

ORDINANCE NO. 23-2059

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA, AMENDING ORDINANCE NO. 03-1060, BY AMENDING THE ZONING MAP OF THE CITY FOR A MAJOR MODIFICATION OF ORDINANCE NO. 18-1606 AMENDING THE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) KNOWN AS BALMORAL ESTATES LOCATED WEST OF PENINSULAR DRIVE, NORTH OF AUBURN COURT AND SOUTH OF GRAHAM PARK DRIVE WEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE KEPT ON FILE; PROVIDING FOR REPEAL OR MODIFICATION OF RPUD IF CONSTRUCTION NOT COMMENCED; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, empowers the City Commission to prepare and enforce Land Development Regulations for the implementation of the adopted Haines City Comprehensive Plan; and

WHEREAS, the City Commission adopted Ordinance No 13-1457 Land Development Regulations, to implement the adopted Haines City Comprehensive Plan; and

WHEREAS, the adopted Haines City Land Development Regulations contain Chapter 6 Special Provisions, including approval of final plans for planned unit developments.

WHEREAS, the conditions for development of the Balmoral Estates RPUD were approved by the Haines City Commission on January 22, 2015, as set forth in Ordinance No. 15-1483; and subsequently modified August 14, 2018, as set forth in Ordinance No. 18-1606; and

WHEREAS, the City of Haines City Planning Commission, at an advertised public hearing on October 9, 2023, as required by Chapter 6 of the Land Development Regulations, has reviewed, heard public input and recommended that the City Commission approve a Major Modification to the Residential Planned Unit Development (RPUD) for the Balmoral Estates RPUD.

WHEREAS, the property consists of a gross land mass of 5.05 acres, which will consist of replacing the existing soccer/football field with a maximum of 186 vacation condominium units and is located in Balmoral Estates on the parcel identified as Tract Q; and

WHEREAS, the property consists of the following parcel and Legal Descriptions:

Parcel ID Nos. 272732-804510-002200 AND 272732-804510-002220

BALMORAL ESTATES PHASE 3, PB 175 PG 1-4, TRACT A-2 AND OS-1.

WHEREAS, Section 13.8.2. (Large scale development) of the City's Land Development Regulations states:

The standards and requirements of these regulations may be modified by the city commission in the case of plan and program for large scale community, a neighborhood unit or a planned development, which in the judgment of the city staff provide adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure compliance with the achievement of the comprehensive plan.

WHEREAS, Section 13.8.3. (Conditions) of the City's Land Development Regulations states:

In granting variances and modifications, the city commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Variances are not to be granted for minimum lot width or lot area requirements nor on the basis of economic hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a

variance be granted because of the presence of existing non-conformities in the zoning district or adjoining zoning districts.

WHEREAS, in the exercise of its authority, the City Commission of the City of Haines City, Florida has determined it necessary and desirable to approve a Major Modification to the Residential Planned Unit Development (RPUD) for the Balmoral Estates RPUD, consistent with the public interest within Haines City, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Approving Major Modification to RPUD. The City Commission of Haines City (the "City Commission") hereby approves a Major Modification to the Residential Planned Unit Development (RPUD) of the Balmoral Estates RPUD described as follows in Exhibit A (Legal Description), Exhibit B (Map), and Exhibit C (Approved Site Plan).

Section 3. Modifications to Balmoral Estates RPUD. The City Commission hereby approves the following additional and modified conditions for the Balmoral Estates RPUD as modifications to the conditions set forth in Ordinance No. 18-1606:

1. Approval of this Major Modification does not release the applicant from meeting the requirements of all other applicable sections of Haines City's Land Development Regulations, Code of Ordinances, and Growth Management Plan.
2. Tract Q, which previously contained the soccer/football field, will be replaced with vacation rentals that will be owned and maintained by the Homeowners Association.
3. The maximum number of vacation rental condominiums will be 186 units.

4. 48 studio condominiums at 700 sf living space, 114 1-bedroom condominiums at 862 sf of living space and 24 2-bedroom 1138 sf condominiums will be provided.
5. Access onto Peninsular Drive shall be for emergency access only with an approved emergency access locking system.
6. All outstanding TRB comments will be satisfied.
7. All comments and recommendations from the traffic consultant VHB will be completed.
8. All other conditions as set forth in Ordinance Nos. 22-2030, 18-1606, and 15-1509, remain in effect.

Section 4. Severability. The provisions of this Ordinance are severable; and, if any section, sentence, clause, or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Commission's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

Section 5. Copy of Ordinance to be kept on file. The City Clerk shall keep and retain a copy of this Ordinance on file.

Section 6. Repeal or modification of RPUD if construction not commenced. Failure to commence construction within two (2) years of the effective date of the adoption of RPUD zoning set forth in this Ordinance shall be grounds for the City, at its discretion, to initiate a rezoning of the subject property. In such event, the Planning Commission may recommend to the City Commission (i) that the subject property be returned to its previous zoning classification, (ii) that the RPUD be modified, or (iii) that the RPUD be retained in its current form.

Section 7. Repeal of Ordinance in Conflict. All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect immediately upon it being read in two meetings of the City Commission of the City of Haines City, its approval and adoption by said Commission and when certified as to passage.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Haines City, this 2nd day of November, 2023.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

H.L. "Roy" Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

PASSED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 7th day of December, 2023.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

H.L. "Roy" Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

272732-804510-002200 AND 272732-804510-002220

BALMORAL ESTATES PHASE 3, PB 175 PG 1-4, TRACT A-2 AND OS-1

A portion of the following legal description:

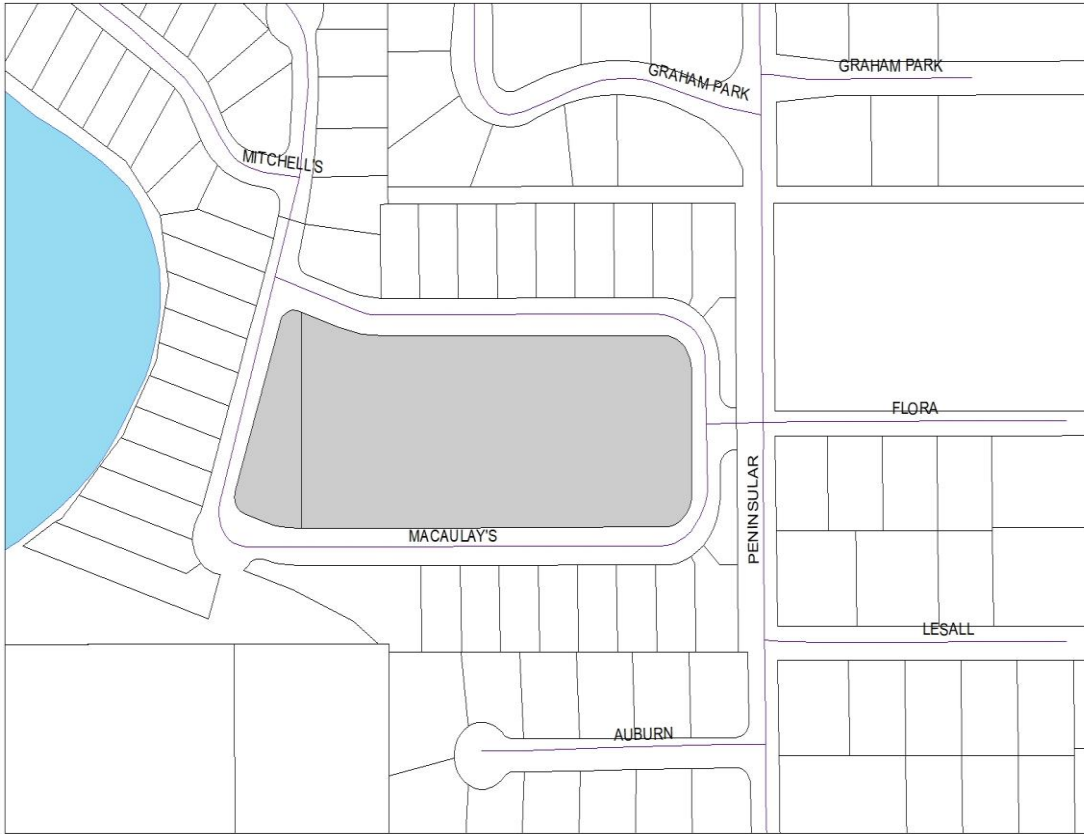
LEGAL DESCRIPTION

A PORTION OF TRACT R, BALMORAL ESTATES PHASE 1, AS RECORDED IN PLAT BOOK 160, PAGE 1-9 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT V, BALMORAL ESTATES PHASE 2, AS RECORDED IN PLAT BOOK 164, PAGE 1 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA (SAID POINT ALSO BEING A POINT ON THE WEST LINE OF SECTION 32, TOWNSHIP 27 SOUTH, RANGE 27 EAST); THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID BALMORAL ESTATES PHASE 2 THE FOLLOWING NINETEEN (19) COURSES AND DISTANCES: (1) RUN SOUTH 77°42'50" EAST, FOR A DISTANCE OF 59.04 FEET; (2) THENCE RUN NORTH 25°52'18" EAST, FOR A DISTANCE OF 156.34 FEET; (3) THENCE RUN NORTH 30°14'46" EAST, FOR A DISTANCE OF 142.26 FEET; (4) THENCE RUN NORTH 53°03'54" EAST, FOR A DISTANCE OF 92.86 FEET; (5) THENCE RUN NORTH 75°40'23" EAST, FOR A DISTANCE OF 145.21 FEET; (6) THENCE RUN SOUTH 69°35'09" EAST, FOR A DISTANCE OF 70.01 FEET; (7) THENCE RUN SOUTH 50°48'31" EAST, FOR A DISTANCE OF 138.21 FEET; (8) THENCE RUN SOUTH 58°20'34" EAST, FOR A DISTANCE OF 321.37 FEET; (9) THENCE RUN SOUTH 37°48'48" EAST, FOR A DISTANCE OF 101.79 FEET; (10) THENCE RUN NORTH 81°54'28" EAST, FOR A DISTANCE OF 66.14 FEET; (11) THENCE RUN NORTH 29°50'11" EAST, FOR A DISTANCE OF 74.81 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 29°55'52", AND A CHORD DISTANCE OF 64.56 FEET WHICH BEARS SOUTH 64°19'15" EAST; (12) THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, FOR A LENGTH OF 65.30 FEET TO A POINT OF TANGENCY; (13) THENCE RUN SOUTH 79°17'11" EAST, FOR A DISTANCE OF 34.50 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91°49'33", AND A CHORD DISTANCE OF 35.91 FEET WHICH BEARS SOUTH 33°22'25" EAST; (14) THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, FOR A LENGTH OF 40.07 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, CONCAVE WESTERLY, HAVING A RADIUS OF 939.89 FEET, A CENTRAL ANGLE OF 00°41'37", AND A CHORD DISTANCE OF 11.38 FEET WHICH BEARS SOUTH 12°53'25" WEST; (15) THENCE RUN

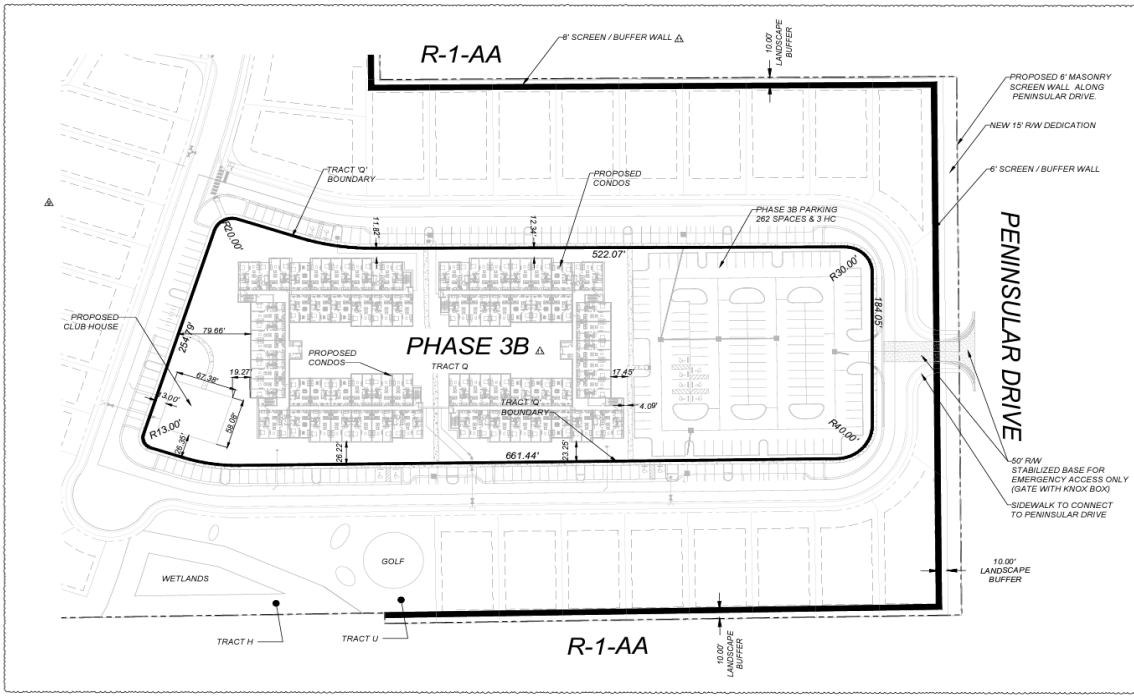
SOUTHERLY ALONG THE ARC OF SAID CURVE, FOR A LENGTH OF 11.38 FEET TO A POINT OF NON-TANGENCY; (16) THENCE RUN SOUTH 76'45'31" EAST, FOR A DISTANCE OF 50.00 FEET; (17) THENCE RUN SOUTH 83'23'15" EAST, FOR A DISTANCE OF 135.74 FEET; (18) THENCE RUN NORTH 00'19'41" WEST, FOR A DISTANCE OF 44.11 FEET; (19) THENCE RUN SOUTH 88'34'47" EAST, FOR A DISTANCE OF 15.82 FEET TO THE SOUTHEAST CORNER OF AFORESAID BALMORAL ESTATES PHASE 2; THENCE RUN NORTH 89'40'19" EAST ALONG THE NORTH LINE OF TRACT R OF BALMORAL ESTATES PHASE 1, AS RECORDED IN PLAT BOOK 160, PAGE 1 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, FOR A DISTANCE OF 637.15 FEET TO THE NORTHEAST CORNER OF SAID TRACT R; THENCE RUN SOUTH 00'29'57" EAST ALONG THE EAST LINE OF SAID TRACT R, FOR A DISTANCE OF 639.16 FEET TO THE SOUTHEAST MOST CORNER OF AFORESAID TRACT R AND THE NORTHEAST CORNER OF AUBURN HILLS, AS RECORDED IN PLAT BOOK 116, PAGE 1, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN SOUTH 89'05'44" WEST ALONG THE SOUTH LINE OF SAID TRACT R, FOR A DISTANCE OF 637.72 FEET TO THE NORTHWEST CORNER OF SAID AUBURN HILLS; THENCE RUN NORTH 00'44'13" WEST, FOR A DISTANCE OF 12.55 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF AFORESAID SECTION 32; THENCE RUN SOUTH 89'04'25" WEST ALONG SAID NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 32, FOR A DISTANCE OF 1337.52 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 32; THENCE RUN NORTH 00'01'00" EAST ALONG SAID WEST LINE OF SECTION 32, FOR A DISTANCE OF 657.37 FEET TO THE POINT OF BEGINNING.
CONTAINING 1445,682 SQUARE FEET OR 33.188 ACRES, MORE OR LESS.

EXHIBIT "B"



MAP

EXHIBIT "C"



P:\FD\A_New_Townhomes\CAD\Phase\Final\FD-24_03_OVERALL SITE PLAN.dwg, 9/19/2023 7:58:38 PM



DAVE SCHMITT ENGINEERING, INC.
3873 AVALON PARK EAST BLVD.
ORLANDO, FL 32833
407-207-9098 FAX 407-207-9099
Certification of Authorization #27471

CONTRACTOR: HAS-BALTY
I hereby certify that these "Blow Up" plans were furnished to me by the contractor listed below, I, or an employee under my direct supervision, have reviewed these "Blow Up" and believe them to be in compliance with the knowledge of what was actually constructed. This statement is based upon the observation of the contractor.
Contractor: _____ Engineer: _____
Not valid without the signature and the original raised seal of a Florida Registered Engineer.

| DATE | BY | DESCRIPTION | DATE | BY | DESCRIPTION |
|----------|----|----------------------------|------|----|-------------|
| 08-21-23 | BC | REVISION PER CITY COMMENTS | | | |
| 08-18-23 | BC | REVISION PER CITY COMMENTS | | | |
| 10-30-23 | MS | NEW PER CITY COMMENTS | | | |

DAVE M. SCHMITT
FLORIDA REG. NUMBER
46274

BLOW UP SITE PLAN (TRACT Q)
BALMORAL ESTATES
HAINES CITY, FLORIDA

DATE: SEPTEMBER 2024
PROJECT NO.: FTD-24
DRAWN BY: J...
CHECKED BY: DMS
SCALE: 1" = 50'
SHEET: 3A OF 6

