

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Resolution designating property leased by Lowes Home Improvement, Inc., a Brownfield Area and Resolution supporting Lowe's application in the State's Redevelopment Bonus Refund Program and electing exemption from the local financial support

**DEPARTMENT:** Economic Development

**DIVISION:** Operations

**AUTHORIZED BY:** William McDermott

**CONTACT:** John Metsopoulos

**EXT:** 7133

**MOTION/RECOMMENDATION:**

Adopt a resolution designating property leased by Lowes Home Improvement, Inc., a Brownfield Area for the purpose of environmental rehabilitation and economic development.

Adopt a resolution supporting Lowe's application in the State's Brownfield Redevelopment Bonus Program and electing exemption from local financial support.

District 4 Carlton D. Henley

John Metsopoulos

**BACKGROUND:**

The Lowes Home Improvement Brownfield Area is located inside the US 17-92 Community Redevelopment Area (CRA). Brownfield Area requests within the US 17-92 CRA will be managed by the Economic Development Department.

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

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 Lessee will enter into a Brownfield Site Rehabilitation Agreement with the Florida Department of Environmental Protection (FDEP).

Lowe's Brownfield Redevelopment Bonus Program Application:

To participate in brownfield redevelopment bonus refunds pursuant to Section 288.107, Florida Statutes, the County must adopt a resolution supporting Lowe's application into the State's Brownfield Redevelopment Bonus Refund Program.

The program is a state grant of up to \$2,000.00 for each new job created within a CRA that has a brownfield designation. The statute allows the local entity the option to opt in or out of the local financial support portion of the program.

This resolution supports Lowe's application into the program and provides that the County would have no financial obligation as a result of an approval of this Brownfield Redevelopment Bonus Program Application.

**STAFF RECOMMENDATION:**

Staff recommends that the Board adopt the subject resolutions.

**ATTACHMENTS:**

1. Resolution
2. Location Map
3. Resolution

**Additionally Reviewed By:**

County Attorney Review ( Kimberly Romano )

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:

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; 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.

**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.

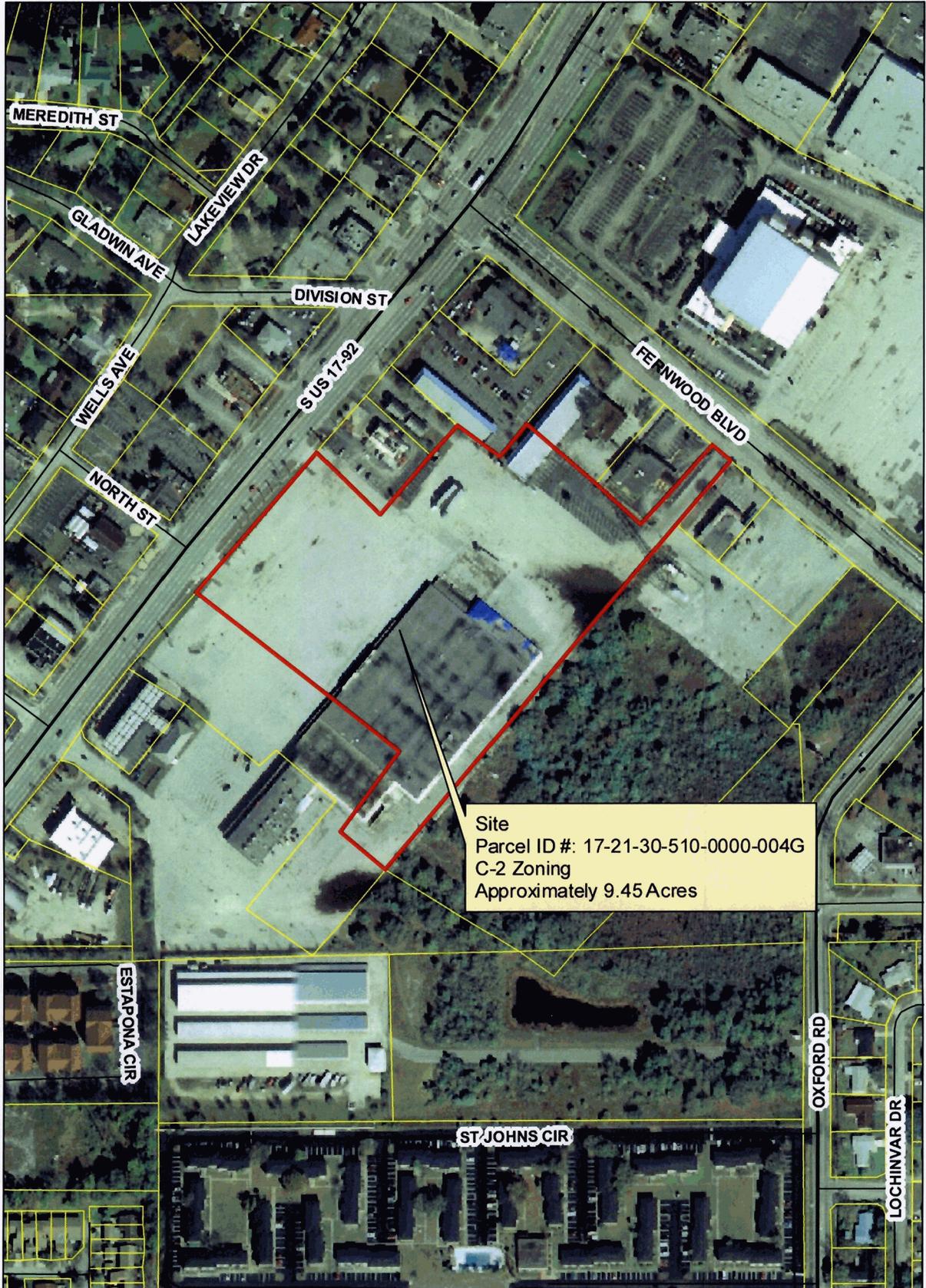
ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
Brenda Carey  
CHAIRMAN

# Exhibit A



-  Selected Parcel
-  Parcels



RESOLUTION NO. 2007-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

A RESOLUTION FOR THE BROWNFIELD REDEVELOPMENT BONUS REFUND BY THE GOVERNING BOARD OF SEMINOLE COUNTY, FLORIDA FINDING THAT LOWE'S HOME CENTER'S, INC. , BE APPROVED AS QUALIFIED APPLICANT PURSUANT TO 288.107, FLORIDA STATUTES; ELECTING EXEMPTION FROM THE LOCAL FINANCIAL SUPPORT; AND PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the business under consideration is a retail business, specifically, Lowe's Home Centers.; and

WHEREAS, Lowe's Home Centers, Inc. will be a new employer in Seminole County; and

WHEREAS, Lowe's Home Centers Inc. will create 100 full-time equivalent jobs; and

WHEREAS, Seminole County acknowledges that local financial participation is optional and will be waived when requested by the County; and

WHEREAS, The 17-92 CRA whose members consist of the County, and the cities of Sanford, Lake Mary, Winter Springs and Casselberry have partnered with Lowe's by making a financial contribution of \$225,000 to the redevelopment of the site; and

WHEREAS, The Board of County Commissioners of Seminole County elects to exercise its option for exemption for the local financial support requirement authorized under the Brownfield Redevelopment Bonus Refund Program pursuant to 288.107, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida that the Board hereby recommends Lowe's Home Center's Inc., be approved under Brownfield Redevelopment Bonus Refund program pursuant to 288.107, Florida Statutes.

BE IT FURTHER RESOLVED, That Seminole County is eligible for the local financial support exemption option authorized under the Brownfield Redevelopment Bonus Program pursuant to 288.107, and hereby determines to exercise that option.

This resolution shall take effect immediately upon its adoption.

PASSED AND DULY APPROVED BY THE BOARD OF COUNTY  
COMMISSIONERS THIS \_\_\_\_\_ Day \_\_\_\_\_, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

BY: \_\_\_\_\_  
BRENDA CAREY, CHAIRMAN

ATTEST:

Maryanne Morse, Clerk of the Court

By: \_\_\_\_\_  
CLERK OF THE COURT