

**ORDINANCE D2010-01**

(Remedial actions - DCA v. City of Lake Wales and Hunt Brothers, Inc. on CPA – 08-1)

**ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT AND THE FUTURE TRAFFIC CIRCULATION MAP (ATTACHMENT A) OF THE FUTURE LAND USE MAP SERIES OF THE COMPREHENSIVE PLAN AS REQUIRED UNDER THE SETTLEMENT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF LAKE WALES TO RESOLVE THE NOT-IN-COMPLIANCE FINDING ON COMPREHENSIVE PLAN AMENDMENT 08-1, INVOLVING CHANGES TO THE FUTURE LAND USE MAP IN ORDINANCES D2007-09 AND D2007-11 FOR PROPERTIES OWNED BY HUNT BROTHERS, INC., SPECIFICALLY TO LIMIT BUILDING SQUARE FOOTAGE AND RESIDENTIAL DENSITY AND TO IDENTIFY ROADWAY IMPROVEMENTS NECESSARY TO ACCOMMODATE DEVELOPMENT ON THE PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Whereas**, upon review of Comprehensive Plan Amendment 08-01, the Florida Department of Community Affairs issued an Objections, Recommendations and Comments Report (ORC) on November 30, 2007 and a Not-In-Compliance finding on January 15, 2008, citing projected transportation impacts from development on properties owned by Hunt Brothers, Inc. under land use designations assigned in Ordinances D2007-09 and D2007-11;

**Whereas**, a settlement agreement, entitled “SETTLEMENT TO RESOLVE NOT-IN-COMPLIANCE FINDING: DOAH CASE NO. 08-1611GM, DOCKET NO. 08-1-NOI-5314-(A)-(1)-(N),” based upon negotiations involving the state, city and property owner, was approved by the Department of Community Affairs on January 12, 2010 and the Lake Wales City Commission on February 16, 2010;

**Whereas**, Exhibit B of the referenced settlement agreement stipulates the remedial actions to be taken by the City;

**Whereas**, Future Land Use element, Objective 5: Desired Urban Growth Pattern is the appropriate location for the text amendments proposed to be incorporated into the City’s Comprehensive Plan. Policy numbers 2.03 and 2.04 referenced in the Settlement Agreement will be incorporated as policies 5.23 and 5.24 respectively;

**THEREFORE BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida:

**SECTION 1** The Future Land Use Element of the Lake Wales Comprehensive Plan is amended to add the following policies under Objective 5: Desired Urban Growth Pattern:

Policy 5.23: The level of development allowed on the Hunt Brothers property located along SR 60 shall be limited to the following:

- a. The 46-acre Hunt Brothers property cited in Ordinance No. D2007-11 and located at the intersection of SR 60 E and Tangelo Street shall neither be developed in excess of 400,000 square feet nor a 0.2 floor area ratio; of this, no more than 230,000 square feet shall be developed by 2013.
- b. The 39.4-acre Hunt Brothers property (aka Packing Plant site) cited in Ordinance No. D2007-09 and located at the intersection of Hunt Brothers Road and Lilly Street shall be developed as a single-family residential development and shall not exceed a gross density of 3 dwelling units per acre. No more than 110 dwelling units shall be developed by 2013.
- c. The 24-acre Hunt Brothers property (aka Packing Plant site) cited in Ordinance No. D2007-09 and located south of the intersection of Hunt Brothers Road and Lilly Street shall be developed as Business Park Center with a floor area ratio no greater than 0.46.
- d. The 109-acre Hunt Brothers property (aka Packing Plant site) cited in Ordinance No. D2007-09 and located at the intersection of S11th Street and Hunt Brothers Road shall be developed as industrial use with a floor area ratio no greater than 0.46.
- e. No more than 1,315,735 square feet of non-residential use shall be developed on both the 24-acre Business Park site and the 109-acre Industrial site by 2013.

And

Policy 5.24: The land use changes identified in Ordinance Number D2007-09 and D2007-11 associated with the Hunt Brothers property located along SR60 are projected to have transportation impact by 2030 on the following roads within the City of Lake Wales: Tangelo Street, Hunt Brothers Road, Buck Moore Road and State Road 60, and the following improvements have been identified to be needed in order to accommodate the development during the 2030 planning horizon:

- A. Tangelo Street: From SR60 to Hunt Brothers Road (at Lilly Street) – two lanes to be added
- B. Hunt Brothers Road: From US27 to SR60 – two lanes to be added
- C. Buck Moore Road: From SR60 to Burns Ave – two lanes to be added
- D. SR 60: From SR17 to US27 – two lanes to be added

If roadway failures occur to any of the segments after 2013, the City will not permit any additional development until the needed improvements have been programmed through the City's Five-Year Schedule of Capital Improvements.

**SECTION 2** The Future Traffic Circulation Map of the Future Land Use Map (FLUM) series is amended to add Notes A – D as shown in "Attachment A" to this ordinance to identify the roads listed as future needed improvements in Policy 5.24 of the Future Land Use Element.

**SECTION 3** The applicability and effect of the Lake Wales Comprehensive Plan, as amended, shall be as provided by the Local Government Planning and

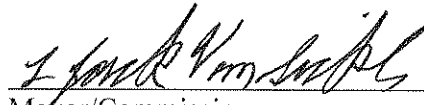
Land Development Regulation Act, Section 163.3215, Florida Statutes, and this ordinance.

**SECTION 4** If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 5** Certified copies of the enacting ordinance, the City of Lake Wales Comprehensive Plan and any amendment thereto, and the Lake Wales Code of Ordinances shall be located in the Office of the City Clerk of Lake Wales. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**SECTION 5** This amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

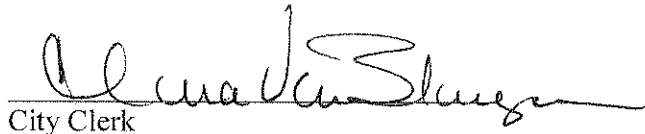
**CERTIFIED AS TO PASSAGE** this 20<sup>th</sup> day of April, 2010.



Mayor/Commissioner

City of Lake Wales, Polk County, Florida

ATTEST:



City Clerk

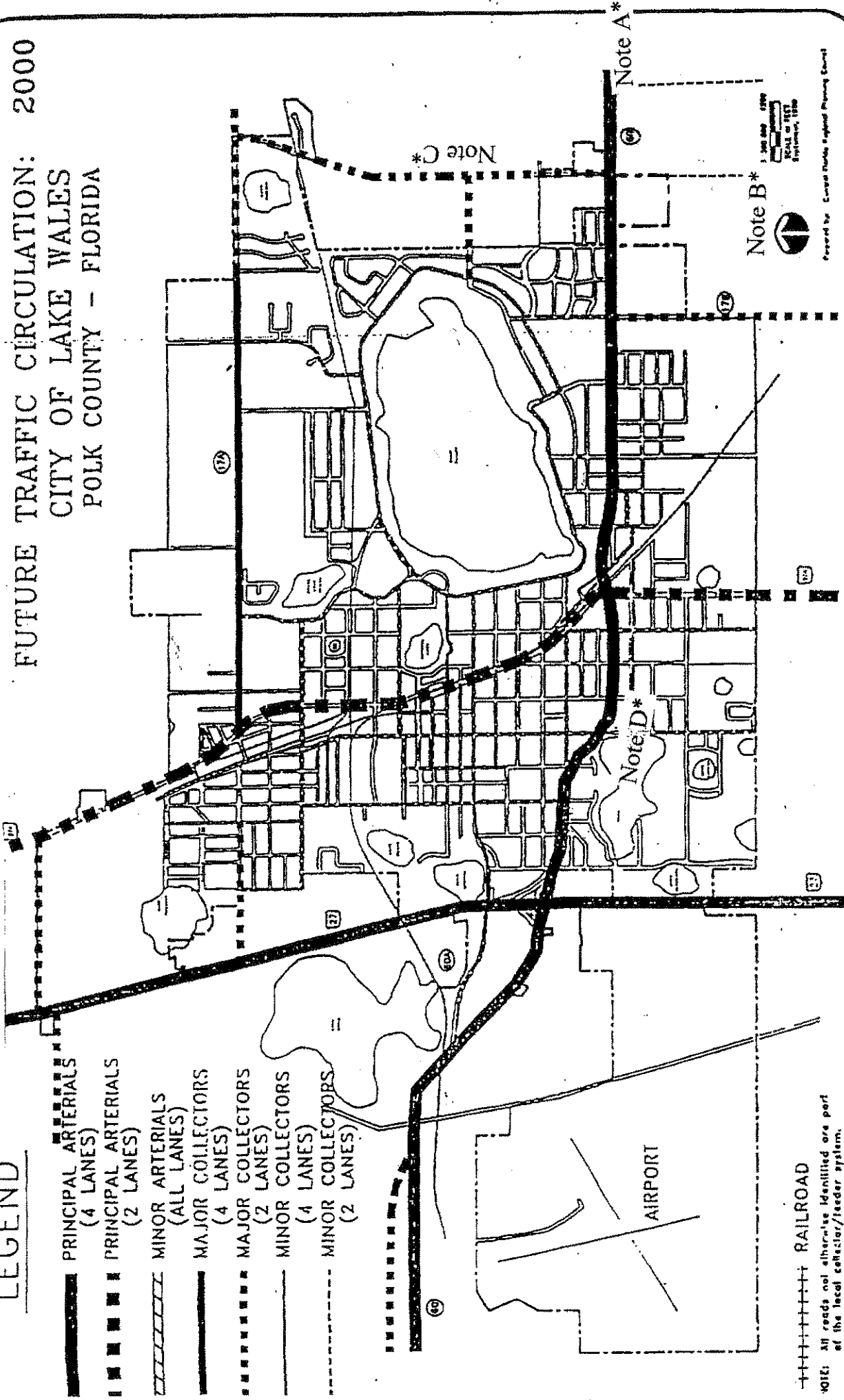
# LEGEND

- PRINCIPAL ARTERIALS  
(4 LANES)
- PRINCIPAL ARTERIALS  
(2 LANES)
- MINOR ARTERIALS  
(ALL LANES)
- MAJOR COLLECTORS  
(4 LANES)
- MAJOR COLLECTORS  
(2 LANES)
- MINOR COLLECTORS  
(4 LANES)
- MINOR COLLECTORS  
(2 LANES)

RAILROAD

NOTE: All roads not otherwise identified are part of the local collector/feeder system.

## FUTURE TRAFFIC CIRCULATION: 2000 CITY OF LAKE WALES POLK COUNTY - FLORIDA



\*Notes A-D See Policy 5.24 Future Land Use Element