

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Joint Planning Interlocal Agreement between Seminole County, the City of Sanford and the Sanford Airport Authority relating to the Orlando Sanford International Airport (Seminole County, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tony Matthews **EXT.** 7373

Agenda Date <u>04/27/04</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
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MOTION/RECOMMENDATION:

Staff is requesting Board authorization to schedule and advertise a public hearing for consideration of adoption of the proposed joint planning interlocal agreement between Seminole County, the City of Sanford and the Sanford Airport Authority, as shown in attached Exhibit A.

(District 5–Commissioner McLain)

(Tony Matthews, Principal Planner)

BACKGROUND:

- In September 2003, the City of Sanford incorporated the Orlando Sanford International Airport (OSIA) Master Plan Update into its comprehensive plan.
- In November 2003, the Florida Department of Community Affairs issued a Notice stating that should the City wish to exempt the OSIA from compliance with provisions of the development of regional impact program (as allowed by statute) that:
 1. The County must adopt the OSIA master plan into its comprehensive plan; or
 2. The City and County must enter into a joint planning agreement, pursuant to Section 163.3171, Florida Statutes, for the City to obtain planning authority over those portions of the OSIA Airport Layout Plan that are within the County (see letter from the Department dated November 11, 2003).
- At a briefing on March 9, 2004, the Board directed staff to draft an interlocal agreement as provided for in Option 2 above.

STAFF REQUEST:

Staff authorization to schedule and advertise a public hearing for consideration of adoption of the proposed joint planning interlocal agreement between Seminole County, the City of Sanford and the Sanford Airport Authority, as shown in attached Exhibit A, and schedule shown on the following page.

Reviewed by: Co Atty: _____ DFS: _____ Other: _____ DCM: <u>SS</u> CM: _____ File No. <u>cpdp03</u>
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Tentative Schedule for Adoption of JPA:

Seminole County Land Planning Agency/Planning and Zoning Commission Meeting	05/05/04
Seminole County Board of County Commissioners Public Hearing	05/25/04

Attachments:

- A. Proposed JPA agreement – Exhibit A
- B. Map of Airport Layout Plan – Exhibit B
- C. Letter from Florida Department of Community Affairs – Exhibit C

EXHIBIT A

JOINT PLANNING INTERLOCAL AGREEMENT BETWEEN SEMINOLE COUNTY AND THE CITY OF SANFORD RELATING TO THE ORLANDO SANFORD INTERNATIONAL AIRPORT

THIS INTERLOCAL AGREEMENT is made and entered into this ____ day of _____, 2004, by and between SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the "COUNTY"; the CITY OF SANFORD, a Florida municipal corporation whose address is 300 North Park Avenue, Sanford, Florida 32771, hereinafter referred to as "SANFORD"; and the Sanford Airport Authority, 1200 Red Cleveland Boulevard, Sanford, Florida 32773, hereinafter referred to as the "AIRPORT".

W I T N E S S E T H:

WHEREAS, SANFORD is a municipality located within the COUNTY; and

WHEREAS, SANFORD and the COUNTY have a long established tradition of intergovernmental coordination for the benefit of the citizens of both jurisdictions; and

WHEREAS, pursuant to Part II, Chapter 163, Florida Statutes, the comprehensive plans of SANFORD and the COUNTY permit the parties to enter into interlocal agreements to address joint land planning issues; and

WHEREAS, Section 163.3171, Florida Statutes, permits municipalities and counties to enter into interlocal agreements

for the purpose of allowing the municipality to regulate land development in designated unincorporated areas of the COUNTY; and

WHEREAS, both SANFORD and the COUNTY support well-planned development of the AIRPORT, and in that regard, have instituted comprehensive plan policies and land development regulations to guide development of the AIRPORT; and

WHEREAS, the Florida Department of Community Affairs has expressed its support of the enhancement and expansion of the AIRPORT as well as the intergovernmental coordination of SANFORD and the COUNTY to achieve this goal; and

WHEREAS, SANFORD and the COUNTY have determined it to be in the best interests of their citizenry, and to benefit the AIRPORT, to share planning authority within the unincorporated parcels of the Airport Layout Plan Area; and

WHEREAS, this Agreement has been adopted pursuant to the requirements of Section 163.3171, Florida Statutes.

NOW, THEREFORE, in consideration of the premises, mutual covenants, and agreements and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by SANFORD and the COUNTY (collectively referred to as the "Parties"), the Parties do hereby covenant and agree as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and form a material part of this Agreement upon which the Parties have relied.

SECTION 2. PURPOSE. The purpose of this Agreement is to set forth the procedures for intergovernmental coordination between SANFORD and the COUNTY regarding development of property in the Airport Layout Plan Area, as depicted in Exhibit "A" attached hereto.

SECTION 3. APPLICABILITY. The terms of this Agreement shall apply to all incorporated areas within the Airport Layout Plan Area.

SECTION 4. JOINT PLANNING AUTHORITY.

SANFORD and the COUNTY shall share planning authority within the unincorporated Airport Layout Plan Area. In this regard, the Board of County Commissioners of Seminole County (hereinafter the "Board") shall have the jurisdiction and the authority to review and approve or deny all land use applications within the unincorporated Airport Layout Plan Area, including Comprehensive Plan Amendments (including large and small scale land use amendments), rezonings, special exceptions, variances, site plans and plats; provided however, that the Sanford City Commission shall have the ability to institute the dispute resolution mechanisms of the Intergovernmental Planning

Coordinating Agreement of 1997 in regard to any such land use decision made by the Board.

SECTION 5. APPLICATION PROCEDURE.

(a) In furtherance of the joint planning objectives of this Agreement, there is also hereby created an intergovernmental planning committee to be called the "Orlando Sanford International Airport Area Planning Committee," (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the following staff members of the CITY, the COUNTY and the AIRPORT:

(1) The COUNTY Director of Planning and Development or their representative;

(2) The COUNTY Planning Manager or their representative;

(3) The COUNTY Development Review Manager or their representative;

(4) The COUNTY Building Official or their representative;

(5) The SANFORD Director of Planning and Community Development or their representative;

(6) One principal planner from SANFORD;

(7) The AIRPORT President or their representative;

and

(8) One Vice President of the AIRPORT or their representative.

(c) Prior to the processing of any land use application within the unincorporated Airport Layout Plan Area by COUNTY development review staff, and upon payment of the COUNTY's application fee, such application shall be reviewed by the Committee. Such review shall include the following factors:

(1) Compliance with this Agreement;

(2) Consistency with both the CITY and COUNTY respective Comprehensive Plans; and

(3) Consistency with the land development regulations of both SANFORD and the COUNTY.

(d) Should the Committee determine the application to be consistent with all of the above factors, it shall forward the application to the COUNTY's development review staff for further processing and presentation to the Board.

(e) Should the Committee determine that the application is not compliant with all of the above factors, it shall provide written notification of such determination to the applicant, the CITY and the AIRPORT. The Committee shall then wait thirty (30) days for receipt of any comments from the CITY or the AIRPORT. After this thirty (30) day period, the Committee shall forward the application, along with any received comments, to the

COUNTY's development review staff for further processing and presentation to the Board.

SECTION 6. NOTICE. Any notices provided pursuant to this Agreement shall be sent to the following addresses:

CITY:

City Manager
City of Sanford
Post Office Box 1788
Sanford, Florida 32771

COUNTY:

Planning and Development Director
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771

AIRPORT:

President
Sanford Orlando International Airport
1200 Red Cleveland Boulevard
Sanford, Florida 32773

SECTION 7. CONFLICT RESOLUTION. The respective staffs of SANFORD and the COUNTY shall attempt to resolve any disagreements which arise in regard to the interpretation or enforcement of this Agreement. Should the respective staffs be unable to resolve a disagreement, the Parties shall undertake the dispute resolution mechanisms set forth in the procedures of the Intergovernmental Planning Coordinating Agreement of 1997.

SECTION 8. TERM. This Agreement shall be in effect for a five (5) year period beginning the date which it is fully

executed by both Parties. This Agreement shall be automatically renewed for a subsequent five (5) year period unless one (1) of the Parties hereto gives the other ninety (90) days advance notice, in writing, of intention to not renew the Agreement, in which event the Agreement shall terminate upon the subsequent expiration date.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals the day, month and year above written.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

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

By: _____
DARYL G. MCLAIN, Chairman

Date: _____

Approved as to form and
legal sufficiency.

As authorized for execution by
the Board of County Commis-
sioners at their regular
meeting of _____, 2004.

County Attorney

ATTEST:

CITY OF SANFORD

JANET R. DOUGHERTY, Clerk
City of Sanford, Florida

By: _____
BRADY M. LESSARD, Mayor

Date: _____

ATTEST:

SANFORD AIRPORT AUTHORITY

GEOFFREY LONGSTAFF,
Secretary

By: _____
WILLIAM R. MILLER, Chairman

Date: _____

EXHIBIT C

FILE



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

November 11, 2003

RECEIVED

NOV 11 2003

SANFORD AIRPORT AUTHORITY
OFFICE OF THE PRESIDENT

The Honorable Brady Lessard
Mayor, City of Sanford
300 North Park Avenue
Sanford, Florida 32772

Dear Mayor Lessard:

The Department has reviewed the adopted Comprehensive Plan Amendment for the City of Sanford (DCA No. 03-1), adopted by Ordinance No. 3781 on September 8, 2003, and has determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is therefore issuing a Notice of Intent to find the plan amendment in compliance. The Notice of Intent has been sent to the Seminole Herald for publication on November 12, 2003.

The Department supports the goal of the City, the Airport Authority, and Seminole County to enhance and expand the airport. We believe the airport is ideally situated to serve as a leader and catalyst in generating new economic development opportunities. We are approving this amendment with the understanding that the follow-up actions which have been determined necessary, and agreed to by the City and Airport, will be addressed in the next available comprehensive plan amendment cycle. These actions are identified in the attached commitment letter from the Sanford City Manager and the Orlando-Sanford International Airport President and CEO. We also wish to take this opportunity to reiterate that if the City wishes the Airport to be exempt from review under the Development of Regional Impact program as provided for at Subsection 163.3177(6)(k), F.S., there are two options: either (1) the County will also need to adopt the airport master plan and related policies into its comprehensive plan consistent with those adopted by the City, or (2) the City will need to enter into a Joint Planning Agreement with Seminole County pursuant to Section 163.3171, F.S., to obtain planning authority over those portions of the Airport Layout Plan that are within the County.

Please note that a copy of the City of Sanford adopted Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection, Monday through Friday, except for legal holidays, during normal business hours, at the City of Sanford Planning Department, 300 North Park Avenue, Sanford, Florida 32771.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(850) 259-2467

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2336

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 486-7056

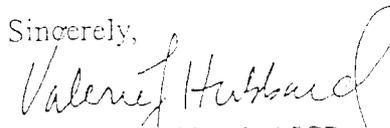
The Honorable Brady Lessard
November 11, 2003
Page Two

The Department's Notice of Intent to find the plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the plan amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders or permits for a development, dependent on the plan, may be issued or commence before the plan takes effect. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the Department's Notice of Intent.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any question concerning this matter, please contact Mike McDaniel, State Planning Initiatives Administrator, at (850) 922-1806, or Joseph Addae-Mensa, Senior Planner, at (850) 922-1783.

Sincerely,



Valerie J. Hubbard, AICP
Director, Division of Community Planning

CG/mm

Enclosure: Notice of Intent

cc: Russell Gibson, AICP, Director of Planning & Community Development, City of Sanford
Sandra Glenn, Executive Director, East Central Florida Regional Planning Council
Donald Fisher, Director, Seminole County Planning and Development Department
Larry Dale, President and CEO, Sanford Airport Authority
Lena Juarez, President, JEI & Associates, Inc.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF SANFORD
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 05-1-NOI-5907-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Sanford, adopted by Ordinance No. 3781 on September 8, 2003, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Sanford Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Sanford Planning and Community Development Department, 300 North Park Avenue, Sanford, Florida 32771.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the City of Sanford Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



11/3/03

Charles Gauthier, AICP
Chief, Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

City of Sanford, Florida

P.O. Box 1788 • 32772-1788

Telephone (407) 330-5673

Fax (407) 330-5679

Department of Engineering, Planning and Zoning

October 30, 2003

Michael D. McDaniel
Growth Management Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Orlando Sanford International Airport - Master Plan

Dear Mr. McDaniel:

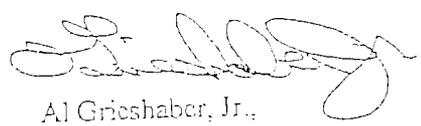
It was a pleasure meeting you and the Department staff on October 29, 2003 to discuss the City of Sanford Comprehensive Plan Amendment of 2003 which includes the Orlando Sanford International Airport Master Plan. As discussed at the meeting, the Department has several questions regarding the relationship of the Comprehensive Plan and the Master Plan as adopted by the City of Sanford. While many of the questions were answered during our meeting, it was agreed that a commitment letter addressing the remaining comments would be acceptable to allow the Department to issue a Notice of Intent finding the Comprehensive Plan in compliance.

Towards that pursuit, the following action will be taken by the City of Sanford (City) and the Orlando Sanford International Airport (Airport) to address the Department's comments.

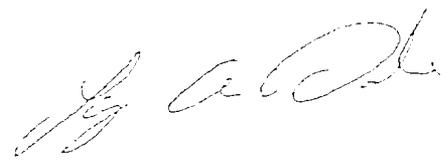
1. Correct the legend on the Future Land Use Map to be consistent with the policies establishing the maximum residential densities for Airport Industry & Commerce (AIC) at less than or equal to 50 du/acre for rental residential uses and 1 du/acre for single family residential.
2. Correct the table on Page 2 and the legend on the Future Land Use Map to be consistent with Policy 1-2 4.9 which establishes the maximum FAR for AIC at 1.0;
3. Include the north-south runway 18-36 in the policies under goal number 1 of Policy 1-2 4.1 (Page 5).
4. Revise the first sentence under Policy 1-2 4.9 (Page 17) to include "residential rental properties".
5. Amend Policy 2-1 12.3 (Page 26) establishing a significance level of 5% for traffic mitigation consistent with Chapter 9J-2;
6. Modify language in Policy 2-1 12.3 (Page 27) to clarify the intent of allowing the Airport to proceed with development at the Airport's expense if a funding agreement is not achieved.
7. Revise the table on Page 59 to show both the planned level and adopted level of service standards after the road improvements in Policy 2-1 10.3 (Page 22) are completed. If revisions to the table on page 59 shows any roadways operating below the adopted LOS, then appropriate action would need to be taken to either (1) reduce the amount of development planned for the airport, (2) reduce other land uses in the vicinity of the airport that are contributing impacts to those road segments, (3) budget additional capital improvements, or (4) some combination of the above;
8. Adopt a map that clearly shows the boundaries of the airport layout plan;
9. Include language in a policy stating that where conflicts occur between what is allowed on the future land use map and what is shown on the ALP, that the comp plan would need to be amended before any use not consistent with the FLUM is allowed;
10. Prior to any development by the Airport of any lands in the County that are included in the ALP will be required to be annexed into the City of Sanford giving the City Comprehensive Plan authority over lands in the county that are included in the ALP or the City will seek Seminole County to also adopt

the airport master plan and related policies of the City will enter into a joint planning agreement with the county giving the city comprehensive plan authority over the lands in the county that are included in the ALP.

The City of Sanford will submit the above changes or corrections to the Department in the next available Comprehensive Plan amendment cycle. We appreciate the Department's understanding of the significance of the Orlando Sanford International Airport to the success of the City and to the region. Further we hope that the collaboration of planning and coordination between the City, County the Airport and the Department will serve well as a model for other jurisdictions to emulate. Again, on behalf of the City of Sanford and the Orlando Sanford International Airport, thank you for working with us.



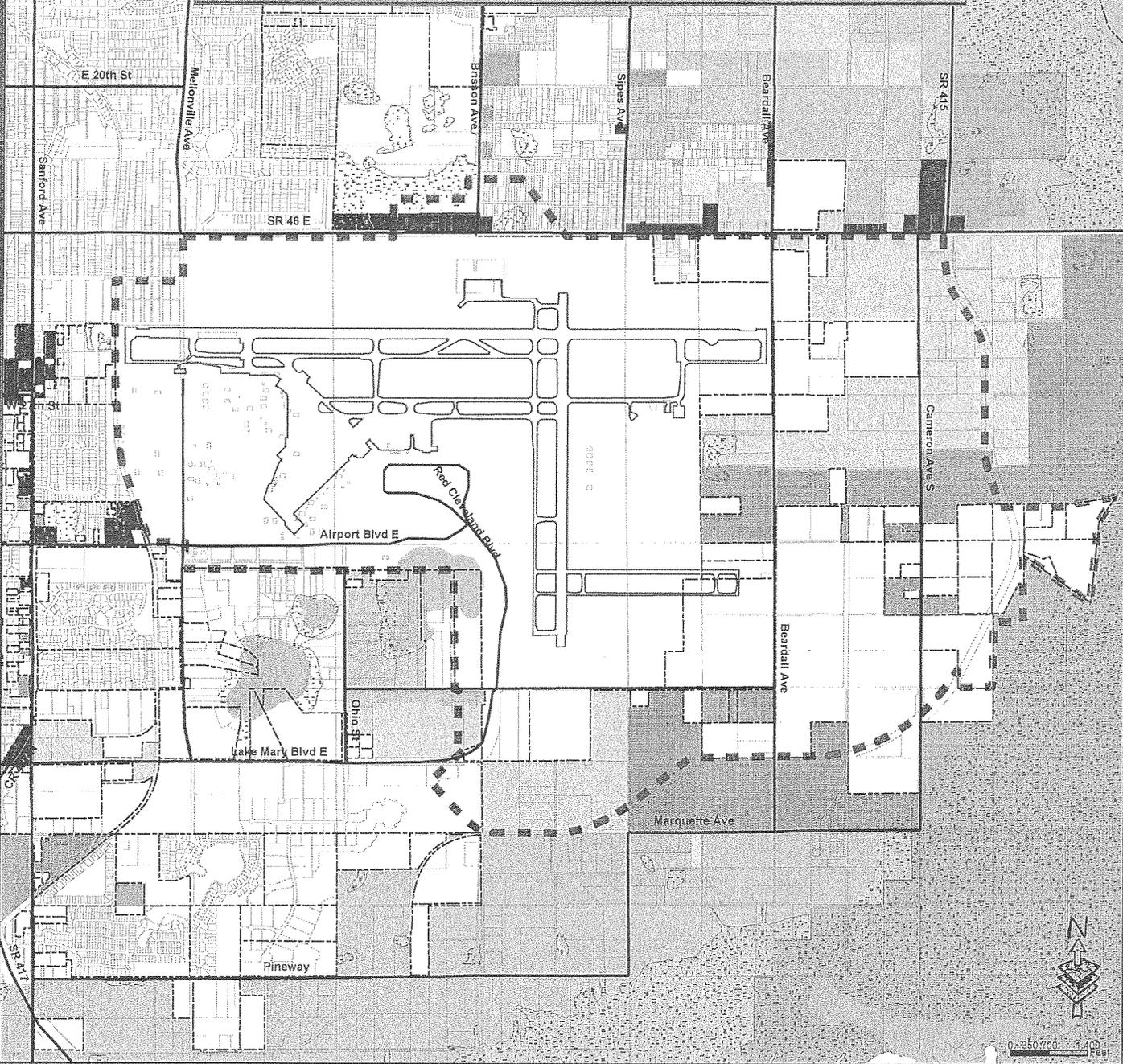
Al Grieshaber, Jr.,
City Manager
City of Sanford



Larry A. Dale,
President and CEO
Orlando Sanford International Airport

EXHIBIT B

Orlando Sanford International Airport Airport Layout Plan Boundary



Legend					
Parcel	City of Sanford	R3	HDR	IND	
Orlando Sanford International Airport	Future Land Use	SE	PD	HIP	
Airport Layout Plan	R10	LDR	OFF	PUB	
Major Roads	R5	MDR	COM	REC	
City Boundary	CONS				

The City Future Land Use designation within the Airport Layout Plan is AIC.