

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 21-021

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS21-001 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: 2010-2020; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 8.12 ACRES LOCATED EAST OF LAKE PARKER, NORTH OF STATE HIGHWAY 92 EAST AND WEST OF FAIRWAY AVENUE FROM MIXED COMMERCIAL CORRIDOR (MCC) TO RESIDENTIAL MEDIUM (RM); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 16, 2010, the City Commission of the City of Lakeland, Florida, by Ordinance 5188, adopted the Lakeland Comprehensive Plan 2010-2020; and

WHEREAS, the Planning and Zoning Board held a public hearing on May 18, 2021 to consider a request for a small scale amendment to the Future Land Use Map of the Comprehensive Plan changing the future land use designation on approximately 8.12 acres located east of Lake Parker, north of State Highway 92 East and west of Fairway Avenue (the "Property") from Mixed Commercial Corridor (MCC) to Residential Medium (RM); and

WHEREAS, the Planning and Zoning Board, at its regular meeting on May 18, 2021, approved and recommended to the City Commission that said small scale amendment to the Future Land Use Map of the Comprehensive Plan be adopted;

**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 Future Land Use Map of the Lakeland Comprehensive Plan 2010-2020 is amended to designate the Property as Residential Medium (RM), as more particularly described on Attachment "A" and graphically depicted on Attachment "B," attached hereto and made a part hereof.

SECTION 3. The effective date of this Plan Amendment shall be thirty-one days after its adoption.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of June A.D. 2021.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

Overall PUD Legal Description

Parcel 24-28-16-000000-031010

BEG 485 FT S OF NE COR OF U S LOT 1 RUN S ALONG E BNDRY OF SAID U S LOT 1 TO N R/W LINE OF RR RUN WLY ALONG SAID RR R/W 2019.62 FT TO PT LYING 1980 FT W OF E BNDRY OF AFORESAID U S LOT 1 N TO LAKE PARKER NE ALONG LAKE TO PT W OF BEG E TO BEG LESS FAIRVIEW SUB & LESS BEG NE COR BLK 2 LOT 10 FAIRVIEW SUB RUN N 300 FT W 140 FT S 300 FT E E 140 FT TO BEG & LESS BEG 485 FT S OF NE COR OF US GOVT LOT 1 RUN S 360 FT W 170 FT N 64 DEG W 349 FT MORE OR LESS TO LK PARKER NELY ALONG WATERS

Parcel 24-28-16-000000-032020

BEGIN ON E LINE SE1/4 OF NW1/4 OF SEC 235.02 FT N OF SE COR OF SAID 1/4-1/4 RUN S89-36W 180.0 FT S PARALLEL WITH E LINE OF SAID 1/4-1/4 188 FT M/L TO N R/W LINE OF SR 600 (US HWY 92) ELY ALG SAID R/W LINE 180.0 FT M/L TO E LINE OF SAID 1/4-1/4 N ALG SAID E LINE 193.05 FT TO POB LESS R/W FOR FAIRWAY AVE & FOR SR 600

Parcel 24-28-16-179500-001010

FAIRVIEW PB 32 PG 1 BLK 1 LOTS 1 THRU 5

*As listed by the Polk County Property Appraiser

Legal Description Commercial Parcels (Tracts A and B)

TRACT A

BEGIN AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 92 (STATE ROAD 600) AND THE EASTERLY RIGHT OF WAY OF EAST LAKE PARKER DRIVE (SAID POINT LYING 1969.15 FEET WEST AND 182.59 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY FLORIDA); THENCE RUN NORTHERLY ALONG THE EAST RIGHT OF WAY OF EAST LAKE PARKER DRIVE, N-00°45'32"-E, 50.32 FEET; THENCE N-04°26'18"-E, 87.85 FEET; THENCE N-04°44'10"-E, 38.75 FEET; THENCE N-09°12'42"-E, 50.68 FEET; THENCE N-22°39'09"-E, 92.54 FEET; THENCE LEAVING SAID RIGHT OF WAY, S-85°12'04"-E, 340.00 FEET; THENCE S-04°47'56"-W, 320.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF US HIGHWAY 92 (STATE ROAD 600); THENCE N-85°12'04"-W, ALONG SAID NORTHERLY RIGHT OF WAY, 205.94 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE AND NORTHERLY RIGHT OF WAY, HAVING A RADIUS OF 2865.24, AN ARC LENGTH OF 162.28 FEET, A CHORD BEARING OF N-83°34'43"-W, A CHORD BEARING OF 162.25 FEET TO THEH POINT OF BEGINNING. CONTAINING 2.69 ACRES.

BEARINGS BASED ON NORTHERLY RIGHT OF WAY OF US HIGHWAY 92 BEING N-85°12'04"-W.

TRACT B

BEGIN AT THE NORTHEAST CORNER OF LOT 1, FAIRVIEW SUBDIVISION AS RECORDED IN PLAT BOOK 32, PAGE 1, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND RUN S-89°34'12"-W, ALONG SAID NORTH BOUNDARY OF LOT 1, 140.00 FEET; THENCE S-00°00'59"-E, 5.22 FEET; THENCE S-89°59'01"-W, 129.96 FEET; THENCE S-00°00'59"-E, 239.58 FEET TO A POINT ON THENCE NORTHERLY RIGHT OF WAY US HIGHWAY 92 (STATE ROAD 600); THENCE EASTERLY ALONG SAID RIGHT OF WAY THROUGH A CURVE HAVING A RADIUS OF 11,386.16 FEET, ARC LENGTH 120.27 FEET, CHORD BEARING OF S-88°01'04"-E, A CHORD DISTANCE OF 120.27 FEET; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 11,386.16 FEET, ARC LENGTH OF 151.63 FEET, CHORD BEARING OF S-88°42'07"-E, A CHORD DISTANCE OF 151.63 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF FAIRVIEW AVENUE; THENCE N-00°01'48"-W, ALONG SAID WESTERLY RIGHT OF WAY, 41.87 FEET; CONTINUE ALONG SAID WESTERLY RIGHT OF WAY, N-89°58'12"-E, 8.00 FEET; CONTINUE ALONG SAID WESTERLY RIGHT OF WAY, N-03°40'57"-W, 152.10 FEET; CONTINUE ALONG SAID WESTERLY RIGHT OF WAY, N-00°00'49"-W, 59.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.55 ACRES +/-.

BEARINGS BASED ON NORTH BOUNDARY.

LOT 1, FAIRVIEW SUBDIVISION BEING S-89°34'12"-W.

Legal Description Land Use Change from MCC to RM

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 92 (STATE ROAD 600) AND THE WESTERLY RIGHT-OF-WAY LINE OF FAIRWAY AVENUE FOR THE POINT OF BEGINNING; THENCE NORTH 00°00'13" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 50.00 FEET; THENCE SOUTH 89°12'54" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 10.00 FEET; THENCE NORTH 00°00'12" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 323.74 FEET TO THE NORTHEAST CORNER OF LOT 3, FAIRVIEW SUBDIVISION, AS RECORDED IN PLAT BOOK 32, PAGE 1, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE SOUTH 89°37'20" WEST, ALONG THE NORTH LINE OF SAID LOT 3 AND ITS WESTERLY PROJECTION, 495.18 FEET; THENCE SOUTH 02°45'30" EAST, 186.92 FEET; THENCE NORTH 85°13'52" WEST, 960.99 FEET; THENCE NORTH 04°46'08" EAST, 211.01 FEET; THENCE NORTH 85°08'43" WEST, 429.54 FEET TO THE EASTERLY MAINTAINED RIGHT-OF-WAY LINE OF EAST LAKE PARKER DRIVE AS RECORDED IN MAP BOOK 11, PAGES 156-159, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY MAINTAINED

RIGHT-OF-WAY LINE FOR THE FOLLOWING FIVE (5) COURSES; (1) THENCE SOUTH 30°13'35" WEST, 49.80 FEET; (2) THENCE SOUTH 22°41'25" WEST, 99.62 FEET; (3) THENCE SOUTH 09°27'58" WEST, 44.48 FEET; (4) THENCE SOUTH 06°33'32" WEST, 72.21 FEET; (5) THENCE SOUTH 02°54'24" WEST, 120.93 FEET TO THE INTERSECTION OF SAID EASTERLY MAINTAINED RIGHT-OF-WAY AND THE NORTHERLY RIGHT-OF-WAY LINE OF FORESAID U.S. HIGHWAY 92 (STATE ROAD 600); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING NINE (9) COURSES; (1) SOUTH 82°19'04" EAST, 45.33 FEET; (2) THENCE SOUTH 83°19'06" EAST, 50.03 FEET; (3) THENCE SOUTH 84°31'21" EAST, 70.32 FEET; (4) THENCE SOUTH 85°13'52" EAST, 465.68 FEET; (5) THENCE SOUTH 85°13'52" EAST, 545.70 FEET; (6) THENCE SOUTH 85°44'10" EAST, 198.80 FEET; (7) THENCE SOUTH 86°44'11" EAST, 198.80 FEET; (8) THENCE SOUTH 87°44'12" EAST, 198.80 FEET; (9) THENCE SOUTH 89°12'52" EAST, 161.62 FEET TO THE POINT OF BEGINNING.

LESS TRACT A

BEGIN AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 92 (STATE ROAD 600) AND THE EASTERLY RIGHT OF WAY OF EAST LAKE PARKER DRIVE (SAID POINT LYING 1969.15 FEET WEST AND 182.59 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY FLORIDA); THENCE RUN NORTHERLY ALONG THE EAST RIGHT OF WAY OF EAST LAKE PARKER DRIVE, N-00°45'32"-E, 50.32 FEET; THENCE N-04°26'18"-E, 87.85 FEET; THENCE N-04°44'10"-E, 38.75 FEET; THENCE N-09°12'42"-E, 50.68 FEET; THENCE N-22°39'09"-E, 92.54 FEET; THENCE LEAVING SAID RIGHT OF WAY, S-85°12'04"-E, 340.00 FEET; THENCE S-04°47'56"-W, 320.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF US HIGHWAY 92 (STATE ROAD 600); THENCE N-85°12'04"-W, ALONG SAID NORTHERLY RIGHT OF WAY, 205.94 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE AND NORTHERLY RIGHT OF WAY, HAVING A RADIUS OF 2865.24, AN ARC LENGTH OF 162.28 FEET, A CHORD BEARING OF N-83°34'43"-W, A CHORD BEARING OF 162.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.69 ACRES.

BEARINGS BASED ON NORTHERLY RIGHT OF WAY OF US HIGHWAY 92 BEING N-85°12'04"-W.

LESS TRACT B

BEGIN AT THE NORTHEAST CORNER OF LOT 1, FAIRVIEW SUBDIVISION AS RECORDED IN PLAT BOOK 32, PAGE 1, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND RUN S-89°34'12"-W, ALONG SAID NORTH BOUNDARY OF LOT 1, 140.00 FEET; THENCE S-00°00'59"-E, 5.22 FEET;

THENCE S-89°59'01"-W, 129.96 FEET; THENCE S-00°00'59"-E, 239.58 FEET TO A POINT ON THENCE NORTHERLY RIGHT OF WAY US HIGHWAY 92 (STATE ROAD 600); THENCE EASTERLY ALONG SAID RIGHT OF WAY THROUGH A CURVE HAVING A RADIUS OF 11,386.16 FEET, ARC LENGTH 120.27 FEET, CHORD BEARING OF S-88°01'04"-E, A CHORD DISTANCE OF 120.27 FEET; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 11,386.16 FEET, ARC LENGTH OF 151.63 FEET, CHORD BEARING OF S-88°42'07"-E, A CHORD DISTANCE OF 151.63 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF FAIRVIEW AVENUE; THENCE N- 00°01'48"-W, ALONG SAID WESTERLY RIGHT OF WAY, 41.87 FEET; CONTINUE ALONG SAID WESTERLY RIGHT OF WAY, N-89°58'12"-E, 8.00 FEET; CONTINUE ALONG SAID WESTERLY RIGHT OF WAY, N- 03°40'57"-W, 152.10 FEET; CONTINUE ALONG SAID WESTERLY RIGHT OF WAY, N-00°00'49"-W, 59.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.55 ACRES +/-.

BEARINGS BASED ON NORTH BOUNDARY.

LOT 1, FAIRVIEW SUBDIVISION BEING S-89°34'12"-W.

TOTAL ACRES 7.75 +/- ACRES.

ATTACHMENT "B"

