

ORDINANCE NO. 2021 -031

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2020-22**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED; PROVIDING FINDINGS; CHANGING THE FUTURE LAND USE DESIGNATION ON 131 +/- ACRES FROM POINCIANA PRE-DEVELOPMENT OF REGIONAL IMPACT (PRE-DRI) IN THE RURAL DEVELOPMENT AREA (RDA) TO RESIDENTIAL MEDIUM (RM) AND CONVENIENCE CENTER (CC) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA); AND A TEXT AMENDMENT TO THE COMPREHENSIVE PLAN SECTION 2.130-A; AMENDING THE POLICIES REGARDING POINCIANA. THIS CASE IS RELATED TO LDCT 2020-14. THE SITE IS LOCATED ON THE NORTH SIDE OF CYPRESS PARKWAY, NORTH OF SAN CLEMENTE AVENUE, WEST OF THE POINCIANA PARKWAY AND EAST OF LAKE MARION CREEK ROAD NEAR POINCIANA IN SECTIONS 15 AND 16, TOWNSHIP 27, RANGE 28, 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 LDCT 2020-14 is an applicant-initiated application to amend Section 2.130-A regarding Poinciana (Pre-DRI#1) and how development will be implemented (the “Amendment”); and

WHEREAS, Application LDCPAL 2020-22 is an applicant-initiated application to change the future land designation of 130.76± acres from Poinciana Pre-Development of Regional Impact (Pre-DRI #1) in the Rural Development Area (RDA) to Residential Medium (RM) and Convenience Center (CC) 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, on the Amendment on March 3, 2021; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on May 4, 2021 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 June 14, 2021 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 July 6, 2021; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearings, 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 Comprehensive Plan, first adopted by Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect changes to Section 2.130-A regarding Poinciana (Pre-DRI#1) and how development will be implemented and as provided in Attachment “A”.

SECTION 3: 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 130.76 ± acres from Poinciana Pre-Development of Regional Impact (Pre-DRI #1) in the Rural Development Area (RDA), Residential Medium (RM) and Convenience Center (CC) in the Transit Supportive Development Area (TSDA) on the parcels listed below and graphically depicted on the parcel map in Attachment “B”.

PARCEL:

282716-933610-000000 (PORTION OF RESIDENTIAL MEDIUM (RM))

Legally described as:

DESCRIPTION: A portion of Replat of Poinciana Neighborhood I West-North, Village 4 according to the plat thereof as recorded in Plat Book 62, Page 33 of the Public Records of Polk County, Florida, lying in Sections 15 and 16, Township 27 South, Range 28 East, Polk County, Florida, and being more particularly described as follows:

BEGIN at the Northwest corner of said Section 15, run thence along the North boundary of said Section 15 also being the North boundary of said Replat of Poinciana Neighborhood I West-North, Village 4, S 89°53'57" E, a distance of 1943.66 feet to a point on the North Right of Way line of Cypress Parkway and a point of cusp; thence along said Right of Way, Westerly, 1554.49 feet along the arc of a tangent curve to the left having a radius of 2650.00 feet and a central angle of 33°36'35" (chord bearing S 73°17'46" W, 1532.30 feet); thence N 32°53'57" W, a distance of 395.17 feet; thence S 57°06'03" W, a distance of 153.12 feet; thence southwesterly, 290.46 feet along the arc of a tangent curve to the left having a radius of 555.00 feet and a central angle of 29°59'09" (chord bearing S 42°06'28" W, 287.16 feet); thence southwesterly, 221.27 feet along the arc of a reverse curve to the right having a radius of 500.00 feet and a central angle of 25°21'20" (chord bearing S 39°47'34" W, 219.47 feet); thence S 52°28'14" W, a distance of 87.45 feet; thence

Southerly, 196.35 feet along the arc of a tangent curve to the left having a radius of 125.00 feet and a central angle of 90°00'00" (chord bearing S 07°28'14" W, 176.78 feet); thence S 37°31'46" E, a distance of 174.79 feet to a point on the aforesaid North Right of Way line of Cypress Parkway; thence along said North Right of Way line the following three (3) courses: 1) S 52°28'47" W, a distance of 450.07 feet; 2) Westerly, 2154.52 feet along the arc of a tangent curve to the right having a radius of 2350.00 feet and a central angle of 52°31'47" (chord bearing S 78°44'41" W, 2079.85 feet); 3) N 74°59'27" W, a distance of 1799.99 feet to the Southeast corner of Tract A, Replat of Poinciana Neighborhood I West-North, Village 4; thence along the boundary of the aforesaid Replat of Poinciana Neighborhood I West-North, Village 4 the following four (4) courses: 1) N 54°07'08" E, a distance of 1647.94 feet; 2) Northerly, 200.80 feet along the arc of a non-tangent curve to the right having a radius of 2775.00 feet and a central angle of 04°08'46" (chord bearing N 02°04'56" E, 200.76 feet) to a point on the North boundary of the Northwest 1/4 of said Section 16; 3) along said North boundary, S 89°42'52" E, a distance of 336.30 feet to the North 1/4 corner of said Section 16; 4) along North boundary of the Northeast 1/4 of said Section 16, S 89°51'05" E, a distance of 2642.64 feet to the POINT OF BEGINNING.

Containing 126.896 acres, more or less.

PARCEL:

282716-933610-000000 (PORTION OF CONVENIENCE CENTER (CC))

Legally described as:

DESCRIPTION: A portion of Replat of Poinciana Neighborhood I West-North, Village 4 according to the plat thereof as recorded in Plat Book 62, Page 33 of the Public Records of Polk County, Florida, lying in Sections 15 and 16, Township 27 South, Range 28 East, Polk County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of said Section 15, run thence along the North boundary of said Section 15, S 89°53'57" E, a distance of 261.58 feet; thence S 00°06'03" W, a distance of 111.59 feet to the POINT OF BEGINNING; thence S 32°53'57" E, a distance of 395.17 feet to a point on the North Right of Way line of Cypress Parkway; thence along said Right of Way line the following two (2) courses: 1) Southwesterly, 185.53 feet along the arc of a non-tangent curve to the left having a radius of 2650.00 feet and a central angle of 04°00'41" (chord bearing S 54°29'08" W, 185.49 feet); 2) S 52°28'47" W, a distance of 644.38 feet; thence N 37°31'46" W, a distance of 174.79 feet; thence Northerly, 196.35 feet along the arc of a tangent curve to the right having a

radius of 125.00 feet and a central angle of 90°00'00" (chord bearing N 07°28'14" E, 176.78 feet); thence N 52°28'14" E, a distance of 87.45 feet; thence Northeasterly, 221.27 feet along the arc of a tangent curve to the left having a radius of 500.00 feet and a central angle of 25°21'20" (chord bearing N 39°47'34" E, 219.47 feet); thence Northeasterly, 290.46 feet along the arc of a reverse curve to the right having a radius of 555.00 feet and a central angle of 29°59'09" (chord bearing N 42°06'28" E, 287.16 feet); thence N 57°06'03" E, a distance of 153.12 feet to the POINT OF BEGINNING.

Containing 6.693 acres, more or less.

SECTION 4: 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 5: EFFECTIVE DATE

This ordinance shall be effective 31 days after the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes 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.

SECTION 6: 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 6th day of July 2021.

<p>NOTE: The following text is the proposed addition to the current ordinance language. Strikeout text in red reflex text to be removed and underline text in red indicates text to be added.</p>
--

ATTACHMENT “A”

APPENDIX 2.130

SECTION 2.130 - DRI & PRE-DRI SELECTED-AREA PLANS

As specified in Policy 2.127-A6 this PRE-DRI & DRI SAP Section includes a brief summary of each of the County's two PRE-DRI projects -- Poinciana New Township and Indian Lake Estates -- and all non-phosphate DRIs. This summary contains a description of the approved land uses, along with the number of dwelling units and any other applicable information and shall be the maximum densities and intensities allowed within the subject DRI. More detailed information on these projects is available through the Polk County Office of Planning and Development, or with the Department of Economic Opportunity (DEO). All DRIs except Poinciana, Indian Lake Estates, and Grenelefe have approved Development Orders on file with the Polk County Land Development Division. The tables below provide general development totals. The Development Orders for each DRI detail the specific amount of development permitted in each DRI.

SECTION 2.130-A: POINCIANA (PRE-DRI #1)

The Poinciana development contains approximately 47,000 acres located in Polk and Osceola counties. The project is a multi-use development proposed to contain single-family, multi-family, commercial, industrial, institutional, and open space/recreation uses within 8 villages, 9 estate areas, and 6 office/industrial parks. Located in Polk County are Villages 3, 4, 6, 7, and 8. The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Section 380.06 and 120.57, FS, which vested this project from the Development of Regional Impact (DRI) review process.

The approved master development plan for Poinciana and subsequent modifications to various portions of this development are on file in the offices of the Polk County Land Development Division. Approved land uses are also detailed in the Poinciana Binding Letter of Interpretation of Vested Rights Status, date May 17, 1983, and subsequent Binding Letters of Modification to a Development of Regional Impact with Vested Rights (BLIVR), issued by and on file with the Department of Economic Opportunity (DEO). Additional copies are also available through the Polk County Land Development Division. In 2018, the Florida legislature modified Section 380.06 that local governments may modify the BLIVRs instead of DEO. The Land Development Code includes processes and procedures to determine if property is within the boundaries of Poinciana and how development will be implemented. This also includes Future Land Use changes adjacent to proposed roadways.

POINCIANA BOUNDARIES AND INCLUDED AREAS

1. ~~Since the PUD was established, the boundaries have changed several times because properties have been added and removed from the original PUD. There are two ways to establish if a property lies within the boundaries of the Poinciana Pre-DRI:~~
 - a. ~~A Binding Letter of Interpretation or Modification (BLIM) issued from the state agency with jurisdiction can verify that lot is within the boundaries of the DRI; or~~
 - b. ~~If the property lies within the boundaries of a platted village within PUD 71-10;~~
2. ~~If a property is not within the DRI or PUD, its land use is Agricultural/Residential Rural (A/RR). If it cannot be accurately determined by the Future Land Use Map that a piece of property is within the Poinciana Development, the master site plan, PUD maps, recorded plats and BLI or BLM will be used to make the determination; likewise if the property owner can demonstrate that a piece of property is not part of the Poinciana development its land use will be Agricultural/ Residential Rural (A/RR).~~
3. ~~Once it is established that the property is or is not within the DRI boundaries, a Comprehensive Plan Map amendment may be required to change the land use to PRE-DRI#1 or A/RR whichever is deemed appropriate.~~

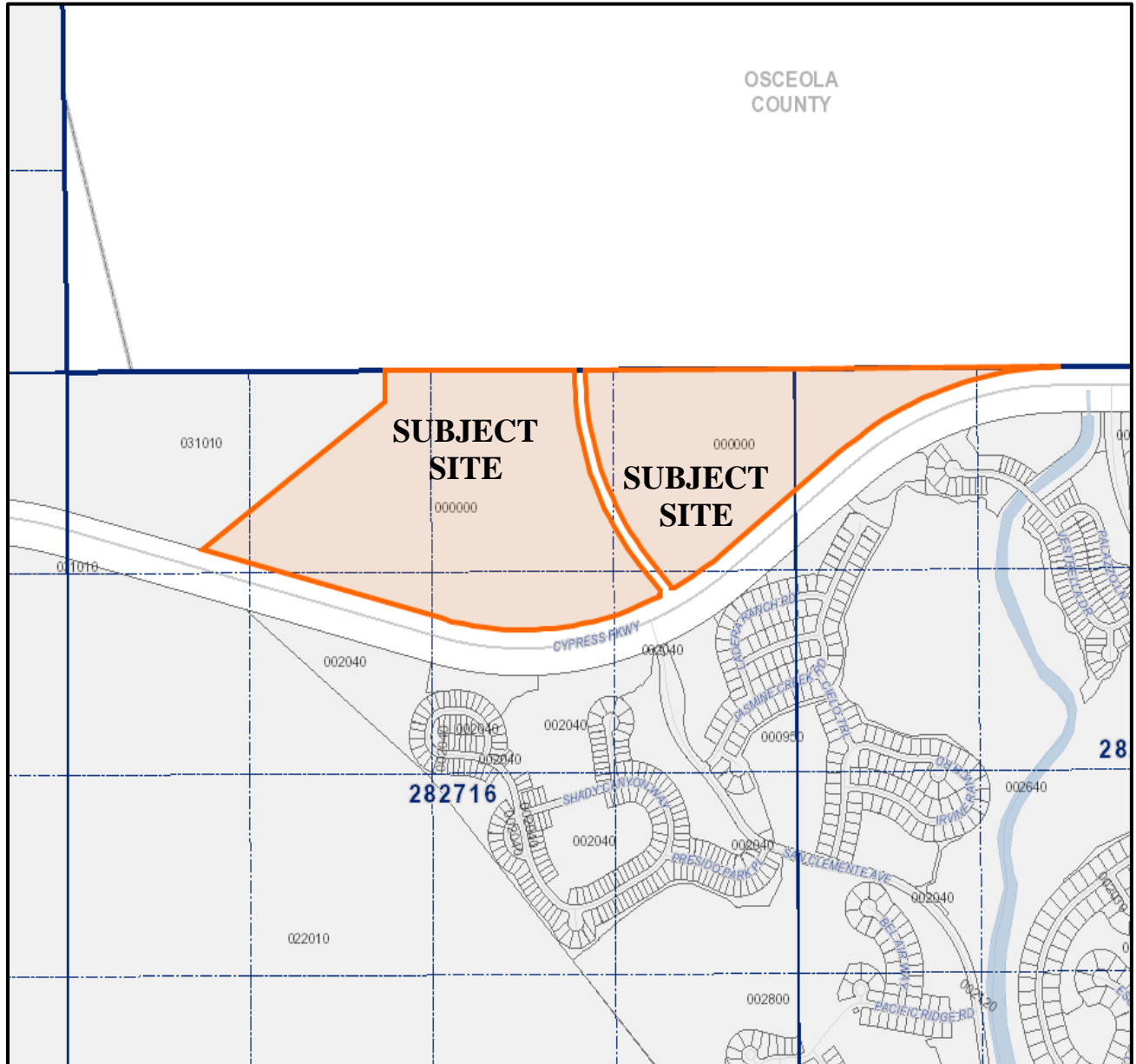
ATTACHMENT "B"

LDCPAL 2020-22

Land Use: Poinciana Pre-DRI #1 to RM and CC (130.76 ± acres)

Location: The site is located on the north side of Cypress Parkway, north of San Clemente Avenue, west of Poinciana Parkway and east of Lake Marion Creek Road.

Sections-15 and 16 Township-27 Range-28



Parcel Detail

Note: Not to Scale

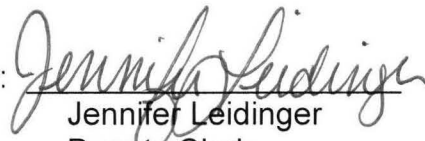
STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-31 adopted by the Board on July 6, 2021.

WITNESS my hand and official seal on this 6th day of July 2021.

STACY M. BUTTERFIELD, CLERK

By:


Jennifer Leiding
Deputy Clerk

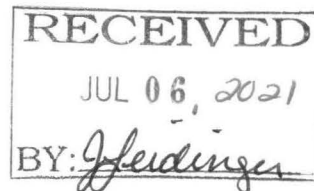




FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State



July 6, 2021

Ms. Jennifer Leidinger, VAB Clerk
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Leidinger:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2021-031, which was filed in this office on July 6, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb