

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 22-043

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5129, AS AMENDED, TO MODIFY AN EXISTING CONDITIONAL USE TO ADOPT A NEW SITE DEVELOPMENT PLAN AND ALLOW A FREESTANDING EMERGENCY ROOM AND CERTAIN OTHER USES AS PART OF PLANNED MEDICAL OFFICE USES ON PROPERTY LOCATED AT 2500 KATHLEEN ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 5129, as amended, was previously adopted to approve a Conditional Use allowing retail, office, hotel and other uses on property located at 2500 Kathleen Road; and

WHEREAS, applicant, Shelton Rice, Peterson Myers, P.A., on behalf of owner, Lakeland Regional Health Systems, Inc., seeks to modify the subject Conditional Use to adopt a new site development plan and allow a freestanding emergency room and other uses as part of planned medical office uses on the subject property, which property is more specifically described on Attachment “A” and graphically depicted on Attachments “B” and “C,” attached hereto and made a part hereof (the “Property”);

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

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

SECTION 2. Ordinance No. 5129, as amended, is hereby amended as follows:

- A. Site Development Plan: The project shall be developed substantially in conformance with the site development plan included as Attachment “C.” Adjustments can be made

to outparcel configurations at the time of platting without requiring a change to this conditional use, subject to a finding by the Director of Community & Economic Development that such adjustments do not violate the intent of this conditional use.

B. Intensity and Permitted Uses:

1. ~~The maximum floor area of all the parcels combined shall be no more than 150,000 square feet Gross Floor Area (GFA).~~ The maximum floor area for each individual parcel shall be as follows:

Anchor Parcel

~~Up to 100,000 square feet GFA of office/commercial uses~~

Outlot 1

~~Up to 19,000 square feet GFA of commercial uses~~

Outlot 2

Up to 5,000 square feet GFA of commercial uses

Outlot 3

~~Up to 7,000 square feet GFA of commercial uses~~

Outlot 4

~~Up to 19,000 square feet GFA of commercial uses~~

Medical Campus

Up to 300,000 square feet GFA of medical office uses including a freestanding emergency room and accessory uses such as group homes and nursing homes.

Commercial Outparcel (previously Outlot 2)

Up to 5,000 square feet GFA of commercial uses

2. Commercial uses shall include those uses permitted within the C-2 (Highway Commercial) zoning district, including a free-standing emergency room, group homes, and nursing homes, except that the following uses shall be prohibited:

Funeral Homes and Crematoriums

Liquor stores, free standing

Mini-warehousing and storage

Mobile home sales, rental and service

Motor vehicle and boat sales and rental

Motor vehicle service

Motor vehicle parts and accessory stores

Motor vehicle repair, retail

Motels

Outdoor retail sales of new and used merchandise

Outdoor storage of boats, motor homes and trailers, retail service

Pest control and exterminating centers

Recycling collection centers

Regulated uses as defined by Article 31 5

Rental and service agencies

Tool and small equipment rental establishments, including the rental of heavy equipment

Veterinary clinics and hospitals

C. Development Regulations: The project shall be developed in accordance with the C-2/Suburban Corridor sub-district standards except as otherwise provided herein and exempted by the Zoning Board of Adjustment and Appeals on July 7, 2021 by VAR21-019.

1. The maximum building height of all medical office buildings shall be ~~36~~ 60 feet. In the event that a hotel is proposed, the maximum building height of the hotel shall be 65 feet.
2. The project shall be limited to a maximum impervious surface ratio of .75 which shall be calculated by dividing the total impervious areas, including all buildings, parking areas, sidewalks and other paved areas, by the total net project area excluding public right-of-way. For the purpose of this calculation, stormwater ponds shall count as pervious areas.

D. Design Standards:

1. All buildings throughout the project shall have a consistent and unified architectural theme using compatible building materials, finishes, and color schemes. The use of corrugated metal wall panels and smooth cast masonry block as finish materials shall be prohibited. Split face masonry block shall be allowed.
2. All building facades facing public roads or customer parking areas and all building facade lengths in excess of 100 feet shall contain a variety of architectural elements to avoid uninterrupted lengths and provide visual interest. Such elements may include but are not limited to variations in building colors, texture and materials; variations in roof forms and materials; and the use of wall plane projections and/or recesses, pilasters, columns, belt courses, fenestration, canopies, porticos, arcades, colonnades and parapets.
3. Service and loading areas and solid waste containers shall not be permitted to face Kathleen Road and shall be screened from view of public roads, customer parking areas and abutting properties.
4. A solid masonry wall with a 6 ft. landscape buffer shall be required along the entire length of any service and loading areas which face and are visible from the I-4 right-of-way. The wall shall be architecturally finished to be compatible with the principal building.
5. For motor vehicle fuel sales, the pump island canopy shall maintain a maximum average height of 22 feet as measured from the pavement to the top of the canopy and a maximum clear height of 17 feet as measured from the finished floor elevation of the convenience store to the bottom of the canopy.

E. Landscaping:

1. Each development parcel shall provide landscaping in accordance with Section 4.5 of the Land Development Code, except as otherwise provided herein.
2. An enhanced 15 ft. landscape buffer consisting of a hedge and shade trees shall be required along Kathleen Road. The hedge shall be a Type A Hedge as defined in Sub-Section 4.5.3 of the Land Development Code. Shade trees shall be spaced not more than 30 feet apart and a minimum of ten feet in height at time of planting. Low maturing tree species shall be utilized when overhead power lines exist within the buffer area. Breaks in the buffer shall be allowed in order to provide pedestrian connection points from the sidewalk along Kathleen Road into the project site.
3. Building perimeter landscaping equal to 50 percent of each facade length shall be required for each facade that contains a customer entrance. All other facades, excluding those containing service and loading areas, shall provide perimeter landscaping equal to 30 percent of the facade length. Building perimeter landscaping may consist of landscaped beds, raised planters, or planter boxes.

F. Signage: Signage shall be provided in accordance with Section 4.9 of the Land Development Code. In addition, all signage must be consistent with the architectural character of the buildings including materials and composition of individual buildings.

G. Lighting: All outdoor lighting fixtures (off-street parking, buildings, etc.) shall be the "fully shielded" type such that the light emitting, distributing, reflecting and refracting components of the light fixture (lamp, lens, reflective surfaces, etc.) shall not extend beyond the opaque housing of the fixture. At canopied areas (drive-through facilities at banks, service stations, convenience centers), lighting under the canopy/awning/porte-cochere shall be either recessed or fully shielded as described herein.

H. Vehicular Use Areas:

1. ~~Vehicular use areas located between building facades facing Kathleen Road and the required 15 ft. landscape buffer on outlots 2, 3 and 4 shall be limited to one full bay (a double row of parking with a central drive aisle).~~ For any outparcel along Kathleen Road that is developed with a gas station, a gas pump canopy and drive aisle shall be permitted between the 15 ft. landscape buffer and the building facade with an additional drive aisle and single row of parking allowed between the gas pump canopy and the building facade.
2. ~~A maximum of one third of the required parking for the anchor parcel shall be allowed between the building and the I-4 right-of-way.~~
23. A continuous row of parking spaces shall not contain more than ~~20~~ 10 spaces uninterrupted by a landscaped island.

I. Concurrency and Required Off-Site Mitigation

1. Prior to issuance of a first Certificate of Occupancy, the developer shall construct a westward extension of Mall Hill Drive from its current terminus at Kathleen

Road to the planned north-south internal spine road extending into the development site. This roadway shall be constructed to City of Lakeland collector road standards. Conveyance of the road and right-of-way to the City of Lakeland will be subject to review and approval by the City's Public Works Department based on factors including but not limited to its ability to cross the adjacent CSX rail line and utility corridors near the development site. At the time that the Mall Hill Drive Extension becomes operational, access shall be provided to the adjacent property to the north (Salvation Army) and the existing Kathleen Road driveway serving that adjacent property shall be closed and removed. The developer shall provide to the City a copy of a Reciprocal Easement Agreement with the property owner to the north at the time of first site plan submittal.

2. ~~The transportation impact analysis submitted to City staff in April 2009 and updated in July 2009 identified needed off-site transportation mitigation measures to accommodate development traffic through an assumed buildout year of 2012. This transportation analysis incorporated increases in background and vested traffic generated by adjacent proposed developments, including the Mall Hill/Centinel Commerce Center project that received concurrency entitlements through a Development Agreement with the City, executed in August 2007 and amended in March 2009. The transportation impact analysis also identified a phased approach to implementing the required off-site mitigation, with Phase I being defined as 40% of the total trips generated by the development and 40% background tips. Based on that "threshold analysis", the following off-site mitigation measures shall be required prior to the approval of the first site plans submitted for Phase I (a.) and Phase II (b.) of this development as follows:~~

- a. ~~Phase Ia (Net New External P.M. Peak Hour Development Trips are \leq 114 inbound and 112 outbound existing convenience store and 77,000 square feet GFA of medical office, nursing home and related uses)~~
1. Construct initial phase of Mall Hill Drive Extension, with the eastbound approach lane geometry based on operational analysis to be submitted with roadway construction plan submittal.
 2. Complete necessary signal modifications at Kathleen Road/Mall Hill Drive intersection to accommodate Phase I intersection design. If it is determined that signals must be affixed to mast arms in Phase I, signal and mast arm design shall accommodate ultimate intersection design required through Phase II.
- b. Phase Ib (cumulative 77,000 – 150,000 square feet GFA)
1. Prior to site plan submittal for a cumulative 77,000 square feet of medical, nursing home and related uses, an intersection control evaluation or other acceptable analysis shall be submitted to determine the appropriate intersection configuration and design to accommodate development traffic through buildout in adherence of the City's Vision Zero goal. The recommendations resulting from this analysis shall be approved by Polk County.

bc. Phase II (Net New External P.M. Peak Hour Development Trips > 114 inbound and 112 outbound cumulative building area in excess of 150,000 square feet GFA)

- ~~1. Construct Mall Hill Drive Extension to configuration shown in Attachment "C," with project design including 16-foot wide median to accommodate future second westbound lane, if necessary.~~
- ~~2. Construct one eastbound left-turn lane (approximately 330 feet) on the Mall Hill Drive Extension at Kathleen Road;~~
- ~~3. Construct one eastbound right-turn lane (approximately 330 feet) on the Mall Hill Drive Extension at Kathleen Road;~~
- ~~4. Complete necessary signal modifications at Kathleen Road/Mall Hill Drive intersection to accommodate ultimate design. Signals shall be affixed on mast arms instead of current span-wire installation.~~

1. Prior to first Certificate of Occupancy:

- i. Required intersection mitigation measures for the Kathleen Road/Mall Hill Road intersection identified through Condition 2.b.1 shall be substantially completed and approved by Polk County.
- ii. The Blue Line 1 and Blue Line 2 or other transit services operated by the Lakeland Area Mass Transit District (LAMTD) with equal or greater frequencies shall be available to the north and south of the development site on Kathleen Road and to the east of the site on Mall Hill Road.

3. ~~Binding concurrency determinations shall be made in accordance with the City's Concurrency Management Ordinance. A trip generation analysis of the Kathleen Road/Mall Hill Drive intersection shall be provided with each site plan submitted within the development to ensure that the Phase I project trip thresholds are not exceeded. Analysis shall also consider actual trips generated by the proposed Mall Hill/Centinel Commerce Center project, including evaluation of latest monitoring report submitted for that project.~~
4. Since Kathleen Road is operated by Polk County, all turn-lane, operations and signalization modifications on Kathleen Road must be permitted through and approved by Polk County.
5. The developer shall be entitled to receive City Transportation Impact Fee credits for off-site concurrency mitigation that is accepted by the City, in accordance with the Transportation Impact Fee Ordinance in effect at time of mitigation construction.

J. Access and Circulation

1. The project shall be limited to the following access points:
 - a. One full-movement access point on Kathleen Road via the Mall Hill Road Extension. ~~To accommodate this access point, the existing northbound left-turn lane on Kathleen Road at Mall Hill Road shall be extended to a length of approximately 565 feet. The turn lane design shall demonstrate ability to add second left-turn lane if needed in the future.~~ Access points from the Mall Hill Road Extension shall be limited to:
 1. One full movement access point on the Mall Hill Road Extension at the western project boundary approximately 275 feet west of the Kathleen Road intersection.
 2. One right-in/right-out driveway on the Mall Hill Road Extension approximately 250 95 feet west of the Kathleen Road intersection.
 - b. One right-in/right-out driveway north of the limited access right-of-way line on Kathleen Road. A minimum ~~240~~ 220-foot long southbound right-turn lane shall be constructed at this driveway and shall be permitted through Polk County.
2. An internal pedestrian pathway network shall be provided that connects the public sidewalk along Kathleen Road to all ~~outlets and the anchor parcel~~ principal buildings on the development site.
3. All internal roadways shall incorporate sidewalks and shall be designed to accommodate on-site circulation of transit vehicles.
4. Bicycle parking shall be provided for each development parcel within the project in accordance with the bicycle parking regulations in effect at that time of site plan submittal.
5. Parking quantities above the maximum allowed under Sub-Section 4.11.4.1 may be considered for projects which document a demonstrated need and incorporate alternative design techniques to minimize impervious surface areas within the project. Such techniques may include, but are not limited to, the use of electric vehicle charging stations, pervious pavers for perimeter and/or overflow parking, the use of bioswales and the creation of site amenities such as additional green space areas.

K. Transit and Transit Demand Management Conditions

1. Prior to first site plan submittal, the developer shall apply to annex the entire project site into the Lakeland Area Mass Transit District (LAMTD).
2. Prior to the issuance of a first Certificate of Occupancy in the development, the developer shall design and construct a 20' x 10' transit shelter on the project site at a location acceptable to the Lakeland Area Mass Transit District or successor transit agency and the City of Lakeland. The shelter site shall be constructed in compliance with all Americans with Disabilities Act (ADA) and City standards. All

principal uses within the project site shall have access to the transit shelter during the transit system's hours of operation. Access shall not be obstructed by barriers such as fences, locked gates or drainage swales.

3. ~~In the event that more than a cumulative 50,000 square feet of office space is constructed on the project site as a principal use, Transportation Demand Management (TDM) measures shall be implemented during project development, that include:~~
 - a. ~~Participation in the Florida Department of Transportation "Commuter Services" Program for employers. Preferred parking spaces for registered ridesharing program participants shall be designated on each site plan submittal with permanent signage and pavement markings installed prior to the issuance of a Certificate of Occupancy;~~
 - b. ~~A program shall be undertaken by the developer to jointly market the project with multi-family residential development projects within a one mile radius of the site. This program shall be functional prior to the issuance of the first Certificate of Occupancy in the development; and~~
 - c. ~~If the amount of office space developed for a single user exceeds 50,000 square feet, shower facilities shall be constructed and shall be operational for use by employees prior to the last Certificate of Occupancy issuance to that single user.~~

Transportation Demand Management (TDM) measures shall be implemented in compliance with Section 10.4.2 of the City Land Development Code.

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 5885.

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 its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 19th day of September, A.D.

2022.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

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

ATTACHMENT "A"

Legal Description:

Medical Campus

DESCRIPTION: (PROVIDED TITLE COMMITMENT # 994795)

That part of the West 1/2 of the Southwest 1/4 of Section 2, Township 28 South, Range 23 East, and that part of the East 1/2 of the Southeast 1/4 of Section 3, Township 28 South, Range 23 East, Polk County, Florida, more particularly described as follows:

Begin at the intersection of the North line of the East 1/2 of the Southeast 1/4 of said Section 3 and the Northeasterly right of way line of Seaboard Coast Line Railroad, run thence South 30 degrees 25 minutes 43 seconds East along said railroad right of way line a distance of 887.0 feet to the POINT OF BEGINNING for this description; continue thence South 30 degrees 25 minutes 43 second. East along said railroad right of way line a distance of 1473.26 feet to the intersection with the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 3, run thence North 0 degrees 15 minutes 13 seconds West along the East line of said Southeast 1/4 of Southeast 1/4 a distance of 495.01 feet to a point, said point being 228.0 feet South of the Northeast corner of said Southeast 1/4 of Southeast 1/4 run thence South 89 degrees 59 minutes 28 seconds East a distance of 455.60 feet to the intersection with the interchange right of way of State Road Number 400 (Interstate No.4), run thence North 0 degrees 20 minutes 39 seconds East along said right of way line a distance of 373.36 feet, run thence North 13 degrees 32 minutes 27 seconds West along State Road right of way line a distance of 72.45 feet, run thence North 46 degree. 30 minutes 12 seconds West along State Road right of way line a distance of 266.38 feet. run thence North 39 degrees 11 minutes 27 seconds East along State Road right of way line a distance of 44.20 feet to the centerline of Lakeland-Kathleen Road (State Road No. 35-A), run thence in a Northwesterly direction along said centerline 900 feet more or less to a point, said point being on line running North 34 degree 33 minutes 53 seconds East. and a distance of 499.98 feet from the Point of Beginning, run thence South 34 degrees 33 minutes 53 seconds West a distance of 499.08 feet to the POINT OF BEGINNING, subject to right of way for Kathleen Road.

AND

The South 4.5 acres North and West of Highway right of way of Interstate 4 (SR 600) of the Southwest 1/4 of the Southwest 1/4 of Section 2, Township 28 South, Range 23 East, Polk County, Florida.

LESS AND EXCEPT that portion of property shown in the Order of Taking, Case No, GCG-01-4007, Section 08, Parcel No. 127, recorded February 11, 2002 in Official Records Book 4924, Page 304, and Stipulation Final Judgement recorded December 22, 2006 in Official Records Book 7108, Page 2006, Public Records of Polk County, Florida.

LESS AND EXCEPT:

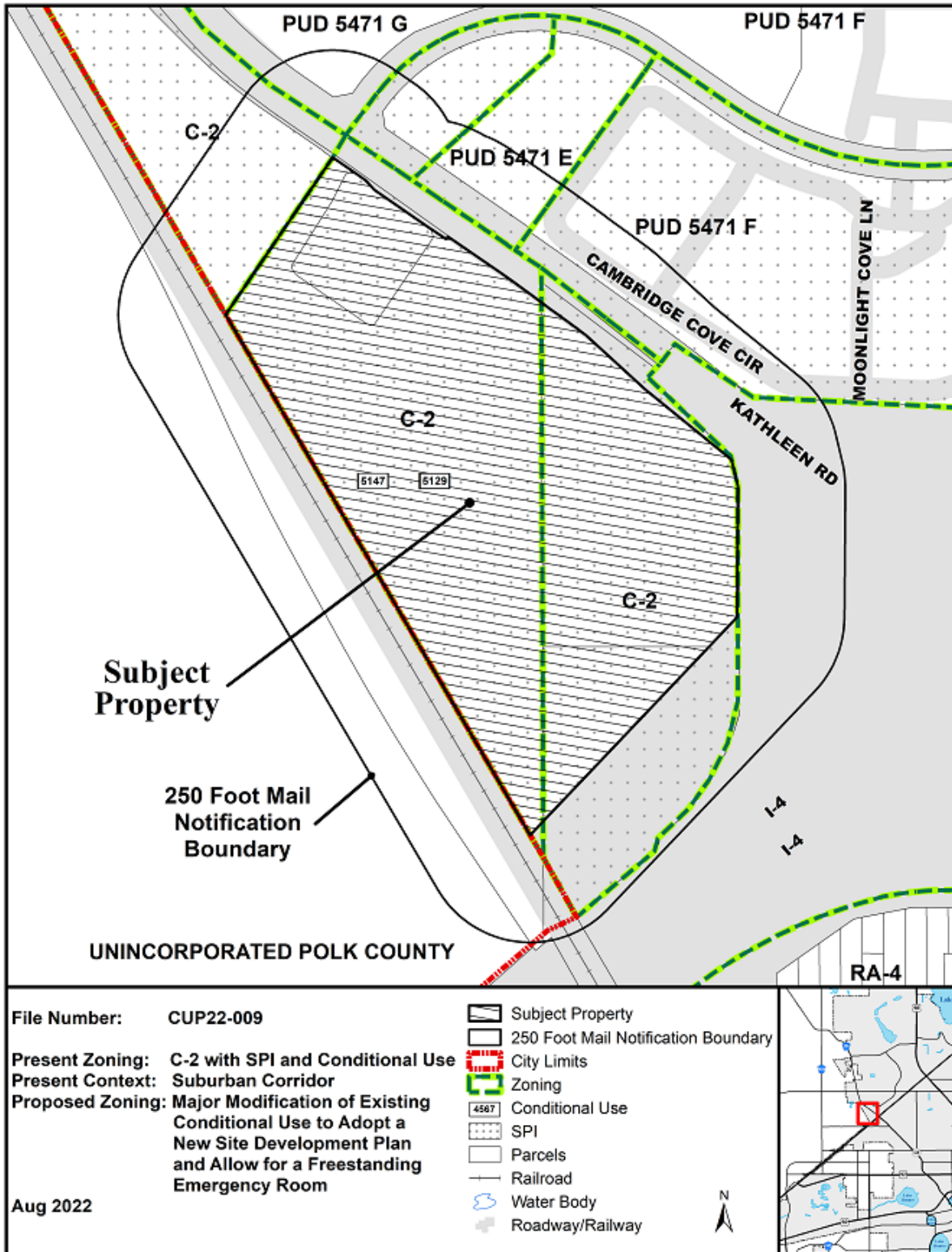
That part of the East 1/2 of the Southeast 1/4 of Section 3, Township 28 South, Range 23 East, Polk County, Florida, more particularly described as follows:

Commence at the intersection of the north line of the East 1/2 of the Southeast 1/4 of said Section 3, and the Northeasterly right of way line of the Seaboard Coast Line Railroad; thence run South 30°21'14" East along said railroad right of way line a distance of 887.52 feet; thence run N34°13'25"E a distance of 443.53 feet to the Southwesterly right of way line of Kathleen Road (State Road No. 35-A) as established by the Order of Taking recorded in Official Records Book 4924, Page 304, Public Records of Polk County, Florida; thence S55°25'00"E along said southwesterly right of way line, a distance of 58.71 feet for a POINT OF BEGINNING; thence continue S55°25'00"E along said Southwesterly right of way line, a distance of 35.24 feet to a new proposed right of way line for Kathleen Road (State Road (No. 35-A); thence S42°00'49"E along proposed right of way line, a distance of 30.20 feet; thence continue along proposed right of way line S55°25'00"E a distance of 151.07 feet to a point of curvature on a curve concave southwesterly having a radius of 28.00 feet and a chord bearing and distance of (S23°13'09"E 29.84 feet), thence leaving said proposed right of way line, run Southeasterly along the arc of said curve through a central angle of 64°23'42" a distance of 31.47 feet to a non-tangent point; thence S34°13'25"W a distance of 244.40 feet to a non-tangent point on a curve concave Northeasterly having a radius of 24.00 feet and a chord bearing and distance of (N76°30'09"W 17.27 feet), thence run Northwesterly along the arc of said curve through a central angle of 42°10'18" a distance of 17.66 feet to a tangent point; thence N55°25'00"W a distance of 195.51 feet to a point of curvature on a curve concave Northeasterly having a radius of 34.00 feet and a chord bearing and distance of (N31°32'00"W 27.53 feet), thence run Northwesterly along the arc of said curve through a central angle of 47°46'00" a distance of 28.35 feet to a non-tangent point; thence N32°15'31"E a distance of 176.61 feet; thence N26°26'11"E a distance of 70.08 feet to a non-tangent point on a curve concave Southeasterly, having a radius of 28.00 feet and a chord bearing and distance of (N69°14'16"E 20.08 feet), thence run Northeasterly along the arc of said curve through a central angle of 42°01'45" a distance of 20.54 feet to the POINT OF BEGINNING.

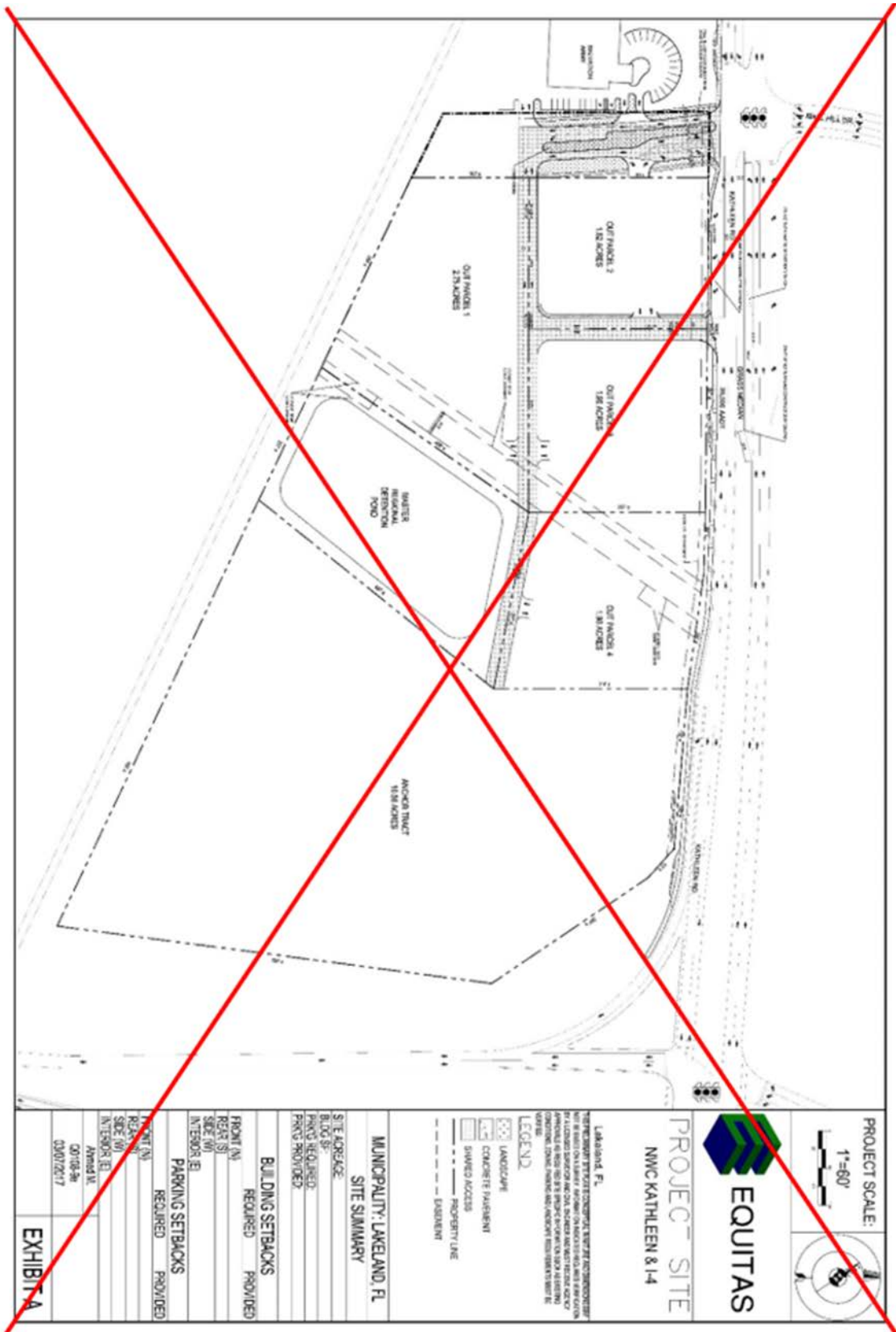
Commercial Outparcel

That part of the West 1/2 of the Southwest 1/4 of Section 2, Township 28 South, Range 23 East, and that part of the East 1/2 of the Southeast 1/4 of Section 3, Township 28 South, Range 23 East, Polk County, Florida, more particularly described as follows: COMM INT OF N LINE OF E1/2 OF SE1/4 OF SEC & NELY R/W LINE OF RR RUN S30-21-14E ALONG SAID RR R/W 887.62 FT N34-13-25E 443.53 FT TO SWLY R/W LINE OF KATHLEEN RD AS PER OR 4924 PG 304 RUN S55-25-00E ALONG SWLY R/W LINE 58.71 FT TO POB CONT S55-25-00E ALONG R/W 35.24 FT TO R/W FOR KATHLEEN RD AS PER OR 10428-1164 S42-00-49E ALONG R/W 30.2 FT S55-25-00E ALONG R/W 151.07 FT THENCE LEAVING R/W RUN SELY ALONG CURVE 31.47 FT S34-13- 25W 244.4 FT NWLY ALONG CURVE 17.66 FT N55-25-00

ATTACHMENT "B"



ATTACHMENT "C"



ATTACHMENT "C"

