



JIM C. STUDIALE
Director
Community Development Department

September 2, 2009

Bulk Solutions, Inc.
Attn: Mr. Breck Reed
4040 Waring Road
Lakeland, Florida 33811

Dear Mr. Reed:

This is to advise you that on August 17, 2009 the Lakeland City Commission adopted Ordinances 5114, 5115 and 5116 which approved annexation, BP (Business Park) Future Land Use and PUD (Planned Unit Development) zoning on 6.23 acres located at 4002, 4040 and 4102 Waring Road.

Copies of Ordinances 5114, 5115 and 5116 are enclosed. In the event you have any questions regarding the ordinances, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Bruce Kistler'.

Bruce Kistler, AICP
Manager of Current Planning

BK:bls

Enclosure

cc: Joshua Cheney, Moduss, Inc.

ORDINANCE NO. 5114

PROPOSED ORDINANCE NO. 09-040

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 6.23 ACRES LOCATED AT 4002, 4040, AND 4102 WARING ROAD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Waring Properties, LLC and Fountain Business Center, LLC, owners of property located at 4002, 4040, and 4102 Waring Road, requested that it be annexed by and included within the corporate limits of the City of Lakeland, Florida.

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 property more particularly described in Attachment "A" and graphically depicted on Attachment "B", owned by Waring Properties, LLC and Fountain Business Center, LLC, and being reasonably compact and contiguous to the corporate limits of the City of Lakeland, is hereby annexed and included in the corporate limits of the City of Lakeland.

SECTION 3. The corporate limits of the City of Lakeland, Florida, as set forth in Div. I, Sec. 4, City Charter (1976), as amended, be and the same are hereby revised to include the property described in Section 2 within the corporate limits of the City of Lakeland.

SECTION 4. The City Commission does hereby expressly find that the property described in Section 2 meets the requirements of, and this annexation has been accomplished in accordance with the provisions of Chapter 171, Florida Statutes.

SECTION 5. As authorized by Section 171.062(2), Florida Statutes, the zoning districts and classifications previously established by the Board of County Commissioners of Polk County, Florida, for the area described in Section 2 shall remain in full force and effect until superseded in whole or in part by the establishment of a zoning district or classification for all or any part of the area. Any request for variance, or special exception shall be made to and acted upon by the appropriate officials, agencies, boards, or commission of the City of Lakeland, which in considering any such request shall observe and be controlled by the provisions of the applicable ordinance of Polk County, Florida. Any rezoning shall be governed by and to a zoning classification provided by the zoning ordinance of the City of Lakeland.

SECTION 6. 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 4140, as amended.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

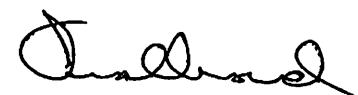
SECTION 8. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 9. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 17th day of August, A.D. 2009.


RALPH L. FLETCHER, MAYOR

ATTEST: 
KELLY S. KOOS
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: 

TIMOTHY J. McCausland
CITY ATTORNEY



ATTACHMENT "A"

Tract H

Lot 4: Begin at the NE corner of the NW 1/4 of Section 3, Township 29 South, Range 23 East, Polk County, Florida, thence South $0^{\circ}03'19''$ East 1136.46 feet for a point of beginning, thence continue South $0^{\circ}03'19''$ East 326.18 feet, thence South $89^{\circ}58'27''$ West 308.85 feet; thence North $0^{\circ}3'14''$ West 326.18; thence North $89^{\circ}58'27''$ East 308.85 feet to the point of beginning. AND

Lot 5: Begin at the Northeast corner of the Northwest 1/4 of Section 3, Township 29 South, Range 23 East, Polk County, Florida; thence South 1462.64 feet for a point of beginning; thence continue South 326.18 feet; thence West 308.86 feet; thence North 326.18 feet; thence East 308.86 feet to the point of beginning.

AND

Lot 6: Commence at the Northeast corner of the Northwest 1/4 of Section 3, Township 29 South, Range 23 East, Polk County, Florida, run thence South $00^{\circ}03'19''$ East 1788.82 feet to the point of beginning, thence continue South $00^{\circ}03'19''$ East 326.18 feet; run thence South $89^{\circ}58'27''$ West 308.86 feet; run thence North $00^{\circ}03'14''$ West 326.18 feet; run thence North $89^{\circ}58'27''$ East 308.86 feet to the point of beginning, LESS the South 100 feet and LESS road right-of-way.

ORDINANCE NO. 5115

PROPOSED ORDINANCE NO. 09-041

**AN ORDINANCE RELATING TO LOCAL GOVERNMENT
COMPREHENSIVE PLANNING; PROVIDING FOR A
SMALL SCALE AMENDMENT #SS-09-012 TO A CERTAIN
PORTION OF THE FUTURE LAND USE MAP FOR 6.23
ACRES LOCATED AT 4002, 4040 AND 4102 WARING
ROAD, ATTACHED TO ORDINANCE 4140, WHICH
ADOPTED THE LAKELAND COMPREHENSIVE PLAN:
2000-2010; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on April 3, 2000, the City Commission of the City of Lakeland, Florida, by Ordinance 4140, adopted the Lakeland Comprehensive Plan 2000-2010; and

WHEREAS, since that adoption, an item has come to the attention of the City's Community Development Department which requires a small scale amendment to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board held a public hearing on June 16, 2009, to consider a small scale amendment to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board, at its regular meeting on July 21, 2009, approved and recommended to the City Commission that this 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 relevant portion of the Future Land Use Map attached as an exhibit to the Lakeland Comprehensive Plan 2000-2010, is amended to BP (Business Park), more particularly described on Attachment "A" and graphically depicted on Attachment "B", attached hereto and made a part hereof.

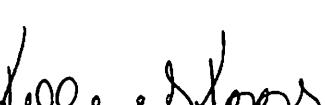
SECTION 3. The effective date of this Plan Amendment shall be thirty-one days after its adoption.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

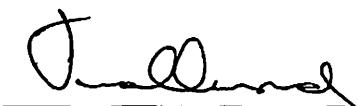
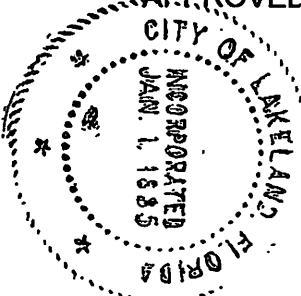
SECTION 5. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

PASSED AND CERTIFIED AS TO PASSAGE this 17th day of August,
A.D. 2009.


RALPH L. FLETCHER, MAYOR

ATTEST: 
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:


TIMOTHY J. McCausland
CITY ATTORNEY

ATTACHMENT "A"

LEGAL DESCRIPTION**Tract H**

Lot 4: Begin at the NE corner of the NW 1/4 of Section 3, Township 29 South, Range 23 East, Polk County, Florida, thence South $0^{\circ}03'19''$ East 1136.46 feet for a point of beginning, thence continue South $0^{\circ}03'19''$ East 326.18 feet, thence South $89^{\circ}58'27''$ West 308.85 feet; thence North $0^{\circ}3'14''$ West 326.18; thence North $89^{\circ}58'27''$ East 308.85 feet to the point of beginning. AND

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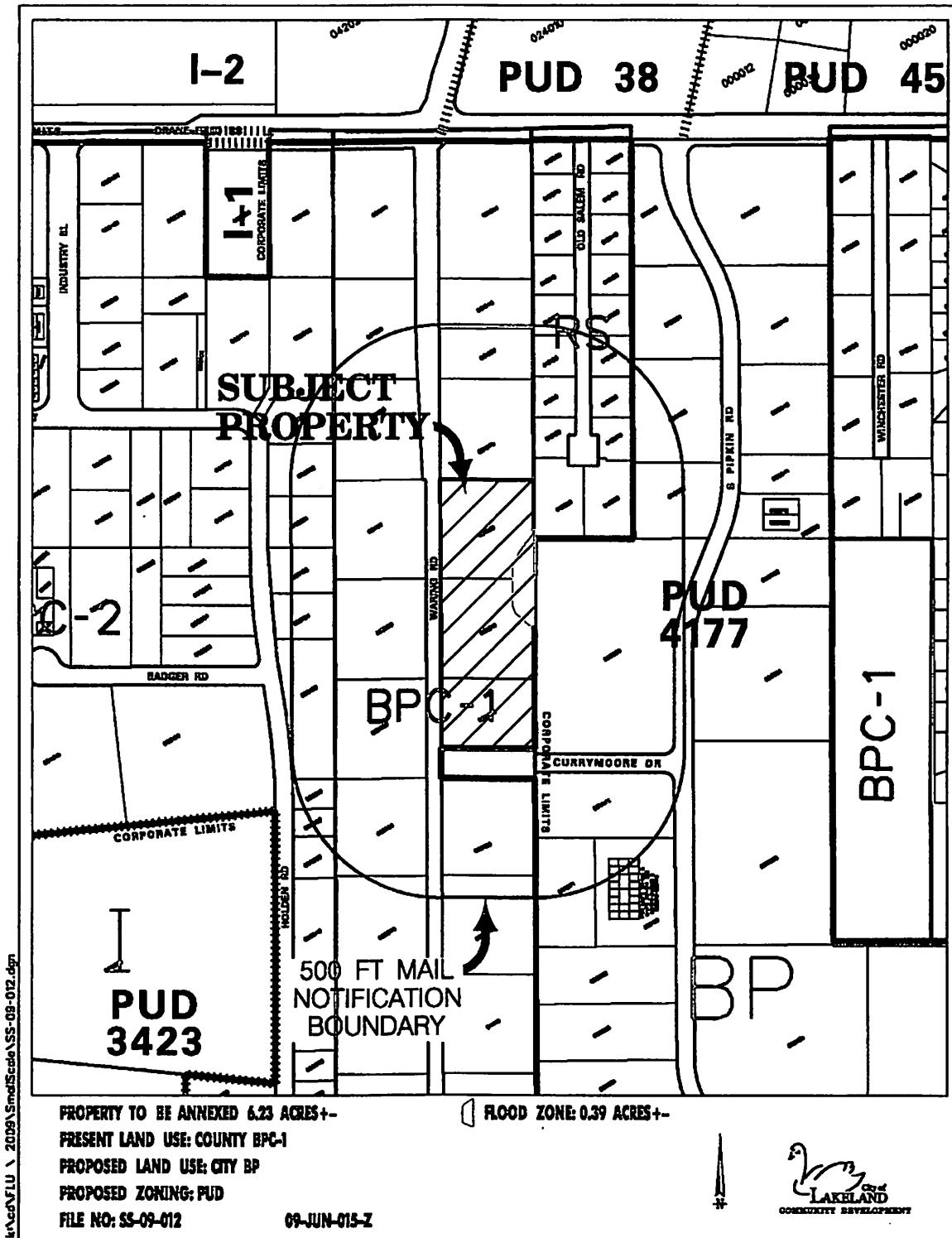
AND

Lot 6: Commence at the Northeast corner of the Northwest 1/4 of Section 3, Township 29 South, Range 23 East, Polk County, Florida, run thence South $00^{\circ}03'19''$ East 1788.82 feet to the point of beginning, thence continue South $00^{\circ}03'19''$ East 326.18 feet; run thence South $89^{\circ}58'27''$ West 308.86 feet; run thence North $00^{\circ}03'14''$ West 326.18 feet; run thence North $89^{\circ}58'27''$ East 308.86 feet to the point of beginning, LESS the South 100 feet and LESS road right-of-way.



5115

ATTACHMENT "B"



ORDINANCE NO. 5116

PROPOSED ORDINANCE NO. 09-042

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4177 TO REVISE THE PLANNED UNIT DEVELOPMENT (PUD) ZONING TO INCLUDE 6.23 ACRES LOCATED AT 4002, 4040 AND 4102 WARING ROAD; PROVIDING CONDITIONS RELATED TO ACCESS AND WARING ROAD IMPROVEMENTS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Section 4. of Ordinance 4711 is hereby amended as follows:

A. Land Use Intensity: PUD-44

B. Permitted Uses:

1. The following uses may occupy a maximum of four (4) acres which shall be located within 400 feet of the north property boundary (Drane Field Road right-of-way):

Banks, credit unions and savings and loan associations

Restaurants, low turnover, sandwich shops and snack bars

Convenience sales and personal service uses

Daycare centers

Churches, synagogues and other houses of worship

Motor-vehicle repair and service establishments

Motor vehicle parts and accessory stores including the installation of parts and accessories.

Travel agencies

Tailor and dressmaker shops

Tax return preparation services

Veterinary clinics and hospitals, but not kennels

Other uses whose operating characteristics are similar to the above and are deemed compatible with surrounding land uses, as determined by the Community Development Department.

2. The following uses may be located anywhere on the subject property:

Office uses, government and non-government
Office-type research and development facilities
Industrial uses, Level I
Industrial service uses, Level I, but not automobile towing services
Bathroom and kitchen contractor showrooms
Carpet and other flooring stores
Interior decorator showrooms
Lighting fixture show rooms
Mini-warehouses
Mirror and glass stores
Retail building material sales, Level I
General warehousing and storage
Upholstering, but not furniture stripping
Wholesale trade uses, Level I
Other uses whose operating characteristics are similar to the above and are deemed compatible with surrounding land uses, as determined by the Community Development Department.

- C. Development Regulations: For area that allows commercial/retail land uses (north 400 feet) development shall be in accordance with C-1 zoning district regulations. For all other areas, development shall be in accordance with I-1 zoning district regulations. All areas are subject to the Polk County Airport Zoning Regulations.
- D. Requirements for parking, landscaping etc. shall be in accordance with City of Lakeland Land Development Regulations.
- E. Access:

1. All uses and parcels on this site shall be accessed from a central roadway which connects to Drane Field Road, Waring Road and S. Pipkin Road, as illustrated in Attachment "C." This roadway shall be constructed at developer expense in compliance with public standards as approved by Polk County Transportation Department and the City of Lakeland Public Works Department. This roadway may be constructed in phases provided that each phase connects to at least two (2) existing collector roadways. One additional driveway shall be allowed on S. Pipkin Road to serve Tract G. A

right-in/right-out access shall be allowed on Drane Field Road east of the central roadway.

Access to Tract H shall be limited to:

- a. Two driveways on Waring Road. The southernmost project driveway shall be restricted to right-in/right-out operations. Both Waring Road driveways shall be permitted through Polk County.
- b. One driveway on Curymoore Drive. This driveway may be a full-movement driveway and must be located at least 200 feet from eastern right-of-way line for Waring Road, as measured from driveway's western edge-of-pavement.

2. The developer will receive any impact fee credits per City of Lakeland Transportation Impact Fee Ordinances as described in a separate "Impact Fee Credit Agreement." The total amount of credits will be determined at time of approval of an "Impact Fee Credit Agreement."

3. Waring Road Improvements:

- a. Prior to the issuance of a first building permit for a principal building within Tract H, sufficient right-of-way shall be dedicated to accommodate any turn lanes required at project driveways. Such right-of-way dedications shall be identified during the driveway permitting process and be completed prior to building permit issuance.
- b. Prior to the issuance of a first Certificate of Occupancy for a principal building within Tract H, a five-foot wide sidewalk shall be constructed along the Waring Road project frontage. This sidewalk shall be constructed within a dedicated easement, located immediately adjacent to the Waring Road right-of-way.
- c. Dedicated pedestrian connections shall be provided between all principal buildings within Tract H. Internal sidewalk connections shall be constructed to the required Waring Road and existing Curymoore Drive sidewalks.
- d. Prior to issuance of first site plan approval for Tract H, the applicant shall apply to annex the tract into the Lakeland Area Mass Transit District.

F. Buffer: Prior to development of the first parcels in Tracts A through GH, respectively, as illustrated in Attachment "C," a buffer consisting of a 6-foot high chain link fence and a hedge shall be constructed along the entire length of the perimeter boundary of the tract adjacent to or across a street from residentially zoned or used property. Where a tree line does not presently exist along any such boundary, canopy trees on the ratio of one per fifty (50) linear feet shall also be planted within the buffer. Buffers shall not be required along front or street side lot lines on Waring Road or Currimoore Drive.

G. Site Development Plan: Prior to development of this site, a site development plan or plat illustrating the location of the collector roads, buffers and the arrangement of lots shall be submitted for review and approval of the Planning and Zoning Board.

H. Performance Standards:

1. Noise: Every land use shall be operated so as not to create a noise disturbance affecting adjacent uses. The term "noise disturbance" is any sound which is:
 - a. Unreasonably loud and disturbing;
 - b. of such character, quantity, or duration as to be injurious to human or animal life, or property;
 - c. of such character, quantity, or duration as to unreasonably interfere with the comfortable enjoyment of life or property; or
 - d. of such character, quantity, or duration as to unreasonably interfere with the normal conduct of business.

Additional noise regulations:

 - a. There shall be no outdoor business operations.
 - b. There shall be no outdoor public address systems, bell ringers or loud speakers.
 - c. There shall be no loading or unloading of trucks, trailers or other vehicles between the hours of 10 p.m. and 6 a.m.- 2. Vibration: Every land use shall be so operated that ground vibration inherently and recurrently generated is not perceptible

without instruments at any point on the property line of the property on which the use is located.

3. **Smoke, Dust, and Dirt:** Every land use shall be so operated as to prevent the emission into the air of smoke, dust or other solid matter which may cause damage to property or discomfort to persons or animals at or beyond the lot line of the property on which the use is located.
4. **Odors:** Every land use shall be so 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 on which the use is located.
5. **Glare:** Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 foot candles in any Residential District.
6. **Toxic Matter:** No operation or activity producing toxic matter shall be permitted.
7. **Electrical Disturbances or Radioactivity:** Each use shall be so operated as to prevent the creation of electrical disturbance or the emission of radioactive materials.
8. **Fire and Explosive Hazards:** All activities and all storage of flammable and explosive materials shall be in accordance with the City of Lakeland Fire and Building Codes.
9. **Hours of Operation:** Business operations in Area A (Attachment "C") shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

I. **Outdoor Storage:** There shall be no outdoor storage of goods or materials in Tracts ~~A or GA, G or H~~. Outdoor storage shall be permitted in Tracts B, C, D, E and F, provided:

1. The height of materials stored outside shall not exceed ten (10) feet;
2. No outside storage of materials of over six (6) feet in height may be located within fifty (50) feet of any property line of a residentially zoned or used lot;
3. All areas of outside storage shall be kept in a neat, orderly condition, free of weeds, litter and debris, odor and vermin;

4. No movement or arranging of materials stored outside shall occur between the hours of 10:00 p.m. and 6:00 a.m.;
5. No outside storage of materials shall occur forward of the front wall of a principal building facing any public street.

J. Design Standards for Tract H:

Principal buildings shall be orientated towards Waring Road and shall utilize architectural treatments to provide visual interest. Such treatments may include but are not limited to the use of cornices; variations in roofline and roof type; variations in colors, textures, and materials; the use of columns, pilasters, belt courses and fenestration; the use of awnings; and the use of trees and other landscaping. The selection of treatments used shall be at the developer's discretion and not one or more treatments shall be deemed to be required provided that, in the opinion of the review staff, the intent of this provision has been met. The use of corrugated metal wall panels of the type used in prefabricated metal buildings shall be prohibited when used as a finish material. Principal buildings shall have no more than one double-loaded row of parking between the building and the right-of-way of Waring Road.

SECTION 2. Attachment "C" is hereby replaced by the new and revised Attachment "C" attached hereto.

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 4140, as amended.

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.

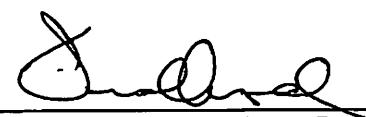
SECTION 6. This ordinance shall take effect immediately upon the effective date of Small Scale Amendment #SS-09-012 to the Future Land Use Map, as provided in Ordinance No. 5115.

PASSED AND CERTIFIED AS TO PASSAGE this 17th day of August, A.D. 2009.


RALPH L. FLETCHER, MAYOR

ATTEST: Kelly S. Koos
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: Timothy J. McCausland


TIMOTHY J. McCausland
CITY ATTORNEY

ATTACHMENT "C"

