

ORDINANCE NO. 2024-072

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2024-2**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, TO MODIFY SECTION 2.134-A WAHNETA NEIGHBORHOOD PLAN, TO ESTABLISH THE MAIN STREET COMMERCIAL OVERLAY BY ADDING NEW POLICIES AND MAPPING THE OVERLAY OF THE FUTURE LAND USE MAP. THE SUBJECT SITE IS LOCATED ALONG RIFLE RANGE ROAD FROM EAGLE LAKE LOOP ROAD TO 17TH STREET WEST, EAST OF THE CITIES OF BARTOW AND EAGLE LAKE, AND WEST OF THE CITY OF WINTER HAVEN, IN SECTIONS 16, 17, 20 AND 21, TOWNSHIP 29, 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, LDCPAS 2024-2 is an County-initiated amendment to change the text of Section 2.134-A of the Wahneta Neighborhood Plan to allow for the establishment of the Main Street Commercial Overlay by adding new policies and mapping the Overlay on the Future Land Use Map on 109.93 acres (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 August 7, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on September 3, 2024, held an initial public hearing and authorized transmittal of the Amendment to the Department of Commerce for written comment, and

WHEREAS, FLORIDA COMMERCE, by letter dated September 25, 2024, 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 November 5, 2024; 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 with 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 TEXT AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended (the “Polk County Comprehensive Plan”), is hereby amended to change the text of Section 2.134-A of the Wahneta Neighborhood Plan to allow for the establishment of the Main Street Commercial Overlay by adding new policies and mapping the Overlay on the Future Land Use Map on 109.93 acres, legally described as:

A PORTION OF SECTIONS 16, 17, 20 AND 21, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the Northwest corner of Parcel ID # 262916-629000-015801, as described in O.R. Book 12594, Page 1479, and recorded in the Public Records, Polk County, Florida; thence east along the north boundary of said parcel to the west right of way line of Wahrhausen Road; thence south along said west right of way for Wahrhausen Road to the Southeast corner of Parcel ID # 262916-689000-015802, as described in O.R. Book 8540, Page 1281, and recorded in the Public Records, Polk County, Florida; thence south along the southerly projection of the east line of line of said Parcel ID # 262916-689000-015802, to a point on the north right of way line of 2nd Street East, also being the Southeast corner of Parcel ID # 262916-689000-017403 as described in O.R. Book 6101, Page 107, and recorded in the Public Records, Polk County, Florida; thence west along the said north right of way line to the Southwest corner of said Parcel ID # 262916-689000-017403; thence southerly crossing 2nd Street East, and along the east boundary lines of the following 3 Parcel ID #'s

- 1) 262916-689000-018601
- 2) 262916-689000-018603
- 3) 262916-689000-018602

to a point on the north right of way line of 3rd Street East, also being the Southeast corner of said Parcel ID # 262916-689000-018602, as described in O.R. Book 11446, Page 2243, and recorded in the Public Records, Polk County, Florida; thence southwesterly, crossing 3rd Street East, to the Northeast corner of Parcel ID # 262916-689000-019116, as described in O.R. Book 11319, Page 397, and recorded in the Public Records, Polk County, Florida; thence south along the east boundary line and the southerly projection of said east lines, when applicable, of the following 4 Parcel ID #'s

- 1) 262916-689000-019116
- 2) 262916-689000-019102
- 3) 262916-689000-019110
- 4) 262921-690500-020023

to the Southeast corner of said Parcel ID # 262921-690500-020023, as described in O.R. Book 12585, Page 124, and recorded in the Public Records, Polk County, Florida; thence southeasterly to the Northeast corner of Parcel ID # 262921-690500-021701, as described in O.R. Book 6176, Page 542, and recorded in the Public Records, Polk County, Florida; thence south along the east boundary line and the southerly projection of said east line, when applicable of the following 4 Parcel ID #'s

- 1) 262921-690500-021701
- 2) 262921-690500-021710
- 3) 262921-690500-021708
- 4) 262921-690500-021702

to the Northwest corner of Parcel ID # 262921-690500-023701, and described in O.R. Book 12873, Page 1889, as recorded in the Public Records, Polk County, Florida; thence south along the west boundary line of said Parcel ID # 262921-690500-023701, to the Northeast corner of Parcel ID # 262921-690500-023705, thence meandering south along the east boundary lines, and the southerly projections of said east lines, when applicable, of the following 6 Parcel ID's,

- 1) 262921-690500-023705
- 2) 262921-690500-023713
- 3) 262921-690500-023708
- 4) 262921-690500-025002
- 5) 262921-690500-025015
- 6) 262921-690500-025003

to a point on the north right of way line of 11th Street, also being the Southeast corner of said Parcel ID # 262921-690500-025003; thence Southeasterly, crossing 11th Street, to the Northeast corner of Parcel ID # 262921-690500-025411, as described in O.R. Book 7809, Page 64, and recorded in the Public Records, Polk County, Florida; thence South along the east boundary line of said Parcel ID # 262921-690500-025411, and continuing South along a southerly projection of said east boundary line to the intersection with the south boundary line of Parcel ID # 262921-690500-025402, as described in O.R. Book 7685, Page 513, and recorded in the Public Records, Polk County, Florida; thence West along said South boundary line of Parcel ID # 262921-690500-025402, crossing Rifle Range Road, and continuing West along the south boundary lines of the following 3 Parcel ID's,

- 1) 262920-690000-024918
- 2) 262920-690000-024902
- 3) 262920-690000-024901

to the Southwest corner of said Parcel ID # 262920-690000-024901, as described in O.R. Book 9747, Page 1714, and recorded in the Public Records, Polk County, Florida; thence North along the west boundary line of said Parcel ID # 262920-690000-024901, and meandering North along the west boundary lines, and the northerly projections of said west lines, following the applicable land use, of the following 2 Parcel ID's,

- 1) 262920-690000-024934
- 2) 262920-690000-024923

to the Northwest corner of said Parcel ID # 262920-690000-024923, as described in O.R. Book 10524, Page 692, and recorded in the Public Records, Polk County, Florida; thence northeast crossing Cavalier Street to the southwest corner of Parcel ID # 262920-690000-024928, as described in O.R. Book 10082, Page 2083, and recorded in the Public Records, Polk County, Florida; thence north along the west boundary of said Parcel ID # 262920-690000-024928, and continuing north along the west boundaries, meandering along the applicable land use of the following 3 parcels,

- 1) 262920-690000-024928
- 2) 262920-690000-024916
- 3) 262920-000000-012120

to a point on the north right of way line of 15th Street West that is the intersection with a northerly projection of the west boundary line of said Parcel ID # 262920-000000-012120; thence west along the north right of way line of said 15th Street West to the southwest corner of Parcel ID # 262920-000000-012970, as described in O.R. Book 10380, Page 1925, and recorded in the Public Records, Polk County, Florida; thence north and east long the west and north boundary lines of said Parcel ID # 262920-000000-012970, to the Northeast corner; thence north along the projected east boundary line of said Parcel ID # 262920-000000-012970, and along the west boundary line of Parcel ID # 262920-000000-012320, as described in O.R. Book 9458, Page 615, and recorded in the Public Records, Polk County, Florida, to the northwest corner of said Parcel ID # 262920-000000-012320; thence east along the north boundary of the aforementioned parcel, 18 feet more or less, to the point of intersection of said north boundary line and the southerly project of west boundary line of Parcel ID # 262920-000000-012450, as described in O.R. Book 4180, Page 1219, and recorded in the Public Records, Polk County, Florida; thence north along said southerly projection, and continue north along the west boundary of said Parcel ID # 262920-000000-012450, to the northwest corner of said parcel; thence west along the north boundary of Parcel ID # 262920-000000-012450, 86 feet more or less to the west boundary of the designated LCC land use; thence north along the west boundary of the LCC land use, crossing Carter Road and bisecting the following 3 Parcel ID's.

- 1) 262920-000000-012050
- 2) 262920-000000-012020
- 3) 262920-000000-012100

to a point on the south right of way of 12th Street West; thence northeast crossing 12th Street West to the Southeast corner of Parcel ID # 262920-000000-012010, as described in O.R. Book 6052, Page 2036, and recorded in the Public Records, Polk County, Florida; thence north along the west boundary lines, and the northerly projection of said west boundary lines, of the following 3 Parcel ID's

- 1) 262920-000000-012010
- 2) 262920-000000-022202
- 3) 262920-000000-021829

to the northwest corner of said Parcel ID 262920-000000-021829, thence west and north, along the south and west boundary lines of Parcel ID # 262920-690000-019901, as described in O.R. Book 12866, Page 2040, and recorded in the Public Records, Polk County, Florida; thence continue north on the northerly projection of the west boundary line of said Parcel ID # 262920-690000-019901, to the north right of way line of 10th Street West; thence west along said north right of way line, to the southwest corner of Parcel ID # 262920-690000-019906, as described in O.R. Book 9929, Page 431, and recorded in the Public Records, Polk County, Florida; thence north and east along the west and north boundary lines of said Parcel ID # 262920-690000-019906; to the southwest corner of Parcel ID # 262920-690000-019609, thence north along the west boundary

line of said Parcel ID # 262920-690000-019609, to the northwest corner of said parcel; thence northeast crossing 9th Street West, to the southwest corner of Parcel ID # 262920-690000-019602, as described in O.R. Book 10103, Page 1089, and recorded in the Public Records, Polk County, Florida; thence north along the west boundary of said parcel to the northwest corner of said parcel; thence in a clockwise direction, west, north and east along the south, west and north boundary lines of Parcel ID # 262917-689800-000251, as described in O.R. Book 6871, Page 1253, and recorded in the Public Records, Polk County, Florida, to a point on the south right of way of 8th Street West, that is the intersection point of the southerly projected west boundary line of Parcel ID # 262917-689800-000051, as described in O.R. Book 4283, Page 741, and recorded in the Public Records, Polk County, Florida; thence north along said projection, and continue north and east along the west and north boundary lines of said Parcel ID # 262917-689800-000051, to the southwest corner of Parcel ID # 262917-689500-019208, as described in O.R. Book 7402, Page 526, and recorded in the Public Records, Polk County, Florida; thence north along the west boundary line of said Parcel ID # 262917-689500-019208, and continuing north along the northerly projection of said west boundary line and north along the west boundary lines of the following 3 Parcel ID's

- 1) 262917-689500-018502
- 2) 262917-689500-018501
- 3) 262917-689500-018542

to the northwest corner of said Parcel ID # 262917-689500-018542, as described in O.R. Book 7210, Page 1393, and recorded in the Public Records, Polk County, Florida; thence west 18 feet more or less along the south boundary of Parcel ID # 262917-689500-018408, to the west boundary of the LCC land use boundary, and also being the point of intersection of the southerly projection of the west boundary line of Parcel ID # 262917-689500-018410, as described in O.R. Book 7948, Page 714, and recorded in the Public Records, Polk County, Florida; thence north along said southerly projection, and said west boundary line, to the northwest corner of said Parcel ID # 262917-689500-018410; thence east along the north boundary line of said Parcel ID # 262917-689500-018410, to the southwest corner of Parcel ID # 262917-689500-018401, as described in O.R. Book 11307, Page 1336, and recorded in the Public Records, Polk County, Florida; thence north along the west boundary of said Parcel ID # 262917-689500-018401, to the northwest corner; thence northwest, crossing 5th Street West, to the southwest corner of Parcel ID # 262917-689500-018305, as described in O.R. Book 12627, Page 1229, and recorded in the Public Records, Polk County, Florida; thence north along the west boundary lines of the following 2 Parcel ID's

- 1) 262917-689500-018305
- 2) 262917-689500-018320

to the south boundary line of Parcel ID # 262917-689500-017939, as described in O.R. Book 11725, Page 1577, and recorded in the Public Records, Polk County, Florida; thence west along said south boundary line to the southwest corner of said parcel; thence north along the west boundary of said parcel, and continuing north along the west boundary of Parcel ID # 262917-689500-017918, to the northwest corner of said parcel; thence east along the north boundary lines of said parcel 262917-689500-017918, and continue east along the north boundary line of Parcel ID # 262917-689500-017924, to the intersection of the southerly projection of the west boundary line of Parcel ID # 262917-689500-017936; thence north, along said southerly projection, crossing

3rd Street West, and continue north along said west boundary line to the south boundary line of Parcel ID # 262917-689500-017822; thence west and north along the south and west boundary lines of said Parcel ID # 262917-689500-017822, to the northwest corner of said Parcel; thence northeast, crossing 2nd Terrace West, to the southwest corner of Parcel ID # 262917-689500-017802; thence north and east along the west and north boundary lines of said Parcel to the southwest corner of Parcel ID # 262917-689500-017512; thence north along the west boundary lines, and the northerly projection of said west boundary lines, of the following 3 Parcel ID's

- 1) 262917-689500-017512
- 2) 262917-689500-017501
- 3) 262917-000000-012001

to the intersection of the northerly projection of the west boundary line of Parcel ID #262917-000000-012001 with the north boundary line of Parcel ID # 262917-000000-012021; thence west along said north boundary line of Parcel ID # 262917-000000-012021, to the point where the southerly projection of the west boundary line of Parcel ID # 262917-000000-012015, intersects with the north boundary of Parcel ID # 262917-000000-012021; thence north along said southerly projection, and continue north along the west boundary lines, and the northerly projection thereof, of the following 6 Parcel ID's,

- 1) 262917-000000-012015
- 2) 262917-000000-012007
- 3) 262917-000000-012004
- 4) 262917-000000-012008
- 5) 262917-000000-012010
- 6) 262917-000000-012015

to the northwest corner of said Parcel ID # 262917-000000-012015; thence west along the south boundary of Parcel ID # 262917-000000-01007, to the southwest corner of said parcel; thence north along the west boundary line of said parcel to the southwest corner of Parcel ID # 262917-000000-011005; thence in a clockwise direction, meandering north and east along the north boundary of said Parcel ID # 262917-000000-011005, to the northeast corner, being on the west right of way of Rifle Range Road; thence continue East, along the projection of the north line of Parcel ID # 262917-000000-011005, crossing Rifle Range Road, to the intersection with the East right of way of said Rifle Range Road; thence South along the East right of way of Rifle Range Road, 775 feet more or less, to the Northwest corner of Parcel ID # 262916-629000-015801, as described in O.R. Book 12594, Page 1479, and recorded in the Public Records, Polk County, Florida, also being the **Point of Beginning**.

Said lands having an area of **4,785,502** square feet or **110** acres. More or Less.

And referencing this amendment to Section .134-A as shown in Attachment "B" of this Ordinance.

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

This ordinance shall be effective 31 days after the Department of Commerce 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 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 5th day of November 2024.



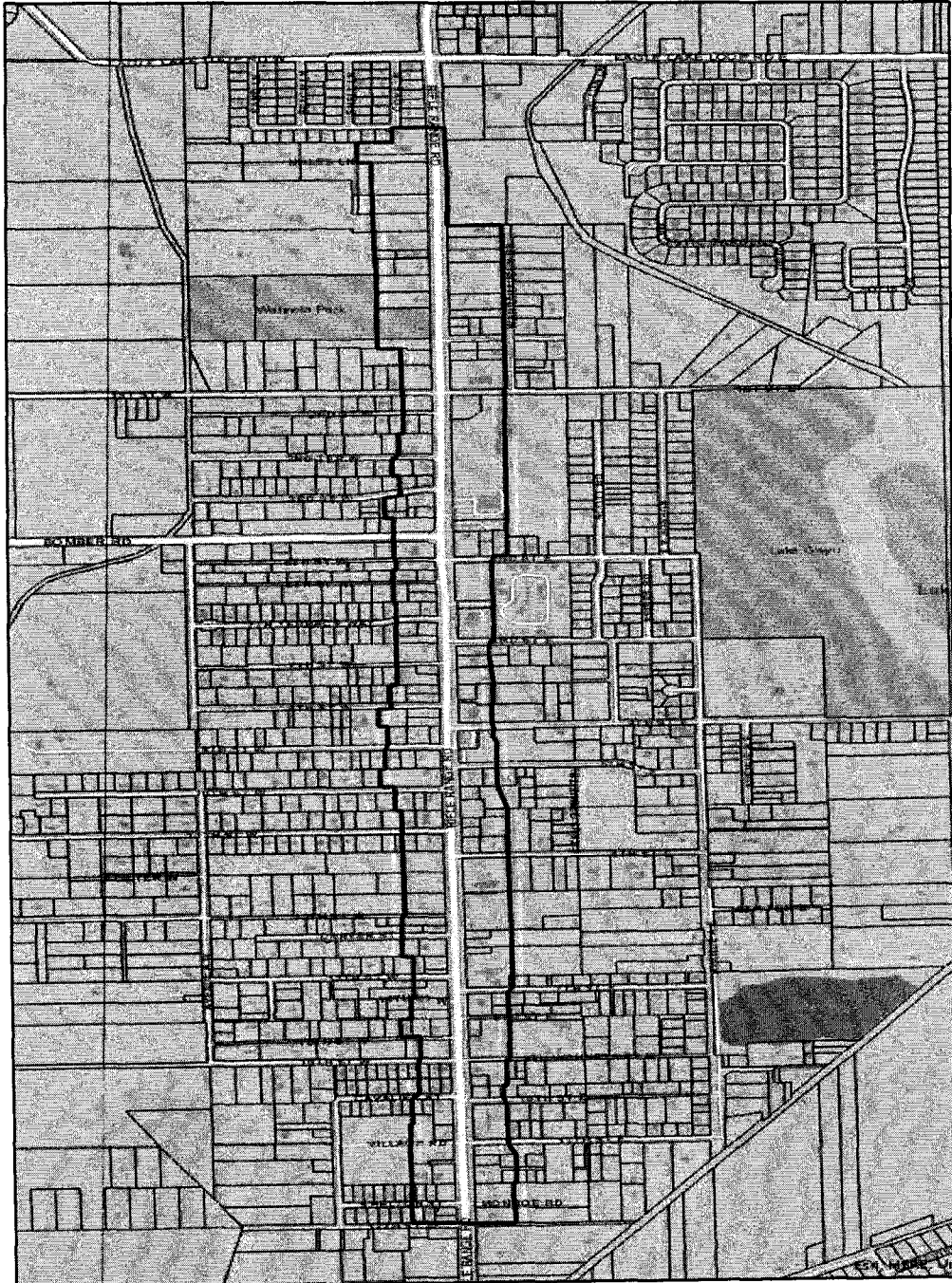
ATTACHMENT "A"

LDCPAL 2024-2

Development Area: Neighborhood Utility Service Area (NUSA),
Suburban Development Area (RDA)

Location: Rifle Range Road from Eagle Lake Loop Road to 17th Street West, East of the
Cities of Bartow and Eagle Lake, and West of the City of Winter Haven.

Sections 16, 17, 20, and 21, Township 29, Range 26



ATTACHMENT "B"

SECTION 2.134-A - WAHNETA NEIGHBORHOOD PLAN

POLICY 2.134-A4: MAIN STREET COMMERCIAL OVERLAY

- A. **Purpose And Intent** - The purpose of the Wahneta Main Street Commercial (MSC) Overlay is to promote the redevelopment of properties along Rifle Range Road and provide a focal point for non-residential activities in Wahneta for a Mainstreet of non-residential development. The intent of the Overlay is to specifically allow for the implementation of the following Vision Basic Principles as identified in the Wahneta Neighborhood Plan and as revised below:
- Allow for a changing development environment based on pending impacts of the Thompson Nursery Road expansion.
 - Work with the residents of Wahneta to develop an updated community strategy to encourage beautification and further define a sense of place based on the expected impacts of the Thompson Nursery Road expansion.
 - Allow greater flexibility for the development of small businesses and community service providers to meet the changing needs of the community through a conditional use process in residential land use designations.
 - Encourage the development of diverse employment opportunities to attract businesses that will enable the community to become self-sufficient and enhance the quality of life of the residents that is unique to Wahneta.
 - Develop multi-modal transportation design and development standards for pedestrians, bicycles, trails, bus service, and vehicles. These standards will enable the community to encourage a more pedestrian-oriented community, particularly along the Rifle Range Road and Bomber Road corridor, while allowing for economic development that will enhance and compliment the community's workforce and residents' diverse heritages.
- B. **Designation and Mapping** – The Main Street Commercial (MSC) Overlay shall only be allowed in the Wahneta Neighborhood Plan. The MSC Overlay includes the non-residential future land use designations along Rifle Range Road and selected residential areas to allow for a transition to non-residential uses, such as neighborhood commercial, office, and neighborhood-oriented institutional. Any Future Land Use designation mapping changes in the Overlay shall require a Comprehensive Plan Amendment.
- C. **Overlay Locational Criteria:**
1. **Frontage and Depth Requirements** - Properties in the MSC Overlay must be of the same depth as the adjoining non-residential future land use designations. The intent of this provision is to ensure that non-residential uses are not extended into residentially designated areas further away from Rifle Range Road.

2. Expansion Criteria – Any extension of the MSC Overlay along Rifle Range Road shall be prohibited until such time as a holistic review of the Wahneta Neighborhood Plan is completed. Infilling of the MSC Overlay shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development.
- D. Allowed Conditional Use – The following uses may be allowed in the Residential and Institutional Future Land Use designations in the MSC Overlay per the review requirements and development standards of the Land Development Code:
1. Residential - Multi-family
 2. Non-Residential - Non-residential uses may include, but are not limited to, grocery stores, personal service shops, restaurants, specialized and general retail, medical and professional offices, cultural facilities, community centers, churches, schools, community-oriented policing substations, and day care centers.
- E. Development Criteria – Development or redevelopment within the MSC Overlay shall conform to the review requirements and development standards of the Land Development Code and be subject to the following density and intensity standards:
1. The maximum floor area ratio shall not exceed 0.35 for non-residential development.
 2. Residential development shall not exceed 10.00 dwelling units per acre.
- F. Current Future Land Use Designations – The MSC Overlay does not divest any current Future Land Use designation the rights provided it in the Comprehensive Plan and the Land Development Code or the Wahneta Neighborhood Plan. This provision is included to preserve the ability for property owners to utilize their previously allowed uses to preserve their property rights.
- G. Land Development Code - Polk County shall implement the provisions of this policy by creating flexible development regulations to incentivize development and redevelopment in the MSC.

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. 2024-072 adopted by the Board on November 5, 2024

WITNESS my hand and official seal on this 5th day of November 2024.

STACY M. BUTTERFIELD, CLERK

By: Yolanda Harris
Yolanda Harris
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 6, 2024

Stacy Butterfield
County Clerk
Polk County
Post Office Box 988
Bartow, FL 33831-0988

Dear Stacy Butterfield,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2024-072, which was filed in this office on November 5, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

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