

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 14-030

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR ZONING ON APPROXIMATELY 5.81 ACRES LOCATED AT 3606 NORTH ROAD 98; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board held a public hearing on May 20, 2014, to consider the request of the Premier Realty Advisors, LLC, on behalf of Lakeland Grove Theatre, LLC, to establish City C-5 (Regional Center Commercial) zoning on 5.81 acres located at 3606 North Road 98, more particularly described in Attachment "A" and graphically depicted on Attachment "B", attached hereto; and

WHEREAS, the Planning and Zoning Board, at its regular meeting on June 17, 2014, approved City C-5 (Regional Center Commercial) zoning on the subject property, and recommended same to the City Commission; and

WHEREAS, the City Commission of the City of Lakeland, Florida, after publication of a notice of its consideration of this ordinance, has determined that it is in the best interests of the City of Lakeland to approve City C-5 zoning to allow a technical/career college.

WHEREAS, the City Commission, having held a public hearing pursuant to said notice, where interested parties were given opportunity to be heard, finds the property should be classified or zoned as recommended by the Planning and Zoning Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF LAKELAND, FLORIDA:**

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The property more particularly described on Attachment "A", owned by Lakeland Grove Theatre, LLC, and located within the City of Lakeland is zoned City C-5 (Regional Center Commercial).

SECTION 3. The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5188.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 6. This ordinance shall take effect immediately upon its adoption.

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of July, A.D.

2014.

R. HOWARD WIGGS, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. McCAUSLAND
CITY ATTORNEY

ATTACHMENT "A"

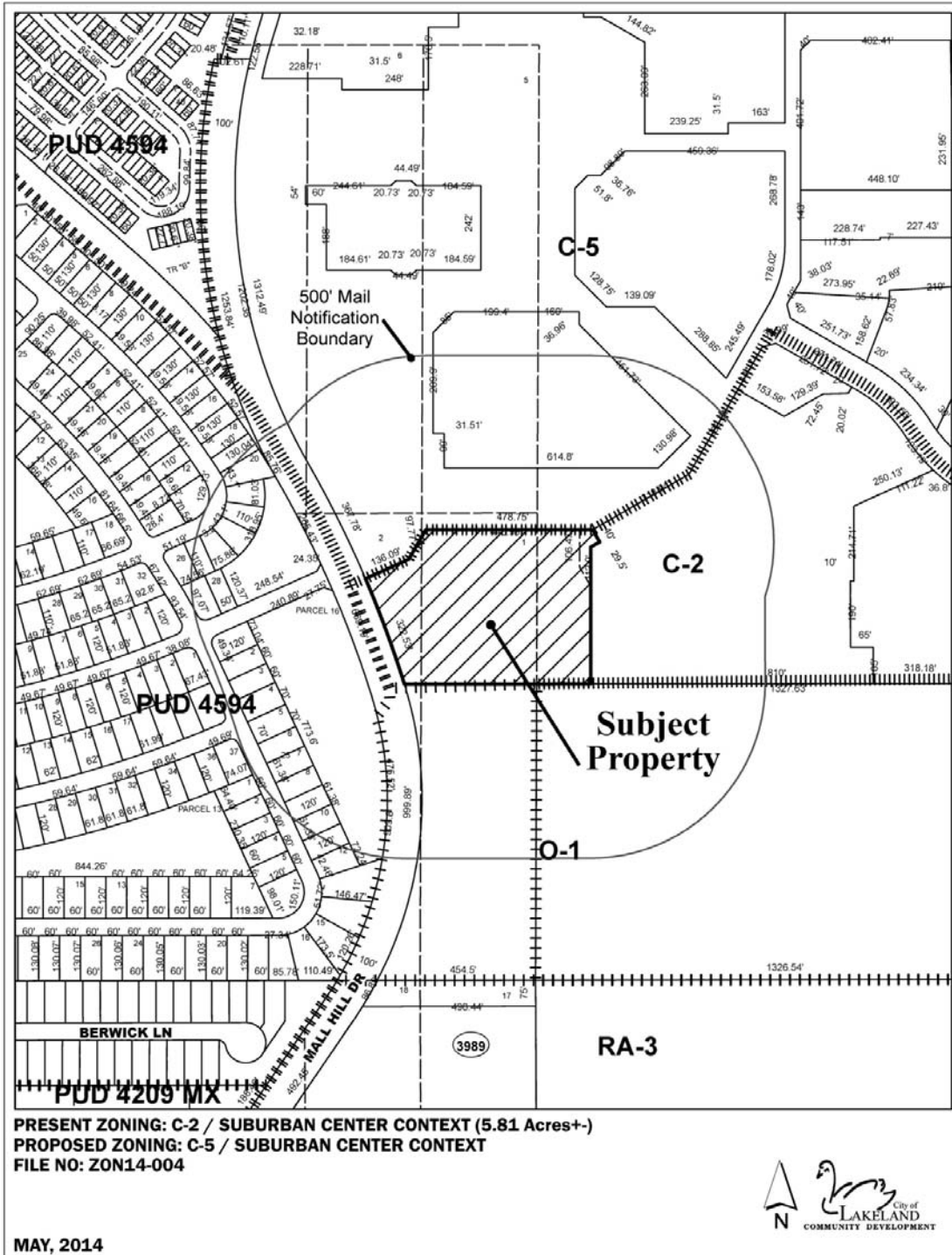
Legal Description

Being a part of Section 35, Township 27 South, Range 23 East, Polk County, FL and being more particularly described as follows:

From a point of reference being the Southeast corner of Section 35; Township 27 South, Range 23 East, said point being an iron rod (no cap) as described in Florida Department of Natural Resources Certified Corner Record #055413; run thence North 00 degrees 16 minutes 21 seconds East along the East line of said Section 35, a distance of 848.93 feet; thence South 89 degrees 56 minutes 30 seconds West, a distance of 43.27 feet to a point on the Westerly right-of-way line of Providence Road (a right-of-way that varies), thence continue South 89 degrees 56 minutes 30 seconds West, a distance of 1128.18 feet from the Point of Beginning of the following description:

Thence continuing South 89 degrees 56 minutes 30 seconds West, a distance of 534.75 feet to a point on the Easterly right-of-way line of Mall Hill Drive (a right-of-way that varies), said point being a point of curve, thence concave Southwesterly and to the left, said curve having a radius of 3200.00 feet, a central angle of 05 degrees 46 minutes 29 seconds, a chord distance of 322.39 feet, a chord bearing North 20 degrees 16 minutes 40 seconds West; thence along the arc of said curve for a distance of 322.53 feet; thence departing Easterly right-of-way line of said Mall Hill Drive on a non radial line run North 65 degrees 52 minutes 59 seconds East, a distance of 136.09 feet; thence North 30 degrees 00 minutes 00 seconds East, a distance of 97.77 feet; thence North 90 degrees 00 minutes 00 seconds East; a distance of 478.75 feet; thence South 30 degrees 00 minutes 00 seconds East, a distance of 40.00 feet; thence South 60 degrees 00 minutes 00 seconds West, a distance of 29.50 feet; thence South 00 degrees 03 minutes 30 seconds East, a distance of 392.83 feet to the Point of Beginning.

ATTACHMENT "B"



MEMORANDUM

DATE: JULY 7, 2014

TO: MAYOR & CITY COMMISSION

FROM: EDWARD LUNZ, CHAIRMAN
PLANNING & ZONING BOARD

SUBJECT: CHANGE IN ZONING FROM C-2 (HIGHWAY
COMMERCIAL) TO C-5 (REGIONAL CENTER
COMMERCIAL) ON PROPERTY LOCATED AT 3606
NORTH ROAD 98.

CASE NUMBER: ZON14-004

OWNER: LAKELAND GROVE THEATRE, LLC.

APPLICANT: PREMIER REALTY ADVISORS, LLC.

P&Z HEARING: MAY 20, 2014

P&Z FINAL DECISION: JUNE 17, 2014

LEGAL DESCRIPTION:

A legal description of the subject property is included as Attachment "A."

Background

Premier Realty Advisors, LLC requests a change in zoning from C-2 (Highway Commercial) to C-5 (Regional Center Commercial) on 5.81 acres located at 3606 North Road 98 in the Lakeland Square Mall shopping center. A map of the subject property is included as Attachment "B."

The subject property is an outparcel to the Lakeland Square Mall and the former location of the Lakeland Square Cinema 10 movie theater. While the street address is North Road 98, the property is adjacent to Mall Hill Drive. The movie theater building was demolished in September 2012 but the building pad, paved parking areas, landscaping and two driveways (one on Mall Hill Drive and one on the mall access road) remain.

The subject property has a future land designation of RAC (Regional Activity Center) and C-2/Suburban Center context zoning. The current C-2 zoning allows for a variety of office and retail uses, but does not allow colleges, junior colleges, universities or similar vocational training facilities. The applicant is seeking C-5 to

allow a technical/career college. At the May 20, 2014 Planning and Zoning Board public hearing, the applicant indicated that the zoning request is specifically to accommodate a new campus for Florida Technical College offering Associate and Bachelor degree programs in Health, Business, Criminal Justice and Computer Information Technology.

Existing Land Use, FLUM and Zoning/Context of Adjacent Properties			
Adjacent to	Existing Land Use	FLUM	Zoning/Context
North	Lakeland Square Mall	RAC	C-5/Suburban Center
South	Vacant, Wooded Land	RM	NA/Suburban Neighborhood
East	Lowe's	RAC	C-2/Suburban Center
West	Hampton Hills Subdivision	RM, RL	PUD/Suburban Neighborhood

Discussion

The requested C-5 zoning will allow the applicant to redevelop on the former movie theater site in a coordinated manner consistent with the C-5 zoning for the adjacent Lakeland Square Mall. Pursuant to Article 2 of the Land Development Code, the intent of the C-5 District is to provide for a broad range of office and retail uses, including colleges, junior colleges, universities, that serve a region-wide population and which are appropriate for large shopping centers. C-5 zoning is not intended to be highway oriented and requires a minimum lot area (200,000 square feet) substantially larger than a typical C-2 lot (10,000 to 30,000 square feet). Maximum building height, building lot coverage and street setbacks are the same for C-2 and C-5 at this location.

Allowed uses under C-5 will not generate any greater impact than those uses allowed under C-2. In addition, C-5 does not permit other uses currently allowed under C-2 such as outdoor commercial sales and storage that are not appropriate for this location. Furthermore, Mall Hill Drive and the existing landscaping buffer along the west side of the subject site create an appropriate transition to the residential neighborhood located to the west. The proposed change will allow for an appropriate re-use of the vacant site and is generally compatible with the surrounding uses and zoning.

The Community Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan. All roadway levels of service are acceptable. Other essential services are presently available to provide concurrency for the proposed use. Actual construction is subject to final concurrency determinations at the time of site plan review.

The Community Development Department reviewed this request and recommended approval of C-5 zoning. Letters of notification were mailed to 33

property owners within 500 feet of the subject property and no objections were received.

This recommendation was approved by a 5-0 vote of the Board.

Recommendation

It is recommended that the request for C-5 zoning, as described above and in Attachments "A" and "B", be approved.