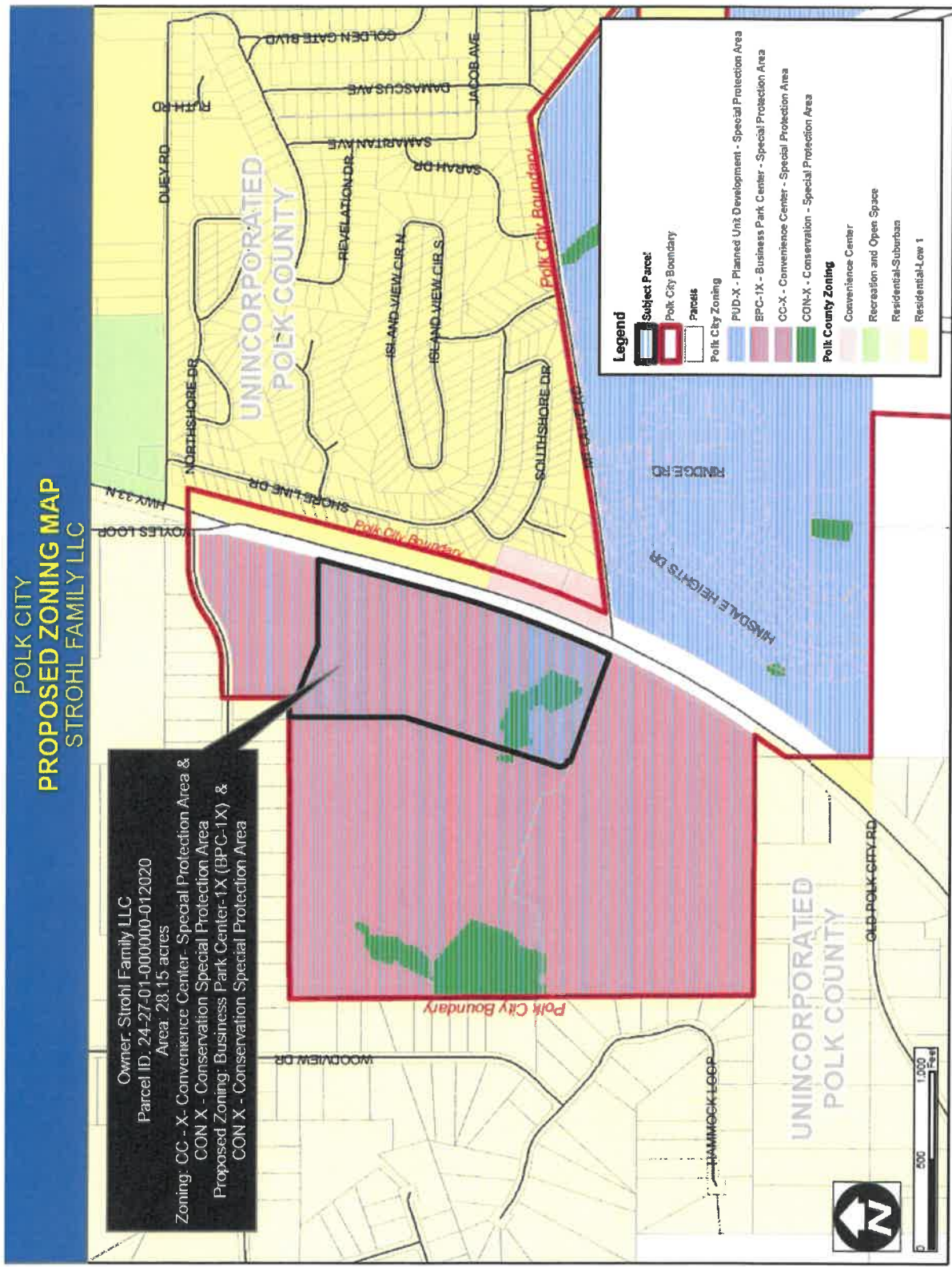
**POLK CITY
PROPOSED FUTURE LAND USE MAP
STROHL FAMILY LLC**

Owner: Strohl Family LLC
 Parcel ID: 24-27-01-000000-012020
 Area: 28.15 acres
 Future Land Use: Convenience Center X & Conservation X (City)
 Proposed Future Land Use: Business Park Center X (BPC-X) & Conservation X (City)



**POLK CITY
PROPOSED ZONING MAP
STROHL FAMILY LLC**

Owner: Strohl Family LLC
 Parcel ID: 24-27-01-000000-012020
 Area: 28.15 acres
 Zoning: CC - X - Convenience Center - Special Protection Area &
 CON X - Conservation Special Protection Area
 Proposed Zoning: Business Park Center-1X (BPC-1X) &
 CON X - Conservation Special Protection Area



Legend

- Subject Parcel: [Red outline]
- Polk City Boundary: [Red line]
- Parcels: [Thin black lines]
- Polk City Zoning:
 - PUD-X - Planned Unit Development - Special Protection Area: [Blue]
 - BPC-1X - Business Park Center - Special Protection Area: [Red]
 - CC-X - Convenience Center - Special Protection Area: [Pink]
 - CON-X - Conservation - Special Protection Area: [Green]
- Polk County Zoning:
 - Convenience Center: [Light pink]
 - Recreation and Open Space: [Light green]
 - Residential-Suburban: [Light yellow]
 - Residential-Low 1: [Yellow]

ORDINANCE NO. 2018-14

AN ORDINANCE OF POLK CITY, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF POLK CITY, FLORIDA, SPECIFICALLY, CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 26.07 ACRES LOCATED AT 0 STATE ROAD 33 (PARCEL NUMBER 24-27-01-000000-012020) FROM CONVENIENCE CENTER-X (CC-X) TO BUSINESS PARK CENTER-X (BPC-X) AND RETAINING APPROXIMATELY 2.08 ACRES IN CONSERVATION-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act (“Act”), which empowers and mandates Polk City, Florida (“City”), to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to the Act, the City has adopted a comprehensive plan (“Comprehensive Plan”); and

WHEREAS, the Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments; and

WHEREAS, the City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to change the Future Land Use classification of approximately 26.07 acres of land within the City from Convenience Center-X (CC-X) to Business Park Center-X (BPC-X) in the Green Swamp Area of Critical State Concern, and

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Commission held a meeting and hearing on this Map Amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City Commission has determined it necessary to adopt the proposed amendment to the Future Land Use Map contained herein and as shown as Exhibit “A” to encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law; and

WHEREAS, the City Commission finds that the proposed amendment to the Future Land Use Map contained herein furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, *Florida Statutes*.

NOW, THEREFORE BE IT ORDAINED that the City Commission Polk City, Florida, as follows:

Section 1. The Future Land Use Map of the City's Comprehensive Plan is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the "Business Park Center-X" Future Land Use designation to approximately 26.07 acres of land and retains approximately 2.08 acres of land as the "Conservation-X" Future Land Use designation as shown on such Exhibit.

Section 2. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. An official, true, and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

Section 5. Within ten (10) days of final passage and adoption of this Ordinance, Polk City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agencies or local governments that provided timely comments to the City, as required by Section 163.3184(3)(c)d, *Florida Statutes*.

Section 6. This effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies Polk City that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED on First Reading the _____ day of _____, 2018.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness:

Patricia R. Jackson, City Manager

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this day of _____, 2018.

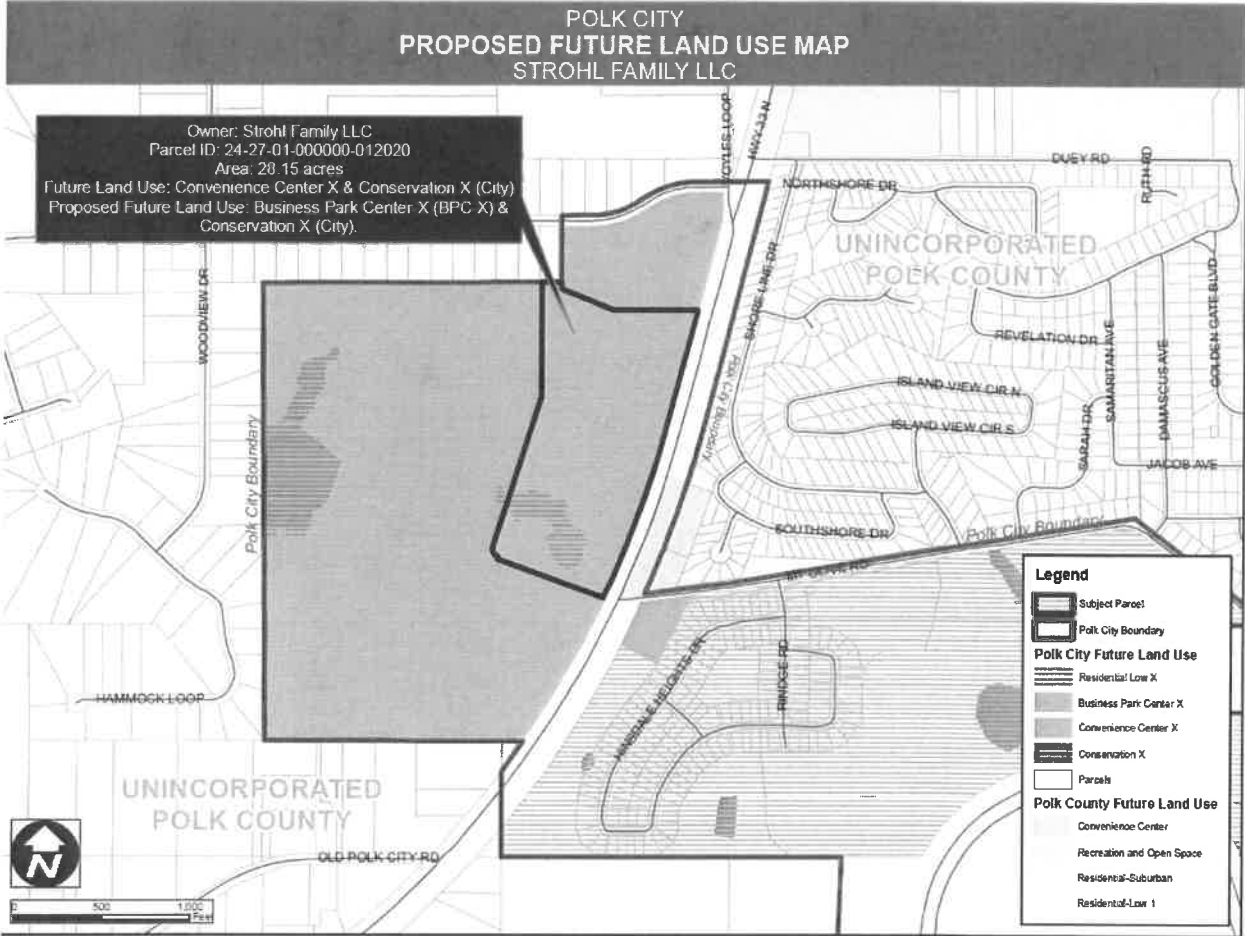
Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Manager

ORDINANCE NO. 2018-14

EXHIBIT "A"



ORDINANCE NO. 2018-15

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POLK CITY, FLORIDA TO CHANGE THE ZONING FOR APPROXIMATELY 26.07 ACRES LOCATED AT 0 STATE ROAD 33 (PARCEL NUMBER 24-27-01-000000-012020) FROM CONVENIENCE CENTER-X (CC-X) TO BUSINESS PARK CENTER-1X (BPC-1X) AND RETAINING APPROXIMATELY 2.08 ACRES IN CONSERVATION-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Polk City held meetings and hearings regarding the parcels show on Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Commission has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

NOW, THEREFORE, be it enacted by the City Commission of Polk City, Florida:

Section 1. Zoning Amendment: The official zoning map of Polk City is amended so as to assign the City Zoning Classification of BPC-1X (Business Park Center-1X) on approximately 26.07 acres of land and retain CN-X (Conservation-XO on approximately 2.08 acres of land in the Green Swamp Area of Critical State Concern on the property located at 0 State Road 33, as shown on Exhibit "A" attached hereto.

Section 2. Severability: If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. Effective Date: This ordinance shall not take effect unless and until Ordinance 2018-15 adopting the companion future land use map amendment to this rezoning becomes final and non-appealable.

This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading the _____ day of _____, 2018.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness:

Patricia R. Jackson, City Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this ____ day of _____, 2018.

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Clerk

ORDINANCE NO. 2018-15

EXHIBIT "A"

