SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Celery Avenue Large Scale Future Land Use Map Amendment

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Joy Williams **EXT:** 7399

MOTION/RECOMMENDATION:
1. Transmit the requested Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 89 ± acres, located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue, to the Department of Community Affairs, based on staff findings (Harling, Locklin & Associates, Hugh Harling, applicant); or

2. Deny the requested Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 89 ± acres, located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue, and authorize the Chairman to execute the Denial Development Order (Harling, Locklin & Associates, Hugh Harling, applicant); or

3. Continue the item to a time and date certain.

District 5 Brenda Carey Joy Williams

BACKGROUND:

The applicant is requesting a Large Scale Future Land Use Map Amendment for 89 ± acres, located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue, from SE (Suburban Estates) to LDR (Low Density Residential). The Low Density Residential future land use designation provides for, but does not guarantee, a maximum residential density of four (4) dwelling units per net buildable acre. A maximum of seven (7) dwelling units per net buildable acre is allowable in cases where single-family development meets the requirements of affordable housing. This application does not include an associated rezoning application.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:
The Planning and Zoning Commission met on June 3, 2009 and voted 5 to 0 to recommend transmittal of the requested Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 89 ± acres, located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue.

STAFF RECOMMENDATION:

Staff recommends that the Board transmit the requested Large Scale Future Land Use Map Amendment from Suburban Estates (SE) to Low Density Residential (LDR) for 89 ± acres, located on the south north of Celery Avenue, approximately 1,200 feet east of Sipes

Avenue, to the Department of Community Affairs, based on staff findings.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Land Use & Zoning Map
4. Aerial Map
5. School Impact Analysis
6. Applicant's Justification Statement
7. Denial Development Order
8. P&Z Minutes
9. Ownership Disclosure Form

Additionally Reviewed By:

☑ County Attorney Review (Kathleen Furey-Tran)

Celery Avenue Large Scale Future Land Use Map Amendment		
APPLICANT	Harling, Locklin & Associates, Hugh Harling, applicant	
PROPERTY OWNER	Larry Dale, Clyde Flowers, Iris Lindsey, Daryl & Barbara McLain	
REQUEST	LSLUA from Suburban Estates (SE) to Low Density Residential (LDR)	
PROPERTY SIZE	89 ± acres	
HEARING DATE (S)	LPA/P&Z: June 3, 2009	BCC: July 28, 2009 (Transmittal) December 8, 2009 (Adoption)
PARCEL ID	28-19-31-300-0030-0000, 003B, 003C, 003D, 003E, 0130, 013A, 0180.	
LOCATION	Located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue.	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2008-63/09S.FLU02	
COMMISSION DISTRICT	#5 – Carey	

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 within an area historically containing agricultural uses situated on large parcels. In recent years, the County has approved future land use amendments adjacent this site, south of Celery Avenue (e.g., Cameron Heights), that will increase residential densities in this area. In addition, the City of Sanford has annexed properties, west along Celery Avenue, for development as single-family residential uses. In 1991, the County and City of Sanford entered into an agreement to ensure coordinated and cooperative comprehensive planning activities to guide urban expansion in this area. This agreement has expired; however, development trends are following the guiding recommendations established in the agreement.

Staff finds that the character of the surrounding area has changed enough to warrant an amendment from the existing Suburban Estates designation assigned to the property [maximum of one (1) dwelling unit per net buildable acre] to the Low Density Residential

designation [maximum of four (4) dwelling units per net buildable acre] proposed for the property. Staff also finds that the character of the area has substantially changed to allow a maximum of seven (7) dwelling units per net buildable acre where single-family development meets the requirements of affordable housing.

Final density determination in the Low Density Residential designation is accomplished via the County's lot size compatibility analysis at time of rezoning.

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

Staff Evaluation

Development must improve Celery Avenue to County standards for access to the site prior to final engineering site plan approval, and may require paving and turn lanes. As the site is located within the City of Sanford utility service area, development must secure water and sewer services from the City. If annexed into the City, this property will be subject to the various policies, rules, and regulations of the City regarding land development activities. The County has not yet received the Facility Capacity Impact Assessment for water and sewer from the City. Development must undergo Concurrency Review prior to final engineering approval and must meet all Concurrency standards to proceed.

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 seven (7) dwelling units per net buildable acre and estimated 504 dwellings units.

Facility or Service (Data provided by County)	**Potential Impact (Data provided by applicant)**
Potable Water Facilities LOS: 144 gpd*	176,400 estimated gpd
Sanitary Sewer Facilities LOS: 132 gpd*	151,200 estimated gpd
Recreation LOS: 3.6 total acres/1,000 population 1.8 developed acres/1,000 population	Service demand = 2.36 developed acres and 2.36 undeveloped acres for a total of 4.72 acres. The County has sufficient acreage to meet service demand for this site (1).
Mass Transit LOS: 1.03 revenue miles/capita	No mass transit service provided to this site (1)
Solid Waste LOS: County Landfill LOS: 4.2 lbs/capita/day County Transfer: LOS Station 4.3 lbs/capita/day	2,218 estimated at 4.4 lbs/day/household
Transportation LOS: NA; LOS is only determined for collector or arterial roadways	Weekly ADT 9.57/504 units = 4,823 ADT AM peak hour (weekday) - .77/504 units = 388 ADT PM peak hour (weekday) – 1.02/504 units = 514 ADT
Schools	Elementary-113; Middle-59; High-74; 246 total

* Water and sewer LOS provided by City of Sanford. (1) data provided by County.

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

The site is within the Seminole County Environmentally Sensitive Lands Overlay (ESLO), which denotes the potential of wetlands and/or flood prone areas. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits. Development must comply with the ESLO to determine the extent of allowable development.

At time of final engineering, the development must comply with applicable storm water and flood prone provisions and any applicable requirements regarding impaired water bodies to address potential impacts to Lake Monroe.

Developer must provide a survey of threatened and endangered species, and species of special concern prior to final engineering.

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

Staff Evaluation

This property is located within the Orlando Sanford International Airport Day-Night Noise Contour (DNL) and Aviation Easement Boundary. The applicant must complete a Declaration of Aviation Easement and Waiver and record it in the Seminole County Land Records. This document is due at time of first application of residential development approval. The applicant must submit a completed Federal Aviation Administration Form 7460-1 to the Sanford Airport Authority. The applicant must submit this form to FAA via the FAA web address and to the County via email at least 30 days before the earlier of the following dates: (1) the date the proposed construction or alteration is to begin; or (2) the date an application for a construction permit is to be filed.

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 purpose and intent of the Low Density Residential (LDR) future land use designation is to provide appropriate locations for standard detached single-family residences with a limited list of public purpose and special exception uses. The LDR designation requires a full range of basic services and facilities. The proposed LDR amendment request will serve as a transition from approved single-family residential development south of Celery Avenue, and west, from recent developments within the City of Sanford. Future Land Use Element Exhibit-2, Compatible Transitional Uses,

states that Low Density Residential is compatible with the Suburban Estates future land use designation. Development must undergo a lot size compatibility analysis prior to rezoning for determination of compatible lot sizes with the subdivision plan. This amendment request does not include an associated rezoning application.

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;**

   The applicant is not proposing public facilities or facility improvements in excess of requirements likely to arise from development of this site.

2. **Dedications or contributions in excess of Land Development Code requirements;**

   This applicant is not proposing dedications or contributions in excess of Land Development Code requirements.

3. **A range of obtainable housing opportunities and choices, including affordable or workforce housing;**

   Low Density Residential provides for affordable housing; however, this application does not include a request for affordable housing zoning.

4. **Economic development;**

   This is not an amendment to a nonresidential future land use designation, which may provide economic development.

5. **Reduction in transportation impacts on areawide roads;**

   Low Density Residential future land use will result in increased transportation impacts.

6. **Mass transit and a variety of transportation choices; or**

   This site is within the LYNX transit service area; however, service is not currently available in this area.

7. **Whether the proposed land use designation is consistent with any other applicable Plan policies, and supports and is consistent with the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan.**

   Consistency of the proposed amendment with the Seminole County Comprehensive Plan; State Comprehensive Plan (Chapter 187, Florida

Statutes); East Central Florida Strategic Regional Policy Plan; and the Central Florida Regional Growth Vision is demonstrated by the following policies:

A. Consistency with the State Comprehensive Plan (Ch. 187, Fla.Stat.)

GOAL (7) WATER RESOURCES §187.201(7)(b), Fla.Stat.(2008)

(b) Policies

Policy 10. Protect surface and groundwater quality and quantity in the state.

The County will protect surface and groundwater quality and quantity by implementation of the following Plan policies:

The County shall enforce the provisions of the 2007 10-Year Water Supply Facilities Work Plan, required by Chapter 163, Florida Statutes regarding groundwater conservation measures and policies for regulation of water usage, water use restrictions and irrigation alternatives, and shall evaluate the implementation of these measures as part of each Comprehensive Plan Evaluation and Appraisal Report (Policy CON 1.2 Recharge Area Protection/Conservation Measures).

The County shall continue implementation of its surface water quality management plan to monitor and protect the quality and functioning of surface water resources...(Policy DRG 3.2 Surface Water Quality Plan)

The County shall consider establishing a Total Maximum Daily Load (TMDL) program for all surface water bodies once such programs have been established for impaired bodies of water (Policy DRG 5.5 Expansion of TMDL Program).

Goal (9) NATURAL SYSTEMS AND RECREATIONAL LANDS §187.201(9)(b),Fla.Stat. (2008)

(b) Policies

Policy 3. Prohibit the destruction of endangered species and protect their habitats.

The County shall continue to require, as part of the development review process, that prior to development approval, proposed development must coordinate with all appropriate agencies...regarding protection of endangered and threatened wildlife (Policy CON 3.10 Protection of Endangered and Threatened Wildlife).

Policy 7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

The County shall implement the Environmentally Sensitive Lands Overlay through the regulation of development…which includes the following:…(C) Limits disruption of

locally significant wetlands to projects that involve construction of, or improvement of, facilities that benefit the general public…(D) Requires dedication to the County of all post-development wetlands as conservation easements (Policy FLU 1.3 Wetlands Protection).

Goal (15) LAND USE §187.201(15)(b), Fla.Stat. (2008)

(b) Policies

Policy 3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The Low Density Residential future land use designation allows for single-family residential uses in support of the mix of allowable residential uses within the County (FLU-Exhibit 8, Future Land Use Designations and Allowable Zoning Classifications).

Policy 6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding.

The Seminole County Comprehensive Plan includes a set of Plan Elements designed to preserve and enhance public health, safety and welfare through management of growth, direction of revitalization, provision of adequate public services and protection of natural resources. Each of these respective Plan Elements contain goals, objectives, and policies that evaluates the impact of land use activities on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding (Elements of the Seminole County Comprehensive Plan).

Goal (16) URBAN AND DOWNTOWN REVITALIZATION §187.201(16)(b), Fla.Stat. (2008)

(b) Policies

Policy 6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.

The Seminole County Comprehensive Plan is enhanced by coordination of its planning activities with the plans and programs of regional, State and Federal agencies by, at minimum, continuing to coordinate with the following agencies through participation on planning advisory committees, notification of intent to amend the County Comprehensive Plan and sharing of data: (A) St. Johns River Water Management District; (B) Metropolitan Planning Organization (METROPLAN ORLANDO); (C) Central Florida Regional Transportation Authority (LYNX); (D) Seminole County Expressway Authority; (E) Florida Department of Transportation; (F) East Central Florida Regional

Planning Council; and (G) Federal Transit Administration (Policy IGC 3.3 Plan Coordination).

Goal (19) TRANSPORTATION §187.201(19)(b), Fla.Stat. (2008)

(b) Policies

Policy 13. Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans.

Seminole County coordinates its planning activities with the plans and programs of regional, State and Federal agencies by, at minimum, continuing to coordinate with the following agencies through participation on planning advisory committees, notification of intent to amend the County Comprehensive Plan and sharing of data: (A) Metropolitan Planning Organization (METROPLAN ORLANDO); (B) Central Florida Regional Transportation Authority (LYNX); (C) Seminole County Expressway Authority; (D) Florida Department of Transportation; and (E) Federal Transit Administration (Policy IGC 3.3 Plan Coordination).

Goal (20) GOVERNMENTAL EFFICIENCY §187.201(20)(b), Fla.Stat. (2008)

(b) Policies

Policy 1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

Seminole County maintains interlocal agreements with various agencies, local governments, and County School Board regarding solid waste, transportation, sanitary sewer, recreation, potable water, land use, economic development, public safety, and school facility planning (General reference: Policy FLU 7.2 Future Service Areas; passim).

GOAL (25) PLAN IMPLEMENTATION §187.201(25)(b), Fla.Stat. (2008)

(b) Policies

Policy 1. Establish strong and flexible agency and regional planning functions at all levels of government capable of responding to changing state policies and goals.

The Seminole County Comprehensive Plan, as produced by the Seminole County Planning and Development, effectively administers the County's Plan in (1) management and implementation of the Plan; and (2) in processing updates to the Plan in response to changes to State laws and regulations and the various rules that may be established by State agencies such as the Department of Community Affairs,

Department of Environmental Protection, Department of Transportation, and the St Johns River Water Management District.

Policy 2. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.

As a general purpose and charter local government, Seminole County's various departments and divisions via its elected officials have authority to implement the policy directives established in the State Comprehensive Plan, pursuant to law.

Policy 6. Encourage citizen participation at all levels of policy development, planning, and operations.

Citizen participation in the various development, planning and operational services of Seminole County is ensured via public hearings, community meetings, postings, print advertising, internet, government television, various committees, openness, and direct mailouts (Public Participation Section, Implementation Element).

Policy 7. Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

The Seminole County Comprehensive Plan is consistent with and furthers the East Central Florida Strategic Regional Policy Plan and the Central Florida Regional Growth Vision.

B. Consistency with the East Central Florida Regional Policy Plan (ECFRPP)

SECTION 3: HOUSING (ECFRPP)

Policy 3.1. Provide a broad geographic choice of a variety of housing types and price levels for all residents living in or migrating to the region. Implementation of this policy requires consideration of the following:

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.

The County's Community Services Department shall continue to be the lead agency to formulate a coordinated affordable housing development and assistance program and administer the County's various housing and community development/redevelopment activities (Policy HSG 10.1 Housing Program Implementation).

SECTION 4: NATURAL RESOURCES (ECFRPP)

Water Resources, Floodplains, Wetlands, Vegetative Communities, and Habitat

Policy 4.10. In order to protect natural waterbodies…;Policy 4.11...River systems should be protected…;Policy 4.14. Floodplains that are relatively undisturbed should be protected…;Policy 4.16. Flood control for new development…; Policy 4.23. Proposed activities that would degrade the functions of wetlands…; Policy 4.24. Land use plans…ensure protection of…ecosystems; Policy 4.28. Lands which are designated preservation or conservation…ensure their protection…;Policy 2.29 In order to preserve surface water quality and quantity…buffers zones should be established…;Policy 4.30. Natural vegetative communities, native plant species…shall be protected…

The County shall consider establishing a Total Maximum Daily Load (TMDL) program for all surface water bodies once such programs have been established for impaired bodies of water (Policy DRG 5.5 Expansion of TMDL Program).

The County shall continue to require, as part of the development review process, that prior to development approval, proposed development must coordinate with all appropriate agencies...regarding protection of endangered and threatened wildlife (Policy CON 3.10 Protection of Endangered and Threatened Wildlife).

The County shall implement the Environmentally Sensitive Lands Overlay through the regulation of development…which includes the following:…(C) Limits disruption of locally significant wetlands to projects that involve construction of, or improvement of, facilities that benefit the general public…(D) Requires dedication to the County of all post-development wetlands as conservation easements (Policy FLU 1.3 Wetlands Protection).

The Seminole County Comprehensive Plan includes a set of Plan Elements designed to preserve and enhance public health, safety and welfare through management of growth, direction of revitalization, provision of adequate public services and protection of natural resources. Each of these respective Plan Elements contain goals, objectives, and policies that evaluates the impact of land use activities on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding (Elements of the Seminole County Comprehensive Plan).

The site is within the Seminole County Environmentally Sensitive Lands Overlay (ESLO), which denotes the potential of wetlands and/or flood prone areas. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits. Development must comply with the ESLO to determine the extent of allowable residential development.

At time of final engineering, development must comply with applicable stormwater provisions and any applicable requirements regarding impaired water bodies to address potential impacts to Lake Jesup.

The County shall continue to rely upon conservation easements or require dedication of open space areas to an appropriate agency as a tool for preserving floodplain, wetland and ecologically significant communities (Policy CON 3.6 Conservation Easements/Dedications).

The County shall continue to evaluate and, if appropriate, enact, alternative development (design, construction and maintenance) standards which enhance water quality. This evaluation shall include, at a minimum, a review of the following:
A Non-structural storm water management system designs;
B Littoral zone vegetation requirements;
C Vegetation removal and management standards;
D System designs that conserve uplands and populations of listed species; and
E Low Impact Development practices (Policy CON 2.6 Water Quality Design Techniques).

SECTION 5: TRANSPORTATION (ECFRPP)

Public Safety

Policy 5.21 (4). Sidewalks provided where feasible and appropriate along all regional roadways.

The developer will be required to build a 5-foot sidewalk along Celery Avenue for the frontage of their property.

SECTION 6: LAND USE (ECFRPP)

Urban Areas

Policy 6.1(7). Discourage urban uses and intensities outside urban development areas;

Low Density Residential future land use is an urban density designation and the proposed site is within the County's urban area.

Other Land Use Policies

Policy 6.19. Encourage citizen participation…

Citizen participation in the various development, planning and operational services of Seminole County is ensured via public hearings, community meetings, postings, print advertising, internet, government television, various committees, openness, and direct mailouts (Public Participation Section, Implementation Element).

SECTION 7: PUBLIC FACILITIES (ECFRPP)

Policy 7.4. The Comprehensive Planning Process shall be used to ensure…public facility and service needs…

The City of Sanford will provide water and sewer service facilities to this site.

C. Consistency with the Central Florida Regional Growth Vision

The Seminole County Comprehensive Plan is consistent with and furthers the Central Florida Regional Growth Vision by supporting the Growth Vision guiding principles of preserving open space, and creating a range of obtainable housing choices.

Staff Evaluation

A maximum of seven (7) dwelling units per net buildable acre is allowable in cases where single-family development meets the requirements of affordable housing. Low Density Residential future land use will result in an increase in transportation impacts.

Staff Evaluation

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses and between varying intensities of residential uses. The subject property is in an area that is transitioning from Suburban Estates to Low Density Residential. Several developments west of the subject property have been developed consistent with the Low Density Residential density. *Exhibit FLU: Appropriate Transitional Land Uses* states that Low Density Residential is an appropriate transitional land use when adjacent to Suburban Estates.

Final density determination in the Low Density Residential designation is accomplished via the County's lot size compatibility analysis at time of rezoning. This amendment application does not include an associated rezoning request.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be floodplains on the subject property. Development must comply with applicable flood prone provisions and any applicable requirements regarding impaired water bodies to address potential impacts to Lake Monroe.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property may contain wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permit.

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.

Utilities:

The site is located in the City of Sanford's water and sewer utility service area. There is an 8-inch water main on the north side of Celery Avenue and a 24-inch reclaimed water main on the south side of Celery Avenue.

Transportation/Traffic:

The property proposes access onto Celery Avenue, which is classified as an Urban Collector Road. This roadway does not currently have programmed improvements along this segment.

School Impacts:

The Seminole County Public School Board has prepared the attached analysis regarding potential impacts from the proposed Low Density Residential future land use designation.

Drainage:

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

Parks, Recreation and Open Space:

Developer is required to provide open space based on the number of approved dwelling units at time of rezoning, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Land Development Code of Seminole County.

Buffers and Sidewalks:

Developer is required to build a five (5) foot sidewalk along Celery Avenue for the frontage of the property.

APPLICABLE POLICIES:

SPECIAL DISTRICTS

The subject property is within the County's Environmentally Sensitive Lands Overlay (ELSO).

This property is within the Orlando Sanford International Airport Day-Night Noise Contour (DNL) and Avigation Easement Boundary. The applicant must complete a Declaration of Avigation Easement and Waiver and record in the Seminole County Land Records.

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

Policy CON 3.10	Protection of Endangered and Threatened Wildlife
Policy CON 3.12	Central Florida Regional Growth Vision (How Shall We Grow?)
Policy CON 7.3	Future Land Use Designations
Policy FLU 1.1	Environmentally Sensitive Lands
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 9.1	Orlando Sanford International Airport
Policy FLU 17.1	Private Property Rights Act
FLU Exhibit 1	Compatible Transitional Land Uses
FLU Exhibit 8	Future Land Use Designations and Allowable Zoning Classifications
FLU Exhibit 13	Future Land Use Map
FLU Exhibit 49	Services and Facilities by Classification
Policy IGC 1.5	Advance Notification of Land Use Actions and Changes in Land Use Regulations
Policy POT 4.5	Extension of Service to New Development
Policy PSF 2.1	Development Review Process
Policy SAN 4.4	Extension of Service to New Development
Policy TRA 3.1.7	Review of Development Proposals

INTERGOVERNMENTAL NOTIFICATION:

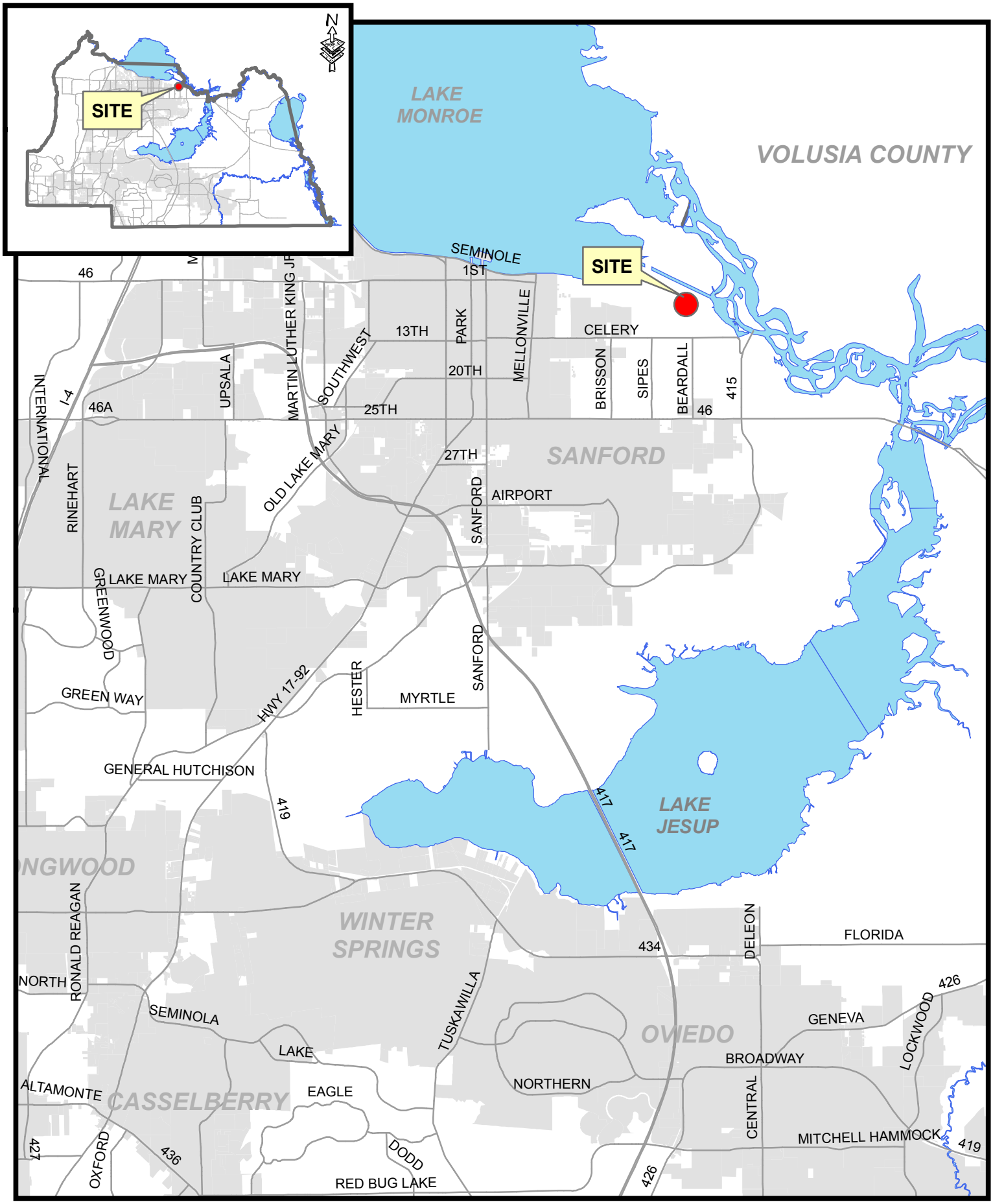
Future Land Use Element, Issue IGC 3 Existing Coordination Mechanisms with Municipalities within Seminole County and Adjacent Counties and Municipalities, states that the Celery Avenue/SR 415 area, east of Sanford, is an area that merits special attention for intergovernmental coordination. An Intergovernmental notice was sent to the City of Sanford on February 2nd, 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 Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 89 ± acres, located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue, with staff findings.



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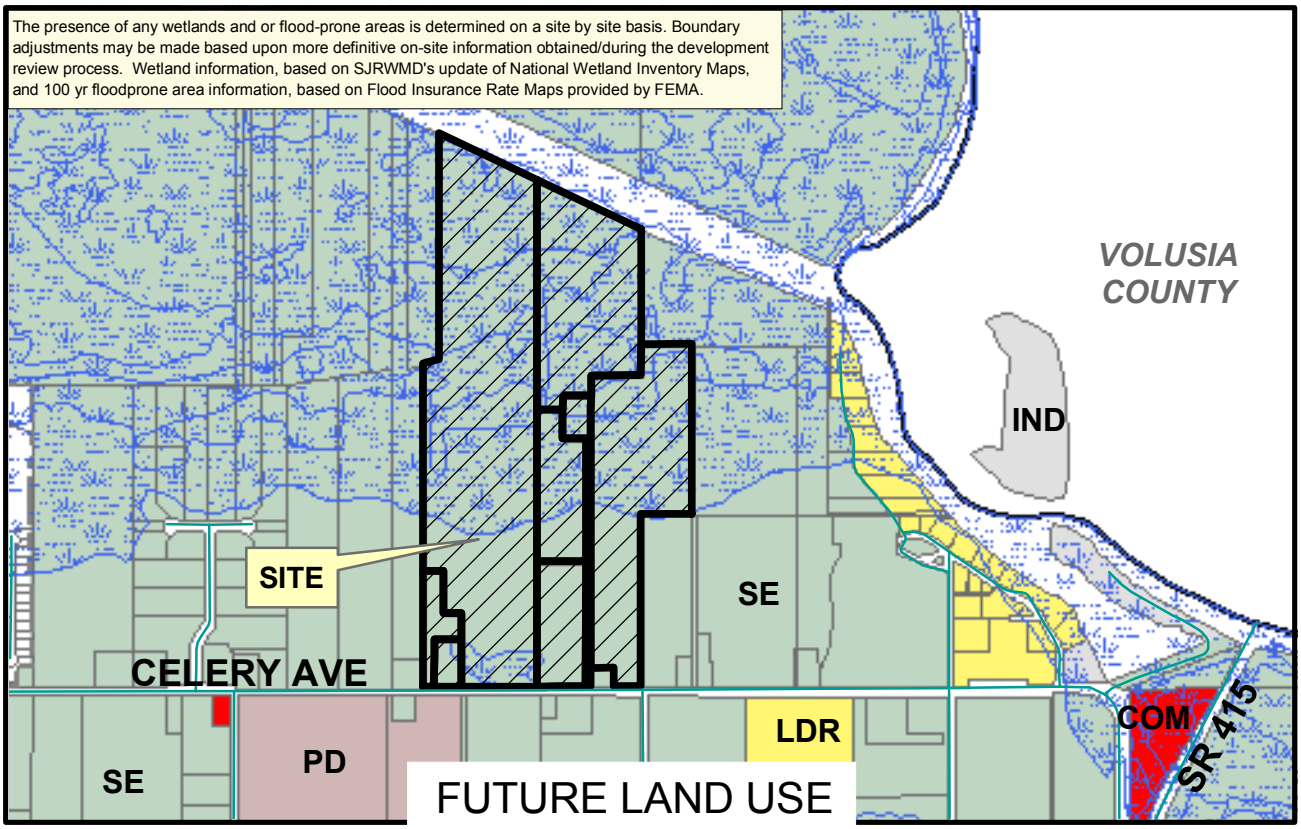
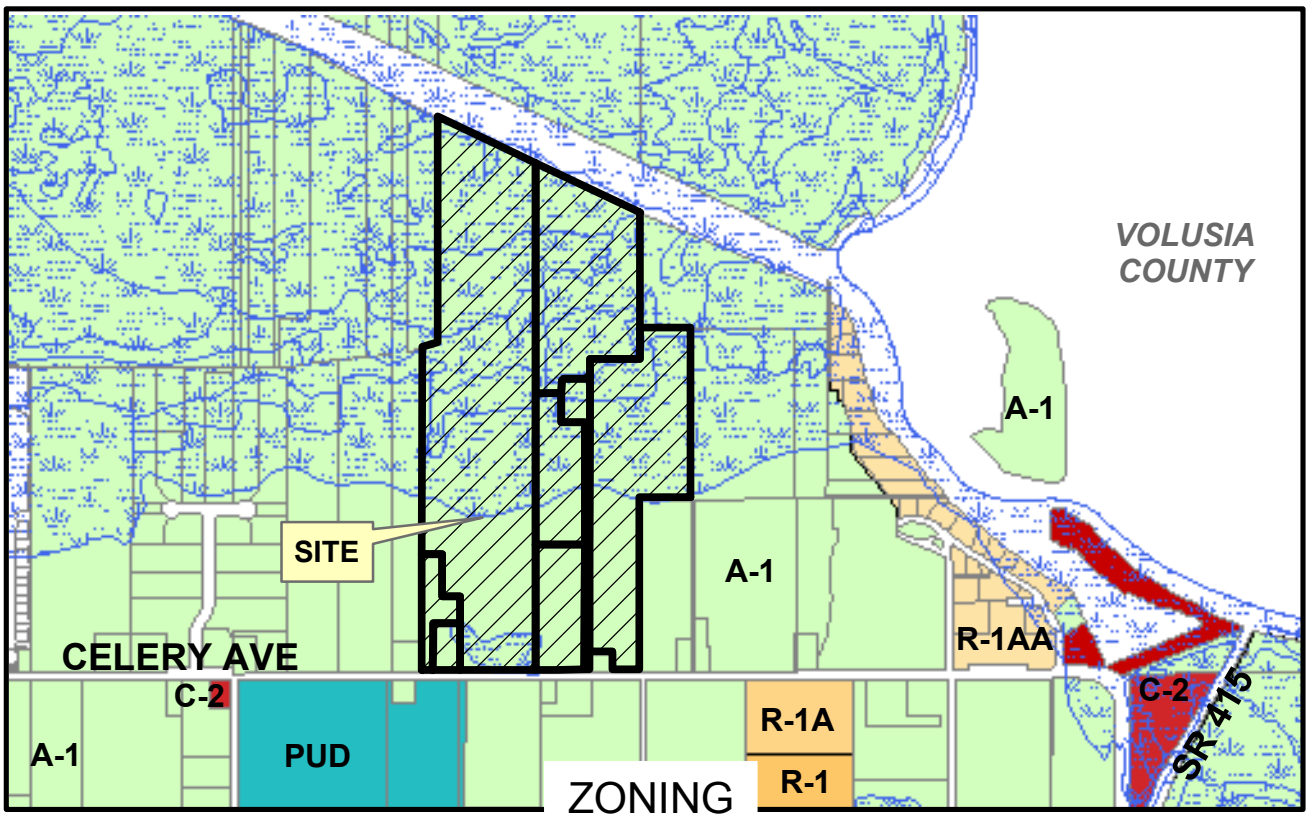


LDR COM IND SE PD Site ESLO City Bnd

Applicant: Harling, Locklin & Associates / Hugh Harling
Physical STR: 28-19-31
Gross Acres: 89.00+/- BCC District: 5
Existing Use: Vacant/Residential
Special Notes:

	Amend/ Rezone#	From	To
FLU	08.LS.02	SE	LDR
Zoning	Z2008-063	--	--

N



A-1 R-1 R-1A R-1AA C-2 PUD ESLO

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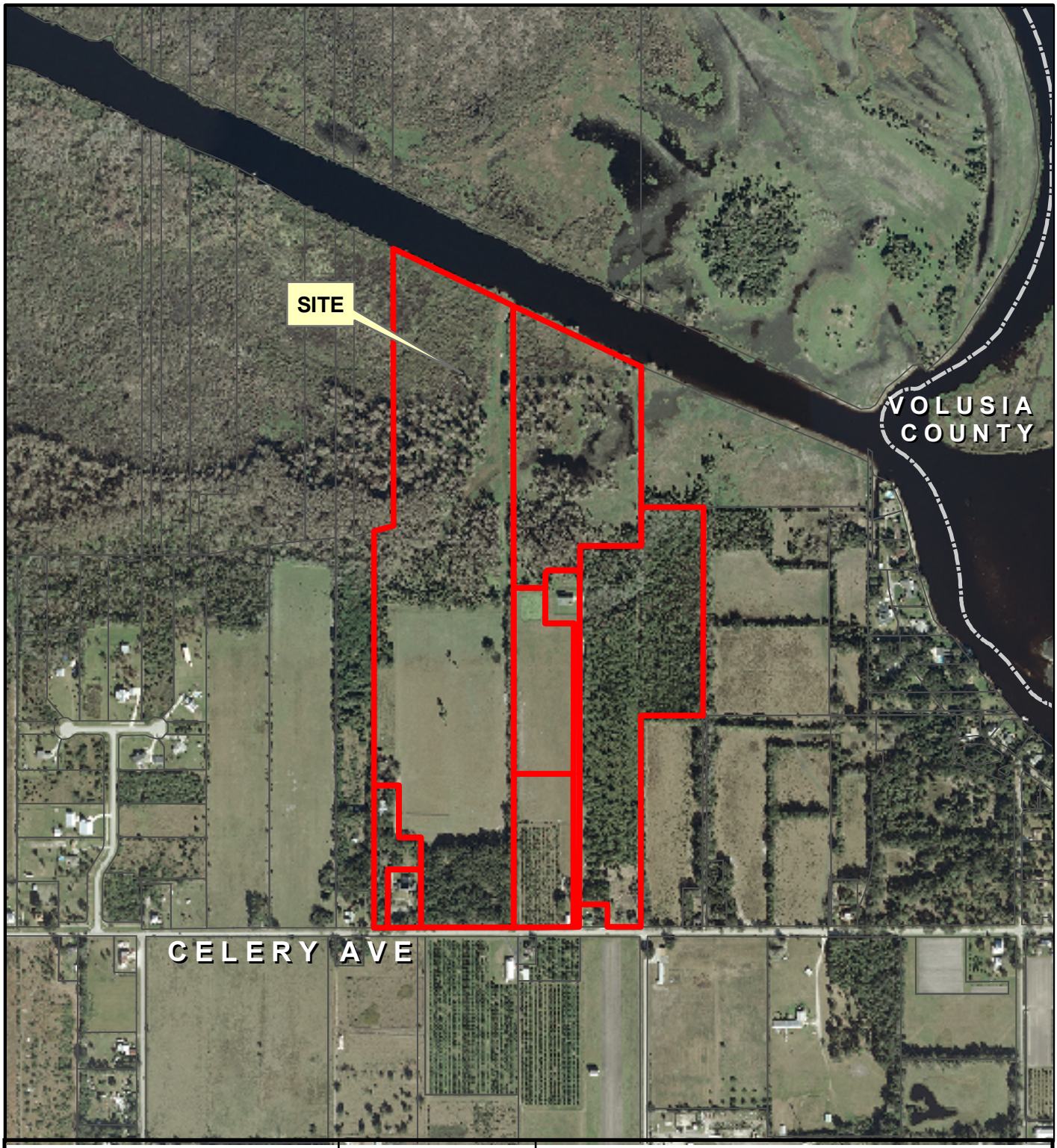

Rezone No: Z2008-063

FLU#: 08.LS.02
From:SE To:LDR

Parcel
Subject Property

N

Winter 2009 Color Aerials

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Seminole County Public Schools
School Impact Analysis
School Capacity Determination

To: Hugh Harling/Dale, McLain, Flowers
Seminole County Board of Commissioners

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

Date: May 7, 2009

RE: **Celery Avenue Project (Z2008-63)**

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: +/- 89 acres (8 parcels), located north of Celery Ave & west of 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 504 single family detached dwelling units to be developed within the requested future land use designation.
Parcel ID(s): 28-19-31-300-0030-0000; 0130; 003B; 013A; 003C; 003D; 003E; & 0180

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	113	575	0	596
Middle	M-1	5132	5441	59	0	59	191
High	H-1	6218	6140	74	380	66	162

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 recived 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%

JUSTIFICATION STATEMENT
DALE – MCLAIN – FLOWER PROPERTY

The Sanford Airport, Seminole County and City of Sanford Infrastructure improvements at and around the airport are designed to create jobs and economic growth for the Seminole County and the City of Sanford. The existing agriculture uses in the Celery Avenue area are being increased to low density residential in support of the city, airport and Seminole County . These uses will include low density residential uses. The agriculture density of 1 unit per acre on property which is currently being used for cattle and citrus is not expected to be viable during the 20 yr. planning period. Low density residential uses that are adjacent to existing agriculture uses will not create incompatibility. Low density residential land use will provide for long term housing infill where major infrastructure has been installed or is presently planned.

FILE # Z2008-63 **DEVELOPMENT ORDER # 08-10000002**

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 28, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

Property Owner(s): Larry Dale, Clyde R. Flowers,
Iris C.F. Lindsey, Daryl G. & Barbara A. McLain

Project Name: Celery Avenue LSLUA

Requested Development Approval: The applicant is requesting a Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 89 ± acres, located on the north side of Celery Avenue, approximately 1,200 feet east of Sipes Avenue

The Board of County Commissioners has determined that the Large Scale Land Use Amendment request from SE (Suburban Estates) to LDR (Low Density Residential) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Celery Avenue Large Scale Land Use Amendment" and all evidence submitted at the public hearing on July 28,2009, regarding this matter the Board of County Commissioners have found, determined and concluded that transmittal of the requested Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) 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"

Parcel Legal Description per ORB 3707, Page 601

The East 99 feet of Government Lot 4, Section 28, Township 19 South, Range 31 East; and all unsurveyed lands lying North of Government Lot 3 of Section 28, Township 19 South, Range 31 East: and all of Government Lot 3, Section28, Township 19 South, Range 31 East: LESS beginning at the South ¼ Section post of Section 28, Township 19 South, Range 31 East, run West 325 feet, thence run North 0 degrees 7 minutes East 2021 feet, thence East 321 feet, Thence South 2021 feet to beginning. (And also LESS beginning 325 feet West of the South ¼ Section post of Section 28, Township 19 South, Range 31 East, run thence West 350 feet, thence North 0 degrees 58 minutes West along center of ditch 1798 feet, thence East 382.8 feet, thence South 7 minutes West 1798 feet to beginning. Excepting from the above described property that portion thereof lying Northerly from the Woodruff Creek Canal, LESS

A parcel of land situate in Government Lot 3 and the unsurveyed land in , Section 28, Township 19 South, Range 31 East, Seminole county, Florida being more particularly described as follows:

Commence at the South ¼ Section corner of , Section 28, Township 19 South, Range 31 East, Seminole county Florida, and run West along the South line of Government Lot 3, 675.00 feet; thence leaving said South line run N00o58'00"W, 1798 feet to the Point of Beginning; thence continue N00^{o}58'00"W, 970 feet, more or less, to a point on the Southerly edge of the Woodruff Creek Canal; thence run Easterly along said Southerly edge, 725 feet more or less, to a point on the East line of said Government Lot 3, extended Northerly, thence leaving said Southerly edge run south along the East line of said Government Lot 3, and the Northerly extension, 665 feet, more or less to a point 2021.00 feet North of the South ¼ Section corner of said , Section 28, thence leaving the East line of said Government Lot 3, run West 321.00 feet; thence run S00^{o}07'02"W, 223.00 feet to a point 325.00 feet West and N00^{o}07'00"E of the South ¼ corner of said Section 28; thence run West 382.80 feet to the Point of Beginning.

AND ALSO LESS the South 20 feet for right-of-way of Celery Avenue, formerly known as SR-415.

Parcel Legal Description Per ORB 3578, Pages 628-633

Parcel A
Begin 325 feet West of the South ¼ Section Post of , Section 28, Township 19 South, Range 31 East, run west 350 feet, thence N00^{o}58'W along the center line of ditch 1798 feet, thence run East 382.8 feet, thence run South 00°7'W 1798 feet to beginning. Seminole County, Florida

A parcel of land situate in Government Lot 3 and the unsurveyed land in , Section 28, Township 19 South, Range 31 East, Seminole county, Florida being more particularly described as follows:

Commence at the South ¼ Section corner of , Section 28, Township 19 South, Range 31 East, Seminole County, Florida and run west along the South line of Government Lot 3, 675.00 feet; thence

leaving said south line run N00o58’00”W, 1798 feet to the Point of Beginning; thence continue N00o58’00”W 970 feet, more or less, to a point on the southerly edge of the Woodruff Creek Canal; thence run easterly along said Southerly edge, 725 feet, more or less to a point on the East line of said Government Lot 3, extended Northerly; thence leaving said Southerly edge run south along the East line of said Government Lot 3, and Northerly extension, 665 feet, more or less, to appoint 2021.00 feet North of the South ¼ Section corner of said Section 28; thence leaving the East line of said Government Lot 3, run West 321.00 feet; thence run S00o07’00”W, 223.00 feet to a point 325.00 feet West and N00o07’00”E of the South ¼ corner of said Section 28; thence run West 382.80 feet to the Point of Beginning.

LEGAL DESCRIPTION

Legal Section 28, Township 19 South, Range 31 East, North 1104.2 feet of South 2224.2 feet of West 341 feet of Lot 2 plus beginning
Southeast corner of Lot 3 run West 325 feet N0^{o}07’E 2021 feet East 321 feet South 2021 feet to Point of Beginning.

(Less West 150 feet of South 130 feet and Road on South)

MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JUNE 3, 2009

Members present: Matthew Brown, Walt Eismann, Melanie Chase, Kimberly Day and Dudley Bates.

Members absent: Ben Tucker and Rob Wolf

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Sheryl Stolzenberg, Principal Coordinator; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

D. Celery Avenue LSFLUA; **Harling, Locklin & Associates, Hugh Harling, applicant;** 89 ± acres; Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential); located on the north side of Celery Avenue, east of Sipes Avenue. (Z2008-63 / 09S.FLU02)

District 5 - Carey
Joy Williams, Planner

Joy Williams, Planner – presented this item and stated that it is a Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential).

The Low Density Residential Future Land Use Designation provides for single family detached residences at a maximum density of 4 dwelling units per net buildable acre; also allowing for 7 dwelling units per net buildable acre where single family development meets the requirements for affordable housing.

The subject property is within an area historically containing agricultural uses with a Suburban Estates Land Use providing a density of 1 dwelling unit per net buildable acre; however, the area has recently been transitioning to higher density residential uses; development trends to the west and south of the site are consistent with the Low Density Residential designation.

The current application does not include an associated rezoning request; the final determination of a compatible zoning classification will be accomplished with a lot size compatibility analysis at time of rezoning.

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses and between varying intensities of residential uses. Staff finds that the request for a land use amendment from Suburban Estates to Low Density Residential is an appropriate transitional land

use for the area and therefore recommends transmittal of the requested Large Scale Land use Map Amendment.

Hugh Harling, applicant – stated that he is speaking on behalf of Larry Dale, Daryl McLain and the Flowers family. He stated that Mr. Dale asked him to specify that, under property size, the plus or minus acres will be determined at the time that the environmental lines are determined in the field and agreed to by the water management district; so it could be anywhere from 88 or 91 acres. He further stated that he agrees with Staff's recommendation.

No one spoke in favor or opposition to this request from the audience.

Commissioner Brown made a motion to approve transmittal of the request.

Commissioner Bates seconded the motion.

The motion passed unanimously 5 – 0.

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: Larry Dale
Address: 3400 Celery Ave. Sanford
Phone #: 407-585-4015

Name:_____
Address:_____
Phone #:_____

Name:_____
Address:_____
Phone #:_____

Name:_____
Address:_____
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:_____
Officers:_____
Address:_____
Directors:_____
Address:_____
Shareholders:_____
Address:_____

Name of Corporation:_____
Officers:_____
Address:_____
Directors:_____
Address:_____
Shareholders:_____
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:_____
Trustees:_____
Address:_____

Beneficiaries:_____
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.

12/16/08
Date

Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 16th day of December, 2008 by Larry A. Dale

Signature of Notary Public

Diana M. Muniz-Olson
Print, Type or Stamp Name of Notary Public

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

DIANA M. MUNIZ-OLSON
MY COMMISSION #DD477605
EXPIRES: OCT 02, 2009
Bonded through 1st State Insurance

For Use by Planning & Development Staff

Date:_____ Application Number:_____

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: Clyde R. Flowers & Iris G.F. Lindsey
Address: P.O. Box 681674, Orlando32868
Phone #:

Name:
Address:
Phone #:

Name:
Address:
Phone #:

Name:
Address:
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:
Officers:
Address:
Directors:
Address:
Shareholders:
Address:

Name of Corporation:
Officers:
Address:
Directors:
Address:
Shareholders:
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:
Trustees:
Address:

Beneficiaries:
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.

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(Use additional sheets for more space.)

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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.

Dec. 17, 2008
Date

Clyde R. Flowers P.O.A. (Mrs. Patricia H. Flowers)
Owner/Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 17th day of December, 2008 by Patricia H. Flowers, (P.O.A.)

Diana M. Muniz-Olson
Signature of Notary Public

Diana M. Muniz-Olson
Print, Type or Stamp Name of Notary Public

DIANA M. MUNIZ-OLSON
MY COMMISSION #DD477605
EXPIRES: OCT 02, 2009
Bonded through 1st State Insurance

Personally Known _____ OR Produced Identification F462-688-43-608-0
Type of Identification Produced Driver License

For Use by Planning & Development Staff

Date:_____ Application Number:_____

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: Daryl G. & Barbara A. McLain
Address: 3500 Celery Ave. Sanford
Phone #: _____

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

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(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: _____
Trustees: _____
Address: _____
_____

Beneficiaries: _____
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:_____
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Address:_____ Address:_____
(Use additional sheets for more space.)

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(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.

12/17/08
Date

Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 17th day of December, 2008 by Daryl G McLain

Signature of Notary Public

Diana M. Muniz-Olson
Print, Type or Stamp Name of Notary Public

DIANA M. MUNIZ-OLSON
MY COMMISSION #DD477605
EXPIRES: OCT 02, 2009
Bonded through 1st State Insurance

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date:_____ Application Number:_____