

**ORDINANCE NO. \_\_\_\_\_**

**PROPOSED ORDINANCE NO. 19-022**

**AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION TO PUD ZONING TO ALLOW FOR THE SECONDARY SMELTING OF ALUMINUM WHEELS WITHIN AN EXISTING STRUCTURE ON A PORTION OF PROPERTY LOCATED AT 1220 GEORGE JENKINS BOULEVARD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Board held a public hearing on June 18, 2019 to consider the request of Marc Rachlin, Aluminum Consulting Services, LLC., to change the zoning classification from I-2 (Medium Industrial) to PUD (Planned Unit Development) to allow for the secondary smelting of aluminum wheels within an existing structure on a portion of property located at 1220 George Jenkins Boulevard, more particularly described in Attachment "A" and graphically depicted on Attachments "B", and "C"; and

**WHEREAS**, the Planning and Zoning Board approved the PUD zoning on July 16, 2019, and recommended them 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 PUD zoning on a portion of property located at 1220 George Jenkins Boulevard to allow for the secondary smelting of aluminum wheels within an existing structure; and

**WHEREAS**, the City Commission, having held a public hearing pursuant to said notice, where interested parties were given the 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 LAKE LAND, FLORIDA:**

**SECTION 1.** The property legally described in Attachment “A”, owned by Lakeland Industrial Park, LLC and located within the City of Lakeland, is classified or zoned PUD (Planned Unit Development) as set forth in Attachments “B” and “C”, subject to the following amended conditions:

- A. Permitted Uses: Those uses permitted by-right within I-2 zoning districts, except that the secondary smelting of clean aluminum automotive wheels shall be permitted within the area identified in Attachments “B” and “C.”
- B. Development Standards: In accordance with I-2/Urban Special Purpose context sub-district standards.
- C. Outdoor Storage: In accordance with Sub-Section 5.15.3 of the Land Development Code, except as follows.
  - 1. All manufacturing activities associated with the secondary smelting of clean aluminum wheels shall occur within a fully enclosed building.
  - 2. Outdoor storage of aluminum wheels, and any other metal scrap or reclaimed materials intended for recycling, shall be prohibited.
- D. Odors: The smelting use shall be operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property in which the use is located.

**SECTION 2.** 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 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4.** 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 5.** This ordinance shall take effect immediately upon the effective date.

**PASSED AND CERTIFIED AS TO PASSAGE** this 19th day of August, A.D. 2019.

\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

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

## ATTACHMENT "A"

### LEGAL DESCRIPTION

The land described in that certain Quitclaim Deed recorded in Official Records Book 10114, Page 255, as more particularly described as follows:  
That portion of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 28 South, Range 23 East, Polk County, Florida, described as follows:

Begin at the Southeast corner of said Section 14, and assuming that the East line of said Section 14 is a true North and South line, run North to the point of intersection of the East line of said Section 14 and the center line of the right of way of State Road No. 17 (U.S. Highway No. 92) for a Point of Beginning; thence run South 89 degrees 56 minutes West along said center line of State Road No. 17 a distance of 1062.39 feet; thence run South and parallel to the East line of said Section 14 to the point of intersection with the North boundary line of the present railroad right of way; thence run North 78 degrees 08 minutes 30 seconds East along said North right of way line to the point of intersection of the North boundary line of said railroad right of way with the East line of said Section 14; thence run North to the Point of Beginning,

LESS AND EXCEPT the following:

Exception No. 1: Begin at the Southeast corner of said Section 14, and assuming that the East line of said Section 14 is a true North and South line, run North to the point of intersection of the East line of said Section 14 and the center line of the right of way of State Road No. 17 (U.S. Highway No. 92); thence run South 89 degrees 56 minutes West along said center line of State Road No. 17 a distance of 1062.39 feet for a Point of Beginning; thence run South and parallel to the East line of said Section 14 a distance of 200 feet; thence run North 89 degrees 56 minutes East and parallel to the center line of State Road No. 17 a distance of 165 feet; thence run North and parallel to the East line of said Section 14 a distance of 200 feet to the center line of the right of way of State Road No. 17; and thence run South 89 degrees 56 minutes West along the center line of State Road No. 17 a distance of 165 feet to the Point of Beginning.

Exception No. 2: Begin at the Southeast corner of said Section 14, and assuming that the East line of said Section 14 is a true North and South line run North to the point of intersection of the East line of said Section 14 and the center line of the right of way of State Road No. 17 (U.S. Highway No. 92) for a Point of Beginning; thence run South along the East line of said Section 14 to the point of intersection of the North boundary line of the present railroad right of way and the East line of said Section 14; thence run South 78 degrees 08 minutes 30 seconds West along the North boundary line of said railroad right of way a distance of 559.33 feet; thence run Northeasterly to a point that is 126.25 feet West of the East line of said Southeast 1/4 and 60 feet North of the North

boundary line of said railroad right of way; thence run North and parallel to the East line of said Section 14 to the point of intersection with the center line of the right of way of State Road No. 17; thence run North 89 degrees 56 minutes East along the center line of the right of way of State Road No. 17 a distance of 126.25 feet to the point of Beginning.

Exception No. 3: Right of way for State Road No. 17 (U.S. Highway No. 92).

Exception No. 4: Commence at the Southeast corner of Section 14, Township 28 South, Range 23 East; and run North 00 degrees 00 minutes 00 seconds East along the East boundary of said Section 14 a distance of 1018.33 feet to a point on the South right of way line of State Road No. 17; thence South 89 degrees 59 minutes 08 seconds West along said South right of way line of State Road No. 17 a distance of 126.25 feet to the Point of Beginning; thence continue along said South right of way line of State Road No. 17; South 89 degrees 59 minutes 08 seconds West a distance of 260.00 feet; thence South 00 degrees 00 minutes 00 seconds East and parallel to the East boundary of said Section 14 a distance of 135.00 feet; thence South 89 degrees 59 minutes 08 seconds West and parallel to the South right of way line of State Road No. 17 a distance of 152.00 feet; thence South 00 degrees 03 minutes 29 seconds East a distance of 262.00 feet; thence North 89 degrees 59 minutes 08 seconds East and parallel to the South right of way line of State Road No. 17 a distance of 115.00 feet; thence North 70 degrees 27 minutes 00 seconds East and parallel to the South right of way line of Seaboard Coastline Railroad right of way a distance of 170.00 feet; thence North 89 degrees 59 minutes 08 seconds East and parallel to the South right of way line of State Road No. 17 a distance of 136.53 feet; thence North 00 degrees 00 minutes 00 seconds East and parallel to the East boundary of said Section 14 a distance of 340.00 feet to the Point of Beginning.

LESS AND EXCEPT (portion of Official Records Book 8065, Page 2286)

A parcel of land lying in the Southeast 1/4, of the Southeast 1/4, of Section 14, Township 28 South, Range 23 East, Polk County, Florida, being more fully described as follows: Commence at the Southeast corner of the Southeast 1/4, of the Southeast 1/4, of said Section 14, run thence North along the East line of the Southeast 1/4, of the Southeast 1/4, of said Section 14 a distance of 570.53 feet to the Intersection of the East line of the Southeast 1/4, of the Southeast 1/4, of said Section 14 and the Northerly right-of-way line of CSX Transportation Railroad, run thence S 78°08'15" W along said Northerly right-of-way line a distance of 129.00 feet, continue thence along said Northerly right-of-way line, North and parallel with the East line of the Southeast 1/4, of the Southeast 1/4, of said Section 14 a distance of 15.75 feet to the POINT OF BEGINNING for this description, continue thence S 70°34'52" W along said Northerly right-of-way line a distance of 255.40 feet, thence departing said Northerly right-of-way line run N 17°28'36" W a distance of 155.29 feet, run thence N 70°09'23" E a distance of 160.86 feet, run thence N 89°41'04" E a distance of 136.53 feet to a point on a line that is 126.25 feet West of the East line of said Section 14, run thence S 00°07'00" W a distance of 118.56 feet to the POINT OF BEGINNING.

## Area of Proposed Aluminum Smelting Use

A parcel of land being a portion of the Southeast 1/4 of Section 14, Township 28 South, Range 23 East, Polk County, Florida, being described as follows:

Commence at the intersection of the east line of said Section 14 and the centerline of the right-of-way of State Road 17 (U.S. Highway 98); thence South 89°35'39" West, along said centerline, a distance of 1,062.39 feet; thence South 00°22'53" East, a distance of 206.02 feet to the Point of Beginning; thence continue South 00°22'53" East, a distance of 186.41 feet; thence North 89°21'38" East, a distance of 137.74 feet; thence North 00°29'54" West, a distance of 186.19 feet; thence South 89°27'19" West, a distance of 137.36 feet to the Point of Beginning. Said parcel containing 25,625 square feet, more or less.

# ATTACHMENT "B"



