

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Kentucky Square Large Scale Future Land Use Amendment and Rezone

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Alison Stettner **CONTACT:** Ian Sikonia EXT. 7398

| | | | |
|------------------------------------|--|--|--|
| Agenda Date <u>6/3/2009</u> | Regular <input type="checkbox"/> | Work Session <input type="checkbox"/> | Briefing <input type="checkbox"/> |
| | Special Hearing – 6:00 <input type="checkbox"/> | Public Hearing – 7:00 <input checked="" type="checkbox"/> | |

MOTION/RECOMMENDATION:

- RECOMMEND TRANSMITTAL** of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 27.6 ± acres, located at the southwest section of the intersection of Beardall Avenue and Kentucky Street, based on staff findings (Hugh Harling, applicant); or
- RECOMMEND DENIAL** of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 27.6 ± acres, located at the southwest section of the intersection of Beardall Avenue and Kentucky Street (Hugh Harling, applicant); or
- CONTINUE** the item to a time and date certain.

Jeff Hopper, Senior Planner
Ian Sikonia, Senior Planner

District 5 – Commissioner Carey

BACKGROUND:

The applicant is requesting a Large Scale Future Land Use Amendment and rezone of 27.6 ± acres, located at the southwest section of the intersection of Beardall Avenue and Kentucky Street, from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development).

The requested Large Scale Future Land Use Amendment would create the potential for airport-related commercial/industrial development and/or a multi-family residential use at a maximum density of 30 dwelling units per net buildable acre. The applicant's PUD zoning request indicates an intent to develop the site as residential with the maximum allowable density in the HIP-AP Future Land Use designation, for a total of 706 multi-family units. Despite the applicant's current intentions, approval of the land use

| |
|---------------------------------|
| Reviewed by: _____ |
| Co Atty: <u>KJA</u> |
| DFS: _____ |
| OTHER: _____ |
| DCM: _____ |
| CM: _____ |
| File No. <u>Z2008-60</u> |

amendment would allow future applications for commercial and/or industrial uses on the property.

The proposed application is located southeast of the Orlando/Sanford International Airport near East Lake Mary Boulevard, a principal arterial roadway. The property is located within the City of Sanford utility service area and the applicant will be required to connect to water and sewer. This area of the county has been transitioning from agricultural and single-family home uses for the past several years since the extension of E. Lake Mary Boulevard. Some of the rezones that were approved in the recent past are the Kentucky Street, Moores Station Road, and MGM Industrial Park PUDs. The current application is located in a transitioning area of Seminole County where the established Future Land Use designations support airport-related uses and higher intensity residential developments, uses which are significantly different than what exists there today.

STAFF RECOMMENDATION:

Staff recommends transmittal of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 27.6 ± acres, located at the southwest section of the intersection of Beardall Avenue and Kentucky Street.

Attachments:

- Location Map
- Zoning and Future Land Use Map
- Aerial Map
- Preliminary Master Plan
- Development Order
- Applicant's Large Scale Land Use Amendment Justification Statement
- Rezone Ordinance
- School Capacity Report
- City of Sanford Utility Letter
- Denial Development Order
- Ownership Disclosure Form

Kentucky Square Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to Higher Intensity Planned Development (HIP-AP) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

| | | |
|----------------------------|---|--|
| APPLICANT | Hugh Harling | |
| PROPERTY OWNER | Ann Takvorian | |
| REQUEST | LSLUA from SE (Suburban Estates) to HIP-AP (Higher Intensity Residential - Airport) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) | |
| PROPERTY SIZE | 27.6 ± acres | |
| HEARING DATE (S) | P&Z: June 3, 2009 | BCC: July 28, 2009 (Transmittal) December 8, 2009 (Adoption) |
| PARCEL ID | 03-20-21-5AY-0000-0850 & 03-20-21-5AY-0000-0870 | |
| LOCATION | Located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street. | |
| FUTURE LAND USE | SE (Suburban Estates) | |
| ZONING | A-1 (Agriculture) | |
| FILE NUMBER | Z2008-60/09S.FLU03 | |
| COMMISSION DISTRICT | #5 – Carey | |

Proposed Development:

The applicant is proposing a residential development consisting of a maximum of 706 units.

ANALYSIS OVERVIEW:

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

The Future Land Use Element of the Comprehensive Plan establishes certain criteria for evaluating proposed future land use amendments, including an individual site compatibility analysis using the following criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The subject property is located approximately ¼ mile south of East Lake Mary Blvd., a new thoroughfare which is expected to encourage urban-intensity development in the area around Orlando-Sanford International Airport. In addition to its proximity to this major road, the site has been identified as having a potential to support the County's economic development efforts through the SeminoleWay initiative. SeminoleWay's purpose is to create a strategic land use and economic development plan focused on attracting high value/high wage jobs and businesses to the County along the State Road 417 Corridor, including areas near the airport. It should be noted, however, that the concurrent zoning request for a residential PUD is not consistent with the goals of SeminoleWay.

Despite this application's potential to support County economic development efforts, the property is bordered on three sides by the Suburban Estates (SE) future land use designation, with existing land uses consisting of agriculture, mobile homes, and vacant acreage. Currently, the edge of HIP-AP in the area is Kentucky Street, with high intensity uses permitted to the north of that road. Kentucky Street serves as the boundary between airport-associated development and the large-lot residential and agricultural uses to the south. A large quantity of land to the north of Kentucky Street which has direct frontage or closer access to East Lake Mary Blvd. is currently being utilized at intensities far below those allowed by HIP-AP. The County's need for additional HIP-AP land at this time should be considered carefully.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

The following table provides adopted level of service (LOS) standards for public services and facilities and potential impacts of the proposed amendment based on a potential maximum residential density of 30 dwelling units per net buildable acre with an estimated 706 dwelling units.

| Facility or Service (Data provided by County) | Potential Impact |
|---|--|
| Potable Water Facilities LOS: 144 gpd | Project Demand: 0.264 mgd* Surplus Capacity: 1.123 mgd* |
| Sanitary Sewer Facilities LOS: 132 gpd | Project Demand: 0.242 mgd* Surplus Capacity: 1.058 mgd* |
| Recreation LOS: 3.6 total acres/1,000 population 1.8 developed acres/1,000 population | 6.6 total acres 3.3 developed acres |
| Mass Transit LOS: 1.03 revenue miles/capita | No mass transit service provided to this site |
| Solid Waste LOS: County Landfill LOS: 4.2 lbs/capita/day | County Landfill: 1407 tons Based on 706 units x 2.6 persons/unit=1836 1836 x 4.2 lbs./capita/day = 7,710 lbs./day 7,710 lbs./day x 365 = 2,813,975 lbs/year 2,813,975 lbs/year ÷ 2000 lbs./ton = 1407 tons |
| County Transfer Station: LOS Station 4.3 lbs/capita/day | Transfer Station: 1440 tons Based on 706 units x 2.6 persons/unit=1836 1836 x 4.3 lbs./capita/day = 7,895 lbs./day 7,895 lbs/day ÷ 2000 lbs./ton = 3.95 tons |
| Transportation LOS: NA; LOS is only determined for collector or arterial roadways | Weekly ADT 5.68 x 706 units = 4,137 ADT AM peak hour (weekday) - .44x706 units = 311 ADT PM peak hour (weekday) - .44x706 units = 311 ADT |
| Schools | Elementary-69; Middle-44; High-52* |
| * Estimate based on City of Sanford Comprehensive Plan; updated information required for concurrency approval at time of Final Master Plan. | |

C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

The site is outside the 100-year floodplain and appears to have no environmental issues.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

The property is not subject to WRPA regulations, but new residential development on the site will be required to provide avigation easements and airport compatibility standards per Policy FLU 5.7.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The proposed future land use amendment is not a request for the Planned Development (PD) designation and hence does not entail a specific development plan which can be evaluated for impacts to adjacent properties. Although the applicant has concurrently submitted a PUD zoning application indicating residential use, approval of the HIP-AP future land use designation brings a potential for a much wider variety of uses. These include airport-associated commercial, industrial, and office uses as future possibilities. While it is uncertain what would ultimately be developed on the site, it should be noted that nonresidential uses in HIP-AP are permitted an intensity up to 1.0 Floor Area Ratio (FAR). Residential uses, as noted earlier in this report, may be considered at up to 30 units per net buildable acre. Meanwhile, the subject property adjoins Suburban Estates (SE) on the east, west, and south; development in SE is limited to agricultural uses and residential uses at a maximum of 1 dwelling unit per acre. Approval of the requested amendment would create the potential for highly intensive uses directly adjacent to low-intensity uses, such as large-lot residential and agricultural activities. In this circumstance, addressing compatibility issues through site design alone may be difficult. A pattern of transitioning densities and intensities between SE and HIP-AP would be preferable. This could be achieved through specific development criteria included in the PUD Preliminary Master Plan and/or the project's development order.

F. Whether the proposed use furthers the public interest by providing:

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

Staff Evaluation

This issue cannot be fully addressed because the proposed future land use amendment for HIP-AP does not involve a site development plan as would the Planned Development (PD) future land use designation. The submitted zoning request for high density residential use does not preclude different uses in the future that are consistent with the HIP-AP designation but are not being contemplated now. Due to the wide variety of uses allowed in HIP-AP, any or all of the above items may be provided, but such information is not available at this time.

G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

COMPREHENSIVE PLAN

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

Policy *TRA 2.5.9 Access Control to Protect Residential Uses* states:

The County shall require that access to properties fronting on more than one roadway shall be designed to minimize impact to adjacent residential areas. Access should be permitted on adjacent collector or arterial roadways and not on the adjacent local or residential streets. However, where improved traffic control can be achieved with minimum impact to adjacent residential neighborhoods, access may be considered on a local or residential street.

According to impact calculations provided by the applicant, which are based upon a density of 30 residential units per net buildable acre, the subject property will be impacting the surrounding roadways with an additional 4,137 Average Daily Trips through Kentucky Street and/or Beardall Avenue. These trips will connect with East Lake Mary Blvd., approximately 1200 feet to the north of the site. Since the site does not front on the arterial road, improvements to Beardall Avenue may be necessary (this will be assessed as part of the PUD Final Master Plan review process).

The following additional policies are applicable with the proposed project (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.1: Development Standards
- Policy FLU 2.3: Roadway Compatibility
- Policy FLU 2.5: Transitional Land Uses in Urban Areas Not Approved For Mixed Development
- Policy FLU 5.4: Water and Sewer Service Expansion
- Policy FLU 17.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 17.5: Evaluation Criteria of Property Rights Assertions
- Policy POT 4.5: Extension of (Potable Water) Service to New Development
- Policy SAN 4.4: Extension of (Sanitary Sewer) Service to New Development
- Policy TRA 2.5.2: Discourage Through Traffic
- Policy TRA 2.5.6: Discourage Direct Access

STATE COMPREHENSIVE PLAN

Florida Statutes Chapter 187.201(4)(b)(3): The proposal has the potential to increase the supply of safe, affordable, and sanitary housing for low- and moderate-income persons.

Florida Statutes Chapter 187.201(15)(b)(3): The proposal has the potential to enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational opportunities.

STRATEGIC REGIONAL POLICY PLAN

Policy 3.1.1: "Alternative choices for housing catering to the needs of persons in all income brackets should be available in a broad selection of areas throughout the region."

SITE ANALYSIS:

ZONING REQUEST

The applicant is proposing a Large Scale Future Land Use Amendment from Suburban Estates (SE) to Higher Intensity Planned Development-Airport (HIP-AP) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development). The applicant proposes to change the zoning and land use in order to develop a high-density residential development. The proposed high density residential development will provide for a transitional buffer between the large lot single family homes to the south surrounding this property and the existing HIP-AP Future Land Use to the north. The HIP-AP Future Land Use allows for more intense uses such as industrial parks, office parks, and commercial developments whereas the SE Future Land Use mainly allows for large lot single family homes. The area surrounding the Orlando Sanford International airport to the east and south has Future Land Use designations of HIP-AP and IND which should help foster commercial and industrial type developments in the near future. Higher density residential developments will provide for a wider mix of housing types in an area which has an overwhelmingly large lot residential character.

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the FIRM map, with an effective date of 2007, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant

has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development will have on public facilities:

| Public Facility | Existing Zoning (A-1)* | Proposed Development (706 Residential Units) | Net Impact |
|-----------------|------------------------|--|------------|
| Water (GPD) | 9,450 | 180,030 | +170,580 |
| Sewer (GPD) | 8,100 | 142,612 | +134,512 |
| Traffic (ADT) | 258 | 4,137 | +3,879 |

* Based on the 27 single-family homes

Utilities:

The site is located in the City of Sanford’s water and sewer utility service area, and will be required to connect to public utilities. According to Richard Blake with the City of Sanford, there is a 12-inch water main on the north side of E. Lake Mary Boulevard and a 20-inch force main on the south side of E. Lake Mary Boulevard.

Transportation / Traffic:

The property proposes access onto Beardall Avenue which is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

Drainage:

The proposed project is located within the Lake Jesup Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the pre-development rate of discharge for the 25-year, 24-hour storm event.

Parks, Recreation and Open Space:

The applicant is required to provide a minimum 25% of open space for the site, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

A 5-foot sidewalk will be constructed along the property frontage on Beardall Avenue and Kentucky Street. There will be a 25-foot landscape buffer around the perimeter of the property. The landscape buffer along the north and east shall contain a continuous row of hedges 2 feet in height and 4 sub-canopy trees per 100 linear feet. The south and west landscape buffer shall contain a continuous row hedges 2 feet in height and 8 canopy trees per 100 linear feet.

APPLICABLE POLICIES:

SPECIAL DISTRICTS

The subject property is not located within any Overlay District.

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice was sent to the City of Sanford on January 8, 2009.

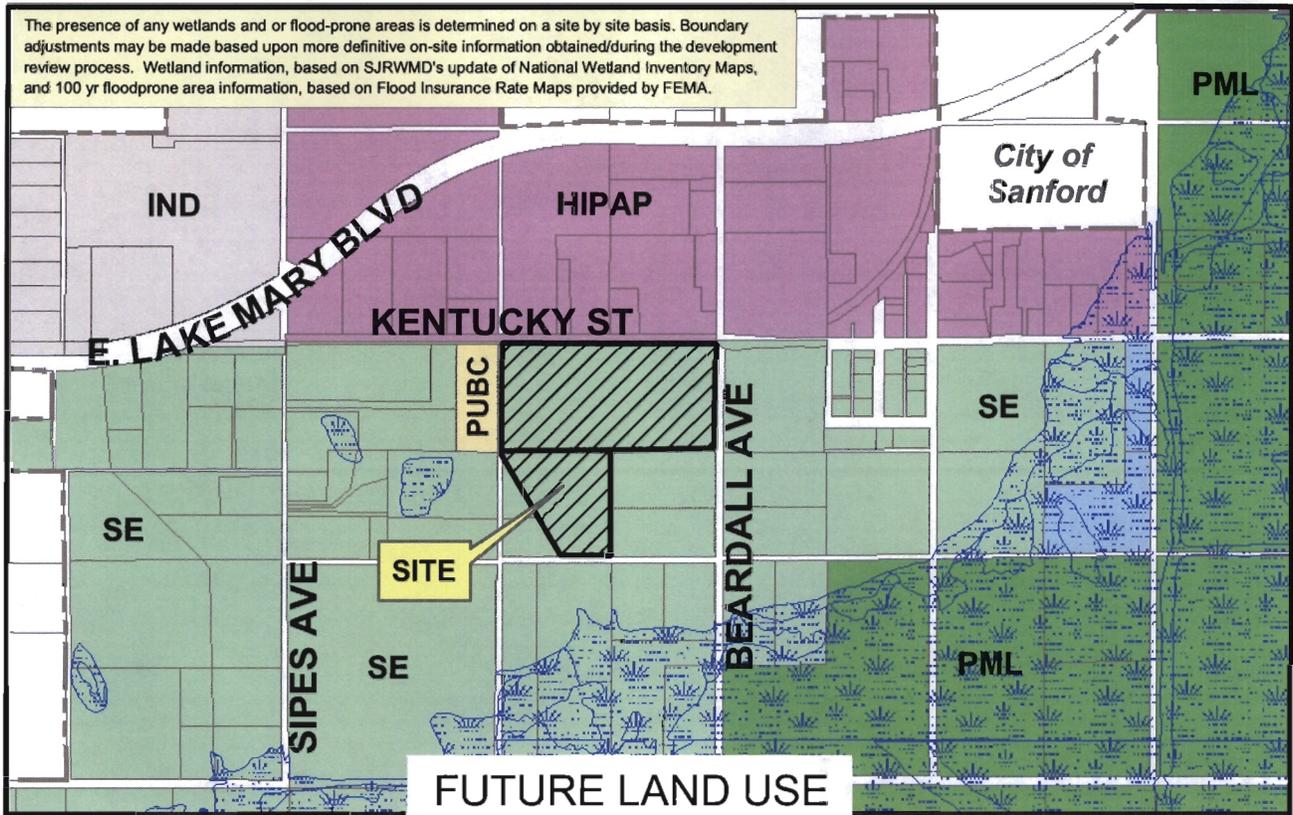
LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends transmittal of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 27.6 ± acres, located at the southwest section of the intersection of Beardall Avenue and Kentucky Street.

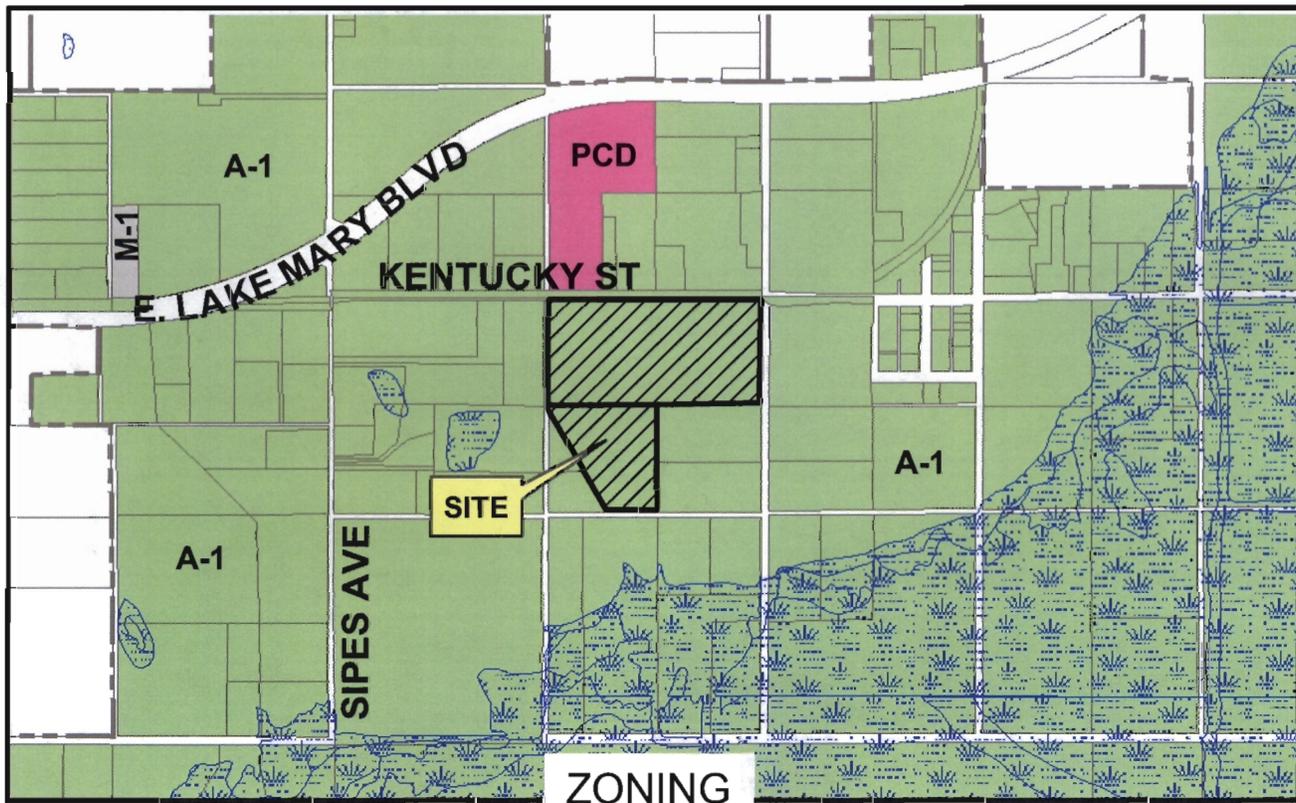
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



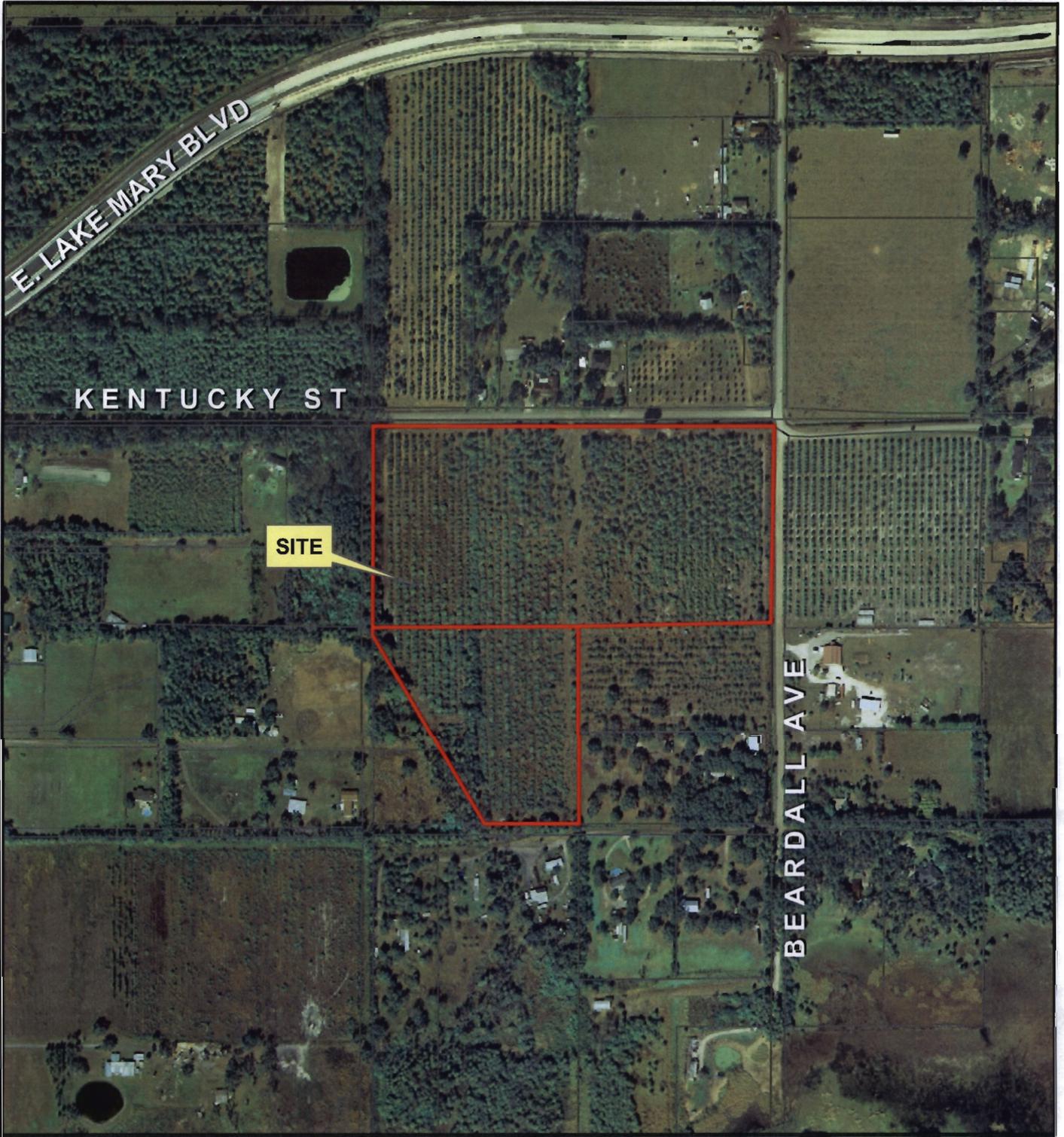
IND
 SE
 HIPAP
 PML
 PUBC
 Site
 ESLO
 City Limits

Applicant: Hugh Harling
 Physical STR: 03-20-31-5AY-0000-0850 & 0870
 Gross Acres: 27.6 +/- BCC District: 5
 Existing Use: Existing
 Special Notes:

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|--------|
| FLU | 08.LS.03 | SE | HIP-AP |
| Zoning | Z2008-060 | A-1 | PUD |



A-1
 M-1
 PCD
 ESLO
 City Limits



E. LAKE MARY BLVD

KENTUCKY ST

SITE

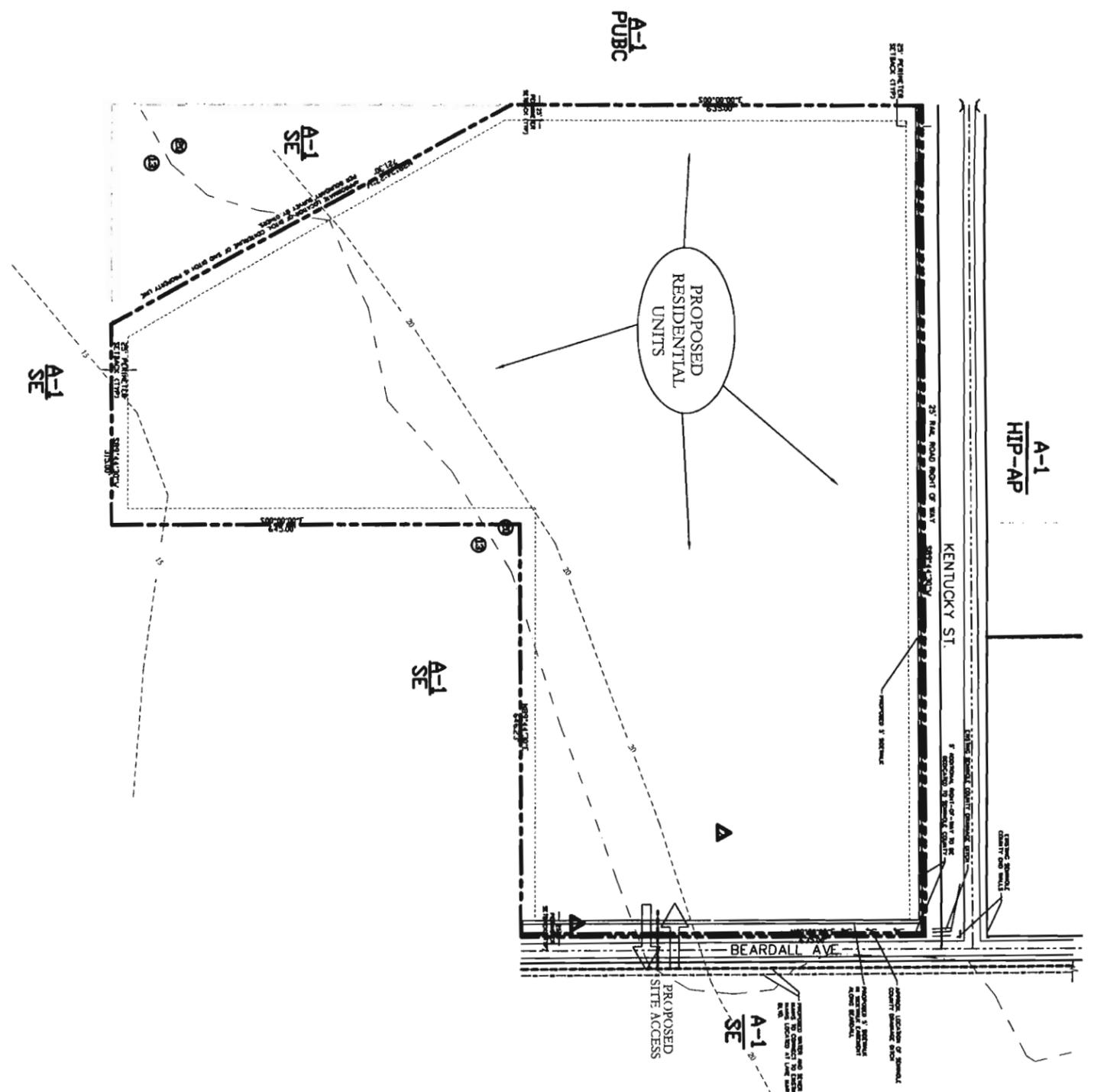
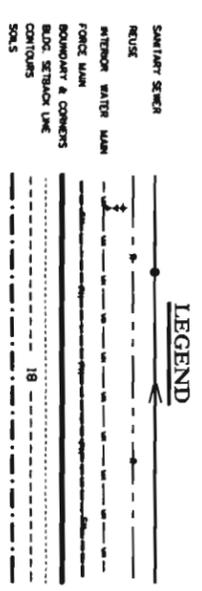
BEARDALL AVE

Rezone No: Z2008-060
From: A-1 To: PUD
FLU No: 08-LS.03
From: SE To: HIP-AP

-  Parcel
-  Subject Property



Winter 2007 Color Aerials



PROPOSED DEVELOPMENT LAND USE DATA

| | |
|-----------------------------|--|
| DEVELOPMENT NAME: | KENTUCKY SQUARE |
| PROPOSED DEVELOPMENT: | SINGLE FAMILY, MULTI FAMILY, TOWNHOUSES, APARTMENTS, SENIOR LIVING, CONDOMINIUMS |
| TOTAL SITE AREA: | 276 +/- GROSS ACRES |
| NET BUILDABLE AREA: | 23.55 NET ACRES |
| MAX ALLOWABLE DENSITY: | 30 UNITS/AC |
| MAX NO. OF ALLOWABLE UNITS: | 706 UNITS |
| CURRENT ZONING: | A-1 AGRICULTURE |
| PROPOSED ZONING: | RUD SUBURBAN ESTATES |
| PROPOSED LAND USE: | MIXED USE |
| MINIMUM OPEN SPACE: | 25% (6.9 ACRES) |
| MINIMUM BUILDING HEIGHT: | 35 FEET |

ESTIMATED UTILITY EXPENSES ONLY ALLOWED TO BE PAID UPON REPLETION RECEIVED FROM THE CITY OF SEMINOLE COUNTY (ESTIMATED)

NOTE: NO OTHER SERVICES ARE PROPOSED FOR THIS SITE

| | |
|--------------|--|
| WATER: | 706 UNITS @ 355 GPD/HOUSEHOLD = 180,030 EST. GPD |
| SEWER: | 706 UNITS @ 202 GPD/HOUSEHOLD = 142,612 EST. GPD |
| SOLID WASTE: | 706 UNITS @ 4.4 LBS/DAY/HOUSEHOLD = 3,108 EST. LBS/DAY |

TRAFFIC IMPACT AND GENERATION EST. SECTION

| LAND USE | AVG. # P.U. | WEEKDAY ADT |
|---|-------------|---|
| RESIDENTIAL CONDOMINIUM/TOWNHOUSE - 230 | 186 | 5.86/706 UNITS = 4.137 ADT |
| RESIDENTIAL CONDOMINIUM/TOWNHOUSE - 230 | 202 | A.M. PEAK HOUR - WEDNESDAY .44/706 UNITS = 311 ADT |
| RESIDENTIAL CONDOMINIUM/TOWNHOUSE - 230 | 199 | P.M. PEAK HOUR - WEDNESDAY .44/706 UNITS = 311 ADT |

STREETScape **▲** STREETS ARE TO BE PRIVATELY OWNED AND MAINTAINED AND SHALL BE DESIGNED IN ACCORDANCE WITH THE SEMINOLE COUNTY ENGINEERING STANDARDS.

FIRE PROTECTION **▲** FIRE PROTECTION WILL BE PROVIDED BY SEMINOLE COUNTY. FIRE FLOW WILL BE A MINIMUM OF 1,250 G.P.M. WITH 20 P.S.I. FIRE HYDRANTS SHALL BE NO MORE THAN 500 FEET APART.

LIGHTING **▲** EXTERIOR LIGHTING ON ANY PART OF A BUILDING SHALL BE PER SEMINOLE COUNTY'S LAND ORDINANCE # 2004-2. LIGHT SOURCES SHALL BE SHIELDED AND DIRECTED DOWNWARD TO PREVENT GLARE. STREET LIGHTING WILL BE PROVIDED BY FLORIDA POWER AND LIGHT.

FINAL **▲** EFFECTIVE DATE: SEPTEMBER 28, 2007. PANEL 90 OF 130. ZONE X AREAS RO BE DETERMINED. OUTSIDE THE 0.2% ANNUAL CHANCE YEAR FLOODPLAIN.

SOILS **▲** 13 - EUGALIE & HAWKALIE FINE SANDS
20 - MIYAKKA & EUGALIE FINE SANDS

COMMON AREA MAINTENANCE **▲** A HOMEOWNER'S ASSOCIATION (HOA) SHALL BE INCORPORATED BY THE BUILDER PER SEMINOLE COUNTY CODES. THE HOA SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL COMMON AREAS, ROADS AND STORM SEWER PIPES AND STRUCTURES.

RECREATION AREA **▲** THE RECREATION AREA WILL BE DETAIL OUT AT FINAL SITE PLAN STAGE BUT MAY INCLUDE SOME OF THE FOLLOWING AMENITIES: BASKETBALL COURTS, TENNIS COURTS, POOL, SHUFFLEBOARD COURTS, CLUBHOUSE, PONG TABLES AND/OR PAVILIONS, PARK BENCHES, BALL FIELDS, 101 LOT WITH PLAYGROUND EQUIPMENT, EXERCISE TRAIL.

OPEN SPACE **▲** A MINIMUM 25% OPEN SPACE SHALL BE PROVIDED AT FINAL SITE PLAN ENGINEERING AND REVIEW.

LANDSCAPE BUFFER **▲** THE 25 FOOT LANDSCAPE BUFFER SHALL BE LANDSCAPED AS FOLLOWS:
STREET FRONTAGE (N & E): A CONTINUOUS ROW SHRUBS MIN. 2 FEET IN HEIGHT AND A MIN. 4 SUB-CANOPY TREES PER 100 LINEAR FEET.
REMAINING NON-STREET FRONTAGE BOUNDARIES (S & W): A CONTINUOUS ROW SHRUBS MIN. 2 FEET IN HEIGHT AND 8 CANOPY TREES PER 100 LINEAR FEET.



PREPARED BY: HARRING LOCKLIN & ASSOCIATES, INC.
550 COURTLAND ST
ORLANDO, FL 32804
407-629-1061 407-629-2855 fax
hlocking@hllinc.com

DATE: ANN TAYLOR/AN
20 COURT STREET
HACKENSACK, N.J. 07601
201-489-2203
201-489-4509 fax

Property Address: 10 Numbers 01 - 30 - 31 - 32 - 33 - 34 - 35 - 36 - 37 - 38 - 39 - 40 - 41 - 42 - 43 - 44 - 45 - 46 - 47 - 48 - 49 - 50 - 51 - 52 - 53 - 54 - 55 - 56 - 57 - 58 - 59 - 60 - 61 - 62 - 63 - 64 - 65 - 66 - 67 - 68 - 69 - 70 - 71 - 72 - 73 - 74 - 75 - 76 - 77 - 78 - 79 - 80 - 81 - 82 - 83 - 84 - 85 - 86 - 87 - 88 - 89 - 90 - 91 - 92 - 93 - 94 - 95 - 96 - 97 - 98 - 99 - 100

PRELIMINARY MASTER PLAN
PLANNED UNIT DEVELOPMENT
KENTUCKY SQUARE

HARLING LOCKLIN & ASSOCIATES, INC.
Consulting Engineers - Planners - Surveyors
850 Courland Street Orlando, Florida 32804
Phone: 407-629-1061
Fax: 407-629-2855
E-mail: hharling@worldnet.att.net

| No. | Date | Revisions | Rev. by |
|-----|----------|--|---------|
| ▲ | 04/21/09 | Revised Per County Comments | JAL |
| ▲ | 1/28/08 | REVISED PER SEMINOLE COUNTY DRC COMMENTS | JAL |

| | |
|--------------|-------------------------------------|
| Engineer: | Hugh W. Harling, Jr. Reg. No. 11629 |
| Job Number: | JAL |
| Scale: | 1" = 100' |
| Date: | April 2009 |
| Drawn by: | CT/JAL |
| Designed by: | CT/JAL |
| Filename: | 0808-PMP |
| xref's: | |

SEMINOLE COUNTY DEVELOPMENT ORDER

On December 8, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Ann Takvorian

Project Name: Kentucky Square

Requested Development Approval: Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:

Ian Sikonia, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Development shall comply with the Preliminary Master Plan attached as Exhibit B.
 - B. The project shall have a maximum allowable density of 706 residential units.
 - C. Permitted Uses shall be as follows: Single-Family Homes, Multi-Family, Townhomes, Apartments, Senior Living, and Condominiums.
 - D. The maximum allowable building height is 35'.
 - E. The perimeter building setback shall be 25'.
 - F. The buffers shall be as follows:
 - North: 25' landscape buffer containing a continuous row of hedges 2' in height and a minimum of 4 sub-canopy trees per 100'.
 - South: 25' landscape buffer containing a continuous row of hedges 2' in height and a minimum of 8 canopy trees per 100'.
 - East: 25' landscape buffer containing a continuous row of hedges 2' in height and a minimum of 4 sub-canopy trees per 100'.
 - West: 25' landscape buffer containing a continuous row of hedges 2' in height and a minimum of 8 canopy trees per 100'.
 - G. 25% usable open space shall be provided on the subject property.
 - H. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside of the development.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said

property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, Ann Takvorian the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness
Print Name_____

Ann Takvorian

Witness
Print Name_____

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A*LEGAL DESCRIPTION*

Lot 87, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, which lies North and East of the center of natural ditch running through said Lot 87, and Lots 85 and 86, said SANFORD CELERY DELTA, less the North 25 feet thereof for railroad right of way.

Exhibit B

PRELIMINARY MASTER PLAN

(See Attached Pages)

**LARGE SCALE FUTURE LAND USE AMMENDMENT & REZONING
AMMENDMENT JUSTIFICATION STATEMENT**

Kentucky Square PUD

Parcel Id No. 03-20-31-5AY-0000-0850 / 03-20-31-5AY-0000-0870

INTRODUCTION

This application is for a large-scale future land use amendment (LSFLUA) and associated rezoning amendments to respectively change the future land use (FLU) designation of the 27.6 acre subject property from Suburban Estates (SE) to HIP/AIRPORT (Higher Intensity Planned Development), and to rezone from A-1 (Agriculture) to Planned Unit Development (PUD). With the following project justification narrative we submit that the proposed development program is consistent with the Seminole County Comprehensive Plan and compatible with surrounding development patterns.

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

| Direction | Land Use | Zoning | Current Use |
|------------------|-----------------|---------------|----------------------|
| North | HIP/AP | A-1 & PCD | Agriculture |
| South | SE | A-1 | Agriculture |
| East | SE | A-1 | Agriculture |
| West | SE & PUBC | A-1 | Agriculture & Public |

General Information:

The property is located at the SW corner of Kentucky Street and Beardall Avenue. Beardall Avenue is currently on the County's 5-year Capital Improvement Plan to be improved. 5 feet of additional right-of-way will therefore be dedicated to the County for future roadway improvements.

Acreage:

The Kentucky Square site consists of 27.6 acres.

Zoning and Land Use:

| | |
|---------------------------|---|
| Future Land Use: | SE (Suburban Estates) |
| Proposed Future Land Use: | HIP/AIRPORT (Higher Intensity Planned Development) |
| Existing Zoning: | A-1 (Agriculture) |
| Proposed Zoning: | PUD (Planned Unit Development) |
| Proposed Land Use: | Townhomes, Condominiums, Apartments, Senior Living, Single Family |
| Proposed Phasing: | Single Phase |

Traffic Impact:

| | |
|-----------------------|--|
| Avg. Vehicle Trip | Per category #230 Residential Condominium/Townhome |
| Trip Generation Rate: | = 5.86 ADT |
| | 1.02 ADT/ Unit for peak hours |
| Anticipated ADT: | 4,137 Total Trips |
| PM Peak: | 311 Peak Trips |

Impact analysis based on 706 D.U.

Parking and traffic flow will be shown on the Final Master Plan per Seminole County Land Development Code.

Signage:

Subdivision signage shall conform to the standards listed in Part 65 (Sign Regulations) of the Seminole County Land Development Code.

Utilities and Services:

| | |
|-------------------------|---|
| Water Provider | City of Sanford (upon project annexation) |
| Water Rate: | 255 GPD/unit x 706 units = 180,030 GPD |
| Sewer Provider | City of Sanford (upon project annexation) |
| Sewer Rate: | 202 GPD/unit x 706 units = 142,612 GPD |
| Electric: | Florida Power & Light |
| Solid Waste Collection: | TBD |

PUD INTENT AND PURPOSE

The requested land use provides for various types of residential development with a maximum intensity of 30 dwelling units per buildable acre. The project is adjacent to Kentucky Street and Beardall Avenue providing convenient transit access in and out of the development to the local community. This land area is also designated as part of the Airport Interlocal Planning Area incorporating smart growth patterns for the growing Orlando Sanford Airport area. The permitted uses being considered for this site are: townhomes, apartments, condominiums and single family homes and senior living.

The existing agriculture uses in the area will be increased to higher densities and intensities per Seminole County’s Comprehensive Plan to support the growing Orlando Sanford Airport area and the ancillary system surrounding it. These uses will include commercial, industrial, office and various types of residential uses. The agriculture density of 1 unit per acre on property which is currently being used for cattle and citrus will not be viable during the 20 yr. planning period. Higher intensity uses that are adjacent to existing agriculture uses will not create incompatibility but rather support the Seminole County Comprehensive Plan for planned growth, development and sustainability without urban sprawl.

This project will provide work force housing for existing and future airport employees and employees working in Sanford and north Seminole County. It will also support and promote airport, municipal and County growth and redevelopment, and provide increased property and sales tax revenue for Seminole County, Sanford, the airport and Seminole County Public Schools.

Applicable Comprehensive Plan FLU Policies

Seminole County Comp Plan – Future Land Use Element – Issue FLU 3 – Concurrency Management & Mixed Use Land Use and Protection of HIP Land Use (page FLU-7)

The Seminole County Comprehensive Plan sets guidelines for development that encourage self sustaining areas by providing housing close to businesses and industries to reduce automobile trips by providing a local job base for the residents. HIP (High Intensity Planned Development) plays a major role in meeting these guidelines.

The proposed HIP/AP development supports and is consistent with the Comprehensive Plan to provide sustainable development reducing urban sprawl, reducing automobile trips and providing workforce housing to support the HIP/AP areas to the north and North West on Kentucky Street, the Sanford Orlando Airport, Sanford and Seminole County businesses .

Justification Statement

The subject property is believed to be best suited for HIP/AP (Higher Intensity Planned Development) to provide workforce housing in the form townhomes, condominiums, apartments, senior living or single family homes. This project will support the economic growth and redevelopment in the area by providing housing for airport employees, downtown Sanford and Seminole County businesses thereby also providing increased property and sales tax income.

Conclusion

The requested land use amendment and rezoning are well supported by the policies described in the Seminole County Comprehensive Plan and is consistent with the applicable Seminole County planning policies and applicable regulations.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Kentucky Square", dated December 8, 2009.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 08 20000011 in the Official Land Records of Seminole County.

ENACTED this 8th day of December 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A

LEGAL DESCRIPTION

Lot 87, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, which lies North and East of the center of natural ditch running through said Lot 87, and Lots 85 and 86, said SANFORD CELERY DELTA, less the North 25 feet thereof for railroad right of way.



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Hugh Harling/Ann & Theodore Takvorian
Seminole County Board of Commissioners

From: Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

Date: April 1, 2009

RE: **Airport Townhomes Z-2008-60**

Seminole County Public Schools (SCPS), in reviewing the above request, has determined that if approved, the new FULM designation and/or zoning will have the effect of increasing residential density, and as a result generate additional school age children.

Description – +/- 27.6 acres, located at the SW corner of Kentucky St. & Beardall Ave., in unincorporated Seminole County. The applicant is requesting a change in the future land use/zoning designation that would allow a maximum of 706 single family attached dwelling units be developed within the requested HIP future land use designation.
Parcel ID: 03-20-31-5AY-0000-0870

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

| Type | Concurrency Service Area | Enrollment | Capacity | Students Generated by Project | Programmed 3 Year Additions | Reserved Capacity | Remaining Capacity |
|------------|--------------------------|------------|----------|-------------------------------|-----------------------------|-------------------|--------------------|
| Elementary | E-10 | 1831 | 1965 | 69 | 575 | 0 | 640 |
| Middle | M-1 | 5132 | 5441 | 44 | 0 | 59 | 206 |
| High | H-1 | 6218 | 6140 | 52 | 380 | 66 | 184 |

Comments:

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not received final approval do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

Terms and Definitions:

Capacity: The amount of satisfactory permanent student stations as calculated on the date of the second DOE count in October of the current school year. The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

Enrollment: For the purposes of concurrency review, the enrollment level is established each year as per Public School Interlocal Agreement Section 12.4 A, which sets the level on the date of the second FTE survey for DOE, generally taken the in mid-October.

Programmed 3 Year Additions: New permanent school capacity within the CSA, which will be in place or under actual construction within the first three years of the current SCPS Capital Improvement Plan.

Remaining Capacity: The capacity available for future development after the addition of any programmed capacity and less the reserved capacity.

Reserved Capacity: The total number of student stations reserved in the respective CSA's that are assigned to projects via a SCALD certificate.

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Students Generated by Project: is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%



UTILITY DEPARTMENT

MAILING ADDRESS
CITY OF SANFORD
POST OFFICE BOX 1788
SANFORD, FL 32772-1788

PHYSICAL ADDRESS
CITY HALL
300 NORTH PARK AVENUE
SANFORD, FL 32771-1244

TELEPHONE
407.688.5090

FACSIMILE
407.688.5091

CITY COMMISSION

LINDA KUHN
MAYOR

ART WOODRUFF
DISTRICT 1

DR. VELMA H. WILLIAMS
DISTRICT 2, VICE MAYOR

RANDY JONES
DISTRICT 3

JACK T. BRIDGES
DISTRICT 4

ROBERT (SHERMAN) YEHL
CITY MANAGER

April 22, 2009

Harling Locklin & Assoc., Inc.
850 Courtland Street
Orlando, FL. 32804

Subject: Kentucky Square
Tax Parcel ID: 03-20-31-5AY-0000-0850

To whom it may concern,

The City of Sanford is able to provide water and sewer for the above named project at this time based on the information provided. The City's water and wastewater treatment facilities presently have capacity for the proposed development. There is a 12-inch water main and 20-inch force main located on Lake Mary Blvd.

The project must meet City planning and development standards and zoning requirements. The owner will need to request annexation or receive utility approval from the City Commission before utilities services can be provided.

All connection fees, expenses and related work to extend the water and sewer mains to the property shall be at the Developer's expense.

Should you need additional information, please do not hesitate to contact me (407) 688-5101.

Sincerely,

City of Sanford

Richard Blake
Utility Engineer

The Friendly City

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 8, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

Property Owner(s): Ann Takvorian
20 Court St.
Hackensack, NJ 07601

Project Name: Kentucky Square

Requested Development Approval:

Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Kentucky Square LSLUA and Rezone" and all evidence submitted at the public hearing on December 8, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the transmittal of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 87, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, which lies North and East of the center of natural ditch running through said Lot 87, and Lots 85 and 86, said SANFORD CELERY DELTA, less the North 25 feet thereof for railroad right of way.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____ :

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

| | |
|--|----------------|
| Name: <u>Ann Takvorian</u> | Name: _____ |
| Address: <u>20 Court St., Hackensack, NJ</u> | Address: _____ |
| Phone #: <u>201-489-2205</u> | Phone #: _____ |

| | |
|----------------|----------------|
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| Phone #: _____ | Phone #: _____ |

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

| | |
|----------------------------|----------------------------|
| Name of Corporation: _____ | Name of Corporation: _____ |
| Officers: _____ | Officers: _____ |
| Address: _____ | Address: _____ |
| Directors: _____ | Directors: _____ |
| Address: _____ | Address: _____ |
| Shareholders: _____ | Shareholders: _____ |
| Address: _____ | Address: _____ |

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

| | |
|----------------------|----------------------|
| Name of Trust: _____ | Beneficiaries: _____ |
| Trustees: _____ | Address: _____ |
| Address: _____ | _____ |

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

| | |
|----------------------------|----------------------------|
| Name of Partnership: _____ | Name of Partnership: _____ |
| Principal: _____ | Principal: _____ |
| Address: _____ | Address: _____ |

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

| | |
|------------------|------------------|
| Contract Vendee: | Contract Vendee: |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

| | |
|-----------------------------|---|
| <u>Nov 25, 2008</u> Date | <u>Ann Takvorian</u> Owner, Agent, Applicant Signature |
|-----------------------------|---|

N.J.
STATE OF ~~FLORIDA~~
COUNTY OF Bergen

Sworn to (or affirmed) and subscribed before me this 25 day of November, 2008 by _____

Dawn M. Rexach
Signature of Notary Public

DAWN M. REXACH
 NOTARY PUBLIC
 STATE OF NEW JERSEY
 MY COMMISSION EXPIRES MAY 28, 2013

Print, Type of Stamp, Name of Notary Public

Personally Known OR Produced Identification _____
 Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____