

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 AMENDING SITE SPECIFIC POLICY 4.4.K OF THE POLK CITY COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT; 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, the City has prepared an amendment to the Polk City Comprehensive Plan Future Land Use Element to amend Policy 4.4.k. to remove references to Convenience Center-X site specific conditions, 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. The Future Land Use Element of the City's Comprehensive Plan is hereby amended to include change Policy 4.4.k. to remove references to Convenience Center-X in the site specific conditions set forth in Exhibit "B," attached hereto and incorporated herein by reference, as shown on such Exhibit.

Section 3. 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 4. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

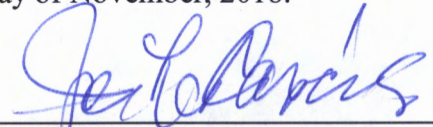
Section 5. An official, true, and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

Section 6. 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 7. 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

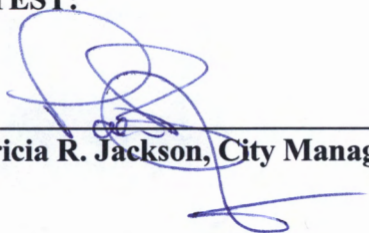
Commission, whichever is applicable, enters a final order finding the amendment to be compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED on First Reading the 26th day of November, 2018.



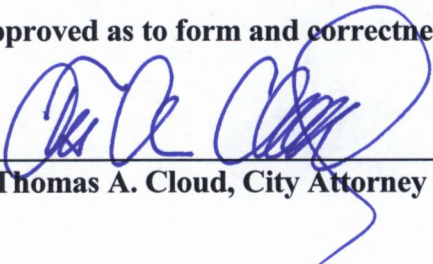
Joe LaCascia, Mayor

ATTEST:



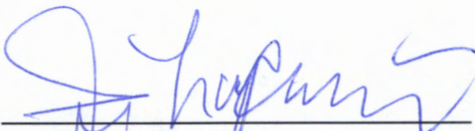
Patricia R. Jackson, City Manager/Clerk

Approved as to form and correctness:



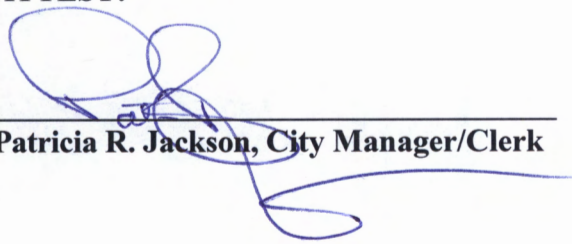
Thomas A. Cloud, City Attorney

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 20th May, 2019.



Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager/Clerk

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EXHIBIT "B"

Future Land Use Element Policy 4.4.k.

a. Parcel Specific Limitations.

- i. S.R. 33 and Mt. Olive Road, consisting of the following parcel ID numbers from the Polk County Property Appraiser:
242701-000000-012010; and
242701-000000-012020

The approximately ~~98.81~~ 124.88 acres designated as BPC-X, Business Park Center-X, shall be limited to no more than ~~1.5~~ 1.8 million square feet of Gross Leasable Area; and

A traffic study approved by the Florida Department of Transportation is required prior to development.

The approximately 26.17 acres of CC X, Convenience Center X, may develop up to, but shall not exceed 270,000 square feet of Gross Leasable Area; which may consist of Office, Commercial, or a mix of Office and Commercial Uses.

- ii. Intergovernmental Cooperation with Lakeland. Prior to developing commercial uses in the preceding amendment referenced in Policy 8.8.3.a and prior to exceeding 554,000 square feet in business park center likewise referenced, the City shall provide notice and standing to the City of Lakeland within its development order/site plan process to consider concerns of the City of Lakeland related to concurrency and other relevant issues.