
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Request to advertise two property owner applications for Brownfield Area designation

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

AUTHORIZED BY: Dori DeBord

CONTACT: Tom Tomerlin, John Metsopoulos

EXT: 7430, 7133

MOTION/RECOMMENDATION:

1. Authorize the Planning and Development Director to schedule and advertise public hearings to consider the designation of two parcels owned by L.D. Plante, Inc., as a Brownfield Area within the vicinity of 2950 Railroad Avenue, located west of State Road 417, east of Tuskawilla Road, and south of State Road 434 (L.D. Plante, Inc., applicant); and/or
2. Authorize the Economic Development Director to schedule and advertise public hearings to consider the designation of the Lowes site as a Brownfield Area located at 6735 17-92 Fern Park, located east of US 17-92 and south of Fernwood Blvd. (Lowes Home Improvement, Inc., applicant); or
3. Deny the scheduling and advertising of public hearings to consider the designation of parcels as a Brownfield Area for L.D. Plante, Inc., applicant and/or Lowes Home Improvement, Inc., applicant; or
4. Continue one or both of these items to a time and date certain.

District 2 Michael McLean
District 4 Carlton D. Henley

Tom Tomerlin & John Metsopoulos

BACKGROUND:

This request to advertise addresses two separate applications for Brownfield Area designation, from two different property owners, on unincorporated land within Seminole County. One is located outside of the US 17-92 Community Redevelopment Area (CRA), and the second is located within the CRA. For the application within the CRA, the process will be managed by the Economic Development Department. Each application is addressed separately below.

Brownfield Area designations are governed by the criteria within Florida Statutes (F.S.) Section 376.80. In accordance with F.S. 376.80, a person who owns or controls a potential Brownfield Area site may request a Brownfield Area Designation from the local government with jurisdiction over the site. State Law provides further criteria that the local government must consider in its decision to designate a Brownfield Area. These criteria are addressed below for each separate application, as well as in the attached resolutions.

In accordance with Florida Statutes 376.80(2)(a) only one hearing is required when the site is

within a predesignated Community Redevelopment Area, as is the case with the Lowes, Inc. site. However, two hearings (one of which can be a community information meeting) are required for the L.D. Plante site because it is not within a predesignated redevelopment area.

A Brownfield designation provides the owner access to numerous opportunities for financial assistance from the State's Brownfield Redevelopment Program to rehabilitate the site.

L.D. Plante, Inc., Proposed Brownfield Site

The County would have no financial obligation as a result of an approval of this Brownfield Area designation.

The property, which is not within the US 17-92 CRA, was the former site of Central Florida Drum, a drum recycling facility that operated on the property from approximately 1965-1986. Drums from the aerospace industry, military installations, boat manufacturers and various governmental agencies were refurbished (cleaned, washed, repainted) and resold. The site has soil and groundwater contamination across large areas where drums were stacked for processing, and where certain cleaning and refurbishing operations took place. The site assessment activities have been conducted under the direction of the FDEP since 1998.

In addition, there were several petroleum storage tanks on site that have been removed, but have associated residual soil and groundwater contamination. Two areas, "Tank 3" and "Tank 4", have been under assessment and remediation under the direction of the Seminole County Tank Program.

Also, the applicant recently had a study of the air quality in the main building performed by QORE Property Sciences in order to determine whether the building could be occupied. The consultant concluded that vapors from the groundwater contamination have impacted the air quality in the building, and that the building is not suitable for continuous occupancy in its current condition and requires remediation work.

Site remedial activities will be completed to accommodate future reuse and/or redevelopment of the site consistent with the existing zoning (M-1) and future land use designation of Industrial. This reuse will permit increased economic activity in an area with the existing infrastructure and zoning in place. Currently, the applicant is looking to remediate the site in a way that allows reuse of the warehouse portion of the site, but future plans remain flexible.

The applicant requests Seminole County to exercise its authority under Florida Statutes Section 376.80 and designate the subject parcels a Brownfield Area. This request is limited to the M-1 industrial zoning area of two parcels, both under the same ownership, as depicted in Exhibit A of the attached resolution. The proposed area qualifies for designation as a Brownfield Area because the following requirements of Florida Statutes Sections 376.80(2)(a) and 376.80(2)(b) have been met:

1. The Brownfield Area depicted in Exhibit A is determined to warrant economic development and has a reasonable potential for such activities through rehabilitation and job creation.
2. The Brownfield Area depicted in Exhibit A is focused to a limited geographic area.

3. The rehabilitation and economic development of the Brownfield Area depicted in Exhibit A is deemed to have sufficient private sector interest in rehabilitating the site.
4. The rehabilitation of the Brownfield Area depicted in Exhibit A will provide for the remediation of a contaminated site that is within the vicinity of a Greenway Trail right-of-way.
5. L.D. Plante, as property owner of the Brownfield Area, has agreed to remediate and redevelop the Brownfield Area depicted in Exhibit A.
6. The rehabilitation and redevelopment of the Brownfield Area will result in economic production in the area and the creation of at least five (5) new permanent jobs at the Brownfield Area, which are full-time equivalent positions not associated with implementation of the rehabilitation agreement, or with the demolition or construction associated with the redevelopment agreement.
7. The redevelopment of the proposed Brownfield Area is consistent with the Seminole County Comprehensive Plan and is a permissible use under the County's land development code.
8. Proper notice of the proposed rehabilitation of the Brownfield Area has been provided to neighbors and nearby residents and published in the newspaper, and L.D. Plante has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation.
9. L.D. Plante has provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and redevelop the site.

Upon designation by the County, the Property Owner will enter into a Brownfield Site Rehabilitation Agreement with the Florida Department of Environmental Protection (FDEP) and will conduct the remediation and complete the redevelopment and reuse under the direction of the FDEP.

Lowes Home Improvement Centers, Inc., Proposed Brownfield Site

The County would have no financial obligation as a result of an approval of this Brownfield Area designation.

The property, which is within the US 17-92 CRA, was the former Fern Park Shopping Center. The Shopping Center was home to the K-Mart Department Store and Automotive Center. The Automotive Service Center operated three automotive hydraulic lifts. Soil and groundwater contamination was identified in the area of the three automotive hydraulic lifts. Contaminant levels exceeded State of Florida soil clean-up targets.

In May, 2007 on behalf of Lowe's, consultants removed 73 tons of petroleum impacted soil and more than 4,300 gallons of impacted groundwater from the location of the former hydraulic lifts. Subsequent confirmation sampling of soil and groundwater in the vicinity revealed no residual petroleum contamination that exceeded either the soil or groundwater cleanup target levels.

The applicant requests Seminole County to exercise its authority under Florida Statutes Section 376.80 and designate the subject parcel a Brownfield Area. This request is limited to the C-2 zoning area of parcel 17-21-30-510-0000-004G as depicted in Exhibit A of the attached resolution. The proposed area qualifies for designation as a Brownfield Area because the following requirements of Florida Statutes Sections 376.80(2)(a) and 376.80(2)(b) have been met:

1. The Brownfield Area depicted in Exhibit A is determined to warrant economic development and has a reasonable potential for such activities through rehabilitation and job creation.
2. The Brownfield Area depicted in Exhibit A is focused to a limited geographic area.
3. The rehabilitation and economic development of the Brownfield Area depicted in Exhibit A is deemed to have sufficient private sector interest in rehabilitating the site.
4. The rehabilitation of the Brownfield Area depicted in Exhibit A will provide for the remediation of a contaminated site that is within the US 17-92 CRA Redevelopment District.
5. Lowe's Home Improvement Centers, Inc., as property lessee of the Brownfield Area, has agreed to remediate and redevelop the Brownfield Area depicted in Exhibit A.
6. The rehabilitation and redevelopment of the Brownfield Area will result in economic production in the area and the creation of at least five (5) new permanent jobs at the Brownfield Area, which are full-time equivalent positions not associated with implementation of the rehabilitation agreement, or with the demolition or construction associated with the redevelopment agreement.
7. The redevelopment of the proposed Brownfield Area is consistent with the Seminole County Comprehensive Plan and is a permissible use under the County's land development code.
8. Proper notice of the proposed rehabilitation of the Brownfield Area has been provided to neighbors and nearby residents and published in the newspaper, and Lowe's Home Improvement Centers, Inc. has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation.
9. Lowe's Home Improvement Centers, Inc. has provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and the redevelopment plan.

Upon designation by the County, the Property Owner will enter into a Brownfield Site Rehabilitation Agreement with the Florida Department of Environmental Protection (FDEP).

STAFF RECOMMENDATION:

Staff recommends the Board authorize the Planning and Development Director to schedule public hearings on the attached resolution addressing the L.D. Plante, Inc., site as follows:

- Community Information Meeting – November 29, 2007

- Board of County Commissioners (Adoption of Resolution) – December 11, 2007

And

Staff recommends the Board authorize the Economic Development Director to schedule public hearings on the attached resolution addressing the Lowes, Inc., site as follows:

- Board of County Commissioners (Adoption of Resolution) – December 11, 2007

ATTACHMENTS:

1. LD Plante - Proposed Resolution
2. Lowes - Proposed Resolution

Additionally Reviewed By:

County Attorney Review (Kimberly Romano)

RESOLUTION NO. 2007-R _____ SEMINOLE COUNTY, FLORIDA

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, MAKING FINDINGS; DESIGNATING THE M-1 (INDUSTRIAL DISTRICT) ZONING AREA OF PARCEL 26-20-30-5AR-0A00-0080 AND ALL OF PARCEL 06-21-31-501-030A-0000 AS A BROWNFIELD AREA WITHIN UNINCORPORATED SEMINOLE COUNTY FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided in Sections 376.77 - 376.85, Florida Statutes for the designation by resolution, at the request of the property owner, of one or more parcels as a "Brownfield Area", and for the corresponding provision of environmental rehabilitation and economic development; and

WHEREAS, L.D. Plante, Inc., ("L.D. Plante") has requested designation as a Brownfield Area the M-1 zoned portion of parcel 26-20-30-5AR-0A00-0080 and parcel 06-21-31-501-030A-0000, depicted in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the Board of County Commissioners of Seminole County has reviewed the requirements for Brownfield Area designation, as specified in Florida Statutes Sections 376.80(2)(a) and 376.80(2)(b), and has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements of Florida Statutes Sections 376.80(2)(a) and 376.80(2)(b) have been met:

Proposed Resolution – L.D. Plante

1. The Brownfield Area depicted in Exhibit A is determined to warrant economic development and has a reasonable potential for such activities through rehabilitation and job creation.
2. The Brownfield Area depicted in Exhibit A is focused to a limited geographic area.
3. The rehabilitation and economic development of the Brownfield Area depicted in Exhibit A is deemed to have sufficient private sector interest in rehabilitating the site.
4. The rehabilitation of the Brownfield Area depicted in Exhibit A will provide for the remediation of a contaminated site that is within the vicinity of a Greenway Trail right-of-way.
5. L.D. Plante, as property owner of the Brownfield Area, has agreed to remediate and redevelop the Brownfield Area depicted in Exhibit A.
6. The rehabilitation and redevelopment of the Brownfield Area will result in economic production in the area and the creation of at least five (5) new permanent jobs at the Brownfield Area, which are full-time equivalent positions not associated with implementation of the rehabilitation agreement, or with the demolition or construction associated with the redevelopment agreement.
7. The redevelopment of the proposed Brownfield Area is consistent with the Seminole County Comprehensive Plan and is a permissible use under the County's land development code.

Proposed Resolution – L.D. Plante

8. Proper notice of the proposed rehabilitation of the Brownfield Area has been provided to neighbors and nearby residents and published in the newspaper, and L.D. Plante has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation.

9. L.D. Plante has provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and redevelop the site; and

WHEREAS, Seminole County wishes to notify the Florida Department of Environmental Protection of this designation of Brownfield Area to facilitate environmental rehabilitation and economic development of such area consistent with Florida Statutes Sections 376.77-376.85; and

WHEREAS, the procedures set forth in Subsections 376.80(1) and 376.80(2)(a), Florida Statutes, have been followed, and proper notice has been provided in accord with Section 376.80 and Subsection 125.66(4)(b)(2), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The area depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby designated as a Brownfield Area for environmental rehabilitation and redevelopment purposes per Sections 376.77 through 376.85, Florida Statutes.

Section 2. The County shall notify the Florida Department of Environmental Protection, pursuant to Section 376.80, Florida Statutes, of this Brownfield Area designation.

Section 3. The site described in Exhibit "A", attached hereto and incorporated herein by reference, is hereby designated as a Brownfield Area for environmental remediation, rehabilitation and economic development in accordance with the intent of the Brownfields Redevelopment Act. However, such designation shall not render Seminole County liable for costs of site rehabilitation or source removal, as those terms are defined in Section 376.79(17) and 276.79(18), Florida Statutes, or for any other costs, above and beyond those costs attributable to the County's role as administrator of a Brownsfield site rehabilitation program.

Section 4. This Resolution shall become effective immediately upon adoption.

ADOPTED this _____ day of _____ 2007.

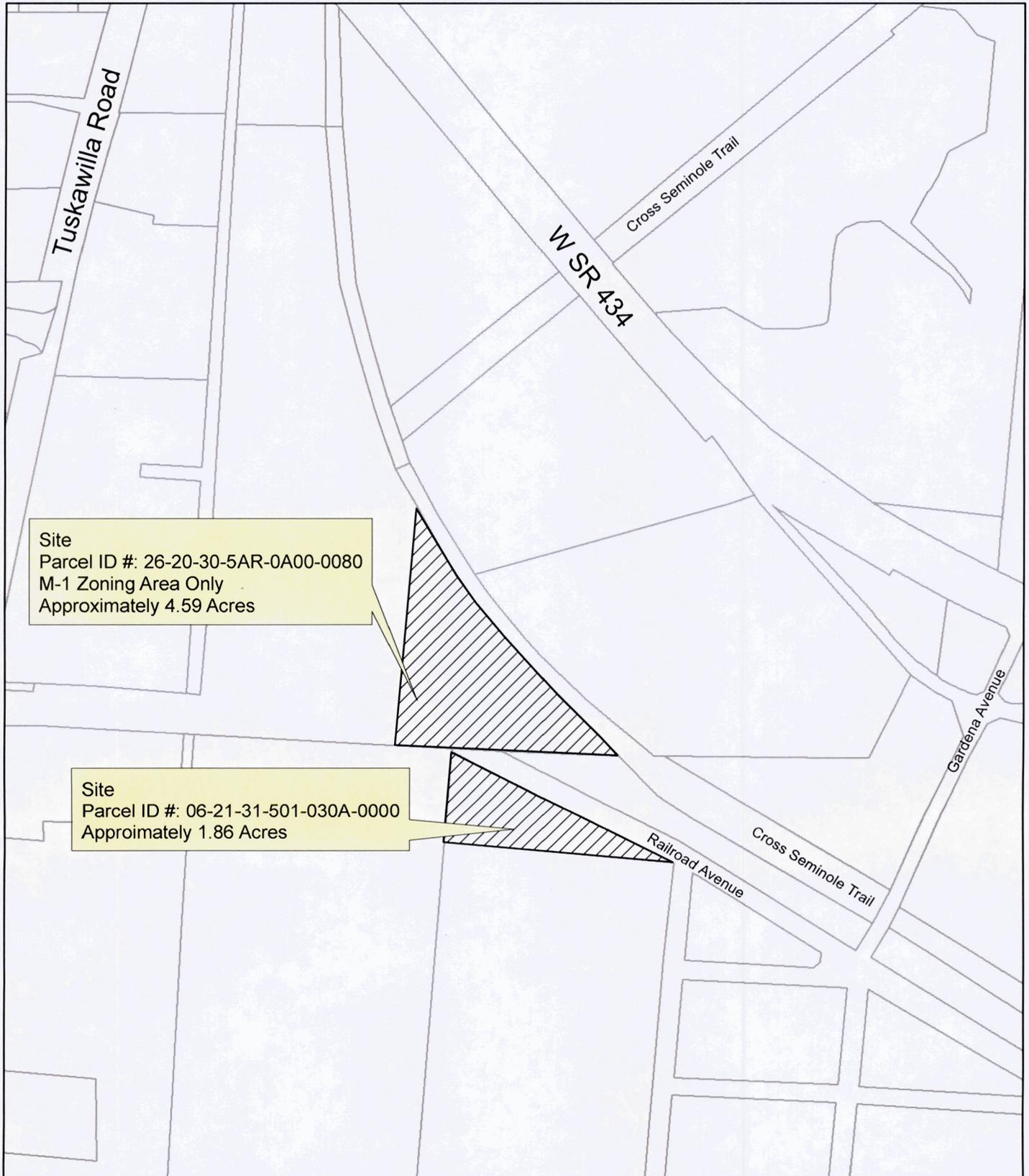
ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
the County Commissioners
of Seminole County, Florida

By: _____
CARLTON D. HENLEY
CHAIRMAN

Brownfield Area Locator Map Exhibit "A"



RESOLUTION NO. 2007-R _____ SEMINOLE COUNTY, FLORIDA

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, MAKING FINDINGS; DESIGNATING THE C-2 ZONING AREA OF PARCEL 17-21-30-510-0000-004G AS A BROWNFIELD AREA WITHIN THE US 17-92 CRA REDEVELOPMENT DISTRICT OF UNINCORPORATED SEMINOLE COUNTY FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided in Sections 376.77 - 376.85, Florida Statutes for the designation by resolution, at the request of the lessee, of one or more parcels as a "Brownfield Area", and for the corresponding provision of environmental rehabilitation and economic development; and

WHEREAS, Lowe's Home Improvement Centers, Inc., has requested designation as a Brownfield Area the C-2 zoned parcel 17-21-30-510-0000-004G, depicted in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the Board of County Commissioners of Seminole County has reviewed the requirements for Brownfield Area designation, as specified in Florida Statutes Sections 376.80(2)(a) and 376.80(2)(b), and has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements of Florida Statutes Sections 376.80(2)(a) and 376.80(2)(b) have been met:

Proposed Resolution - Lowes

1. The Brownfield Area depicted in Exhibit A is determined to warrant economic development and has a reasonable potential for such activities through rehabilitation and job creation.
2. The Brownfield Area depicted in Exhibit A is focused to a limited geographic area.
3. The rehabilitation and economic development of the Brownfield Area depicted in Exhibit A is deemed to have sufficient private sector interest in rehabilitating the site.
4. The rehabilitation of the Brownfield Area depicted in Exhibit A will provide for the remediation of a contaminated site that is within the US 17-92 CRA Redevelopment District
5. Lowe's Home Improvement Centers, Inc., as property lessee of the Brownfield Area, has agreed to remediate and redevelop the Brownfield Area depicted in Exhibit A.
6. The rehabilitation and redevelopment of the Brownfield Area will result in economic production in the area and the creation of at least five (5) new permanent jobs at the Brownfield Area, which are full-time equivalent positions not associated with implementation of the rehabilitation agreement, or with the demolition or construction associated with the redevelopment agreement.
7. The redevelopment of the proposed Brownfield Area is consistent with the Seminole County Comprehensive Plan and is a permissible use under the County's land development code.

Proposed Resolution - Lowes

8. Proper notice of the proposed rehabilitation of the Brownfield Area has been provided to neighbors and nearby residents and published in the newspaper, and Lowe's Home Improvement Centers, Inc. has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation.

9. Lowe's Home Improvement Centers, Inc. has provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and the redevelopment plan; and

WHEREAS, Seminole County wishes to notify the Florida Department of Environmental Protection of this designation of Brownfield Area to facilitate environmental rehabilitation and economic development of such area consistent with Florida Statutes Sections 376.77-376.85; and

WHEREAS, the procedures set forth in Subsection 376.80(1), Florida Statutes, have been followed, and proper notice has been provided in accord with Section 376.80 and Subsection 125.66(4)(b)(2), Florida Statutes.

Proposed Resolution - Lowes

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The area depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby designated as a Brownfield Area for environmental rehabilitation and redevelopment purposes per Sections 376.77 through 376.85, Florida Statutes.

Section 2. The County shall notify the Florida Department of Environmental Protection, pursuant to Section 376.80, Florida Statutes, of this Brownfield Area designation.

Section 3. The site described in Exhibit "A", attached hereto and incorporated herein by reference, is hereby designated as a Brownfield Area for environmental remediation, rehabilitation and economic development in accordance with the intent of the Brownfields Redevelopment Act. However, such designation shall not render Seminole County liable for costs of site rehabilitation or source removal, as those terms are defined in Section 376.79(17) and 276.79(18), Florida Statutes, or for any other costs, above and beyond those costs attributable to the County's role as administrator of a Brownsfield site rehabilitation program.

Section 4. This Resolution shall become effective immediately upon adoption.

ADOPTED this _____ day of _____ 2007.

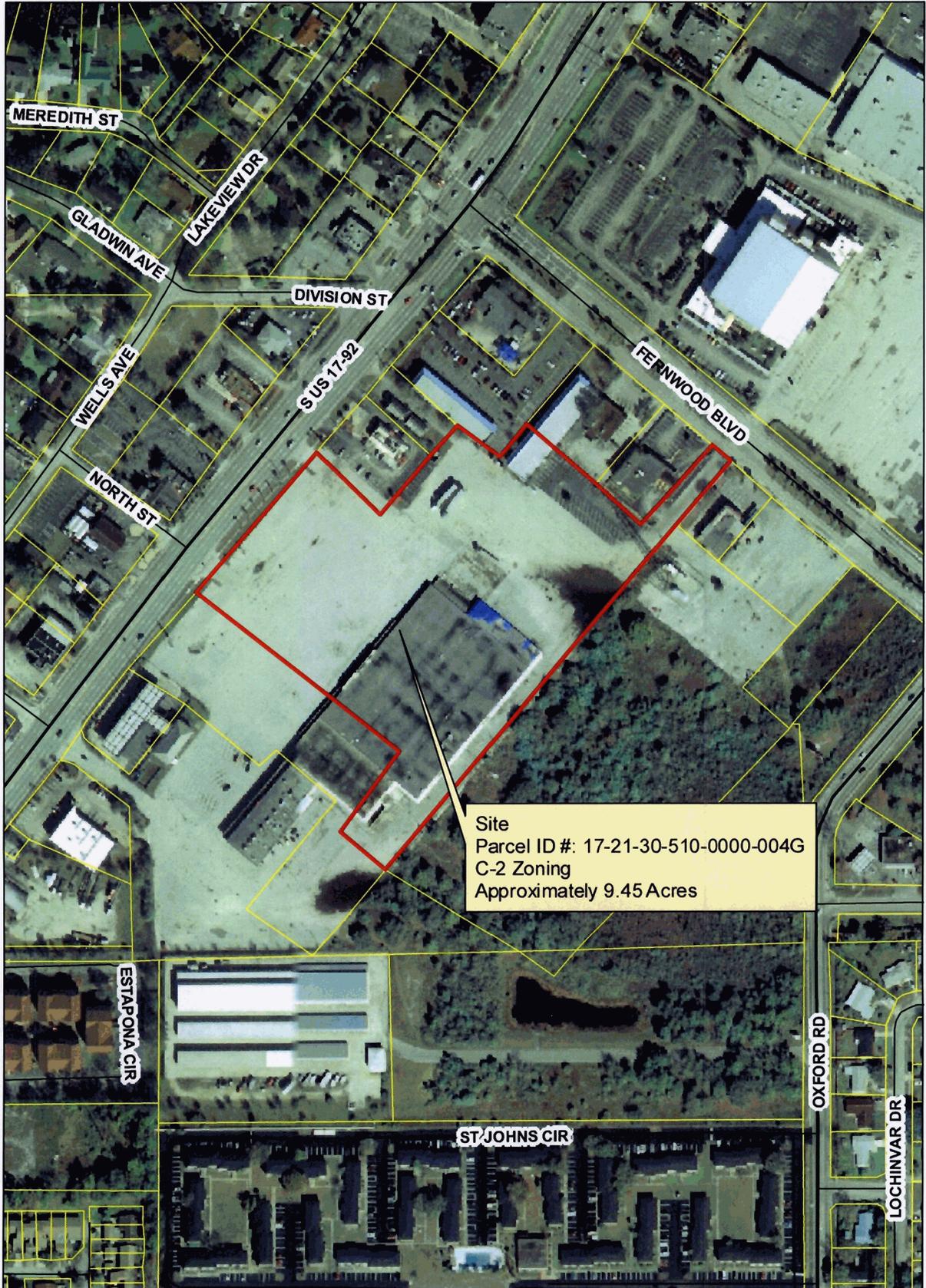
ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
the County Commissioners
of Seminole County, Florida

By: _____
CARLTON D. HENLEY
CHAIRMAN

Exhibit A



-  Selected Parcel
-  Parcels

