

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 19-032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE WILLIAMS DEVELOPMENT OF REGIONAL IMPACT; RESCINDING RESOLUTION NO. 4119, AS AMENDED, WHICH ADOPTED A DEVELOPMENT ORDER CREATING THE WILLIAMS DEVELOPMENT OF REGIONAL IMPACT SOUTH OF INTERSTATE 4 AND WEST OF THE POLK PARKWAY; ADOPTING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 21, 2001, the City Commission of the City of Lakeland, Florida, at the request of the Williams Acquisition Holding Company, Inc. (“Owner”), adopted Resolution No. 4119, approving a development order (the “Development Order”) creating the Williams Development of Regional Impact (the “Williams DRI”) on approximately 2,767 acres located generally south of Interstate 4 and west of the Polk Parkway, as more particularly described therein; and

WHEREAS, on July 16, 2007, the City Commission adopted Resolution No. 4622, amending the Development Order to, among other things, provide for the addition and removal of certain lands to and from the Williams DRI, bringing the total acreage within the Williams DRI to 2,479.90 acres; and

WHEREAS, the City Commission has subsequently further modified the Development Order by the adoption of Resolution No. 4926 on September 6, 2011, Resolution No. 5192 on April 6, 2015 and Resolution No. 5218 on July 20, 2015, generally modifying conditions and development intensities within the Williams DRI

(the Development Order, including all amendments thereto, shall be hereinafter referred to as the “Williams DRI Development Order, as Amended”); and

WHEREAS, Thomas Cloud, on behalf of and as legal representative for the Williams Acquisition Holding Company, LLC, successor to Owner, has requested by letter dated May 1, 2019 that the City Commission rescind the Williams DRI Development Order, as Amended, pursuant to Section 380.115, Florida Statutes; and

WHEREAS, Section 380.115, Florida Statutes, provides that, if requested by the developer or landowner, a development of regional impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency if such permit or authorization is subject to enforcement through administrative or judicial remedies; and

WHEREAS, contemporaneously herewith, the City Commission has adopted an amendment to the Williams Planned Unit Development Ordinance (the “Williams PUD”) in order to incorporate therein all conditions previously existing within the Williams DRI Development Order, as Amended, necessary to satisfy the mitigation requirements of Section 380.115, Florida Statutes; and

WHEREAS, the Williams PUD, as amended, will remain in effect and will control the development of the subject property once the Williams DRI Development Order, as Amended, is rescinded; and

WHEREAS, it appearing that all conditions required for the rescission of the Williams DRI Development Order, as Amended, have been satisfied and that it is otherwise consistent with the public health, safety and welfare to rescind the Williams DRI Development Order, as Amended;

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 Williams DRI Development Order, as Amended, is hereby rescinded pursuant to Section 380.115, Florida Statutes.

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 adoption.

[Signature Page Follows]

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of October
A.D., 2019.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
OFFICE OF THE CITY ATTORNEY