

Item # 59

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Final Master Plan and Developer's Commitment Agreement for Florida Power and Light Unmanned Substation Expansion

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

**AUTHORIZED BY:** Donald S. Fisher      **CONTACT:** Francisco Torregrosa      **EXT.** 7387

|                                    |   |   |  |  |
|------------------------------------|---|---|--|--|
| <b>Agenda Date</b> <u>06/24/03</u> | <b>Regular</b> <input checked="" type="checkbox"/>    | <b>Consent</b> <input type="checkbox"/>               | <b>Work Session</b> <input type="checkbox"/> | <b>Briefing</b> <input type="checkbox"/> |
|                                    | <b>Public Hearing – 1:30</b> <input type="checkbox"/> | <b>Public Hearing – 7:00</b> <input type="checkbox"/> |  |  |

**MOTION/RECOMMENDATION:**

1. APPROVE the Final Master Plan and Developer's Commitment Agreement for Florida Power and Light Unmanned Substation Expansion, consisting of approximately 5.34 acres and located approximately 200 feet south of SR 46, on the east side of Rinehart Road;
2. DENY the Final Master Plan and Developer's Commitment Agreement for Florida Power and Light Unmanned Substation Expansion;

(District 5- Comm. McLain)

(Francisco Torregrosa, Planner)

**BACKGROUND:**

The applicant, Florida Power and Light Co./Bruce Barber, requests approval of the Final PCD Master Plan and Developer's Commitment Agreement for Florida Power and Light Unmanned Substation Expansion in order meet an increasingly high demand for electricity in the area. The 5.34 acre project is located approximately 200 feet south of SR 46, on the east side of Rinehart Road. The expansion portion encompasses 3.32 acres of the existing unmanned substation.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Final PUD Master Plan and Developer's Commitment Agreement as both are consistent with the Preliminary Master Plan, the approved development order, and the Vision 2020 Plan.

|                              |
|------------------------------|
| <b>Reviewed by:</b>          |
| <b>Co Atty:</b> <u>RCC</u>   |
| <b>DFS:</b> _____            |
| <b>Other:</b> <u>AWJ</u>     |
| <b>DCM:</b> <u>SS</u>        |
| <b>CM:</b> <u>RB</u>         |
| <b>File No.</b> <u>rpd02</u> |

## **RINEHART FPL SUBSTATION EXPANSION DEVELOPER'S COMMITMENT AGREEMENT**

On April 10, 2001 the Board of County Commissioners of Seminole County issued this agreement relating to, concerning and binding the following real property situated in Seminole County, Florida:

I. Legal Description:

**PARCEL 1-A:**

BEGINNING ON THE WEST LINE OF SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST; SEMINOLE COUNTY, FLORIDA, AT A POINT 482 FEET SOUTH OF THE CENTER LINE OF ST. GERTRUDE'S AVENUE, THENCE RUN EAST PARALLEL WITH ST. GERTRUDE'S AVENUE 660 FEET TO THE WEST LINE OF LOT 3 IN SMITH'S THIRD SUBDIVISION, RECORDED IN PLAT BOOK 1, PAG 86, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE SOUTH 208 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 24 IN SAID SMITH'S THIRD SUBDIVISION; THENCE WEST 660 FEET ALONG THE NORTH LINE OF LOT 24 TO THE WEST LINE OF SAID SECTION 26; THENCE NORTH 208 FEET, MORE OR LESS, TO BEGINNING, LESS THE WEST 190.00 FEET OF THE NORTH 118.00 FEET AND ALSO LESS THE WEST 15 FEET FOR A PUBLIC ROAD.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

THE NORTH 20.00 FEET OF THE EAST 261.90 FEET OF THE WEST 436.90 FEET OF THE FOLLOWING DESCRIBED TRACT:

THAT PART OF SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 SOUTH, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN ON THE WEST LINE OF SAID SECTION 28 AT A POINT 482 FEET SOUTH OF THE CENTERLINE OF GERTRUDE'S AVENUE (STATE ROAD NO. 46); THENCE RUN EAST PARALLEL TO THE SAID CENTERLINE OF GERTRUDE'S AVENUE 660 FEET TO THE WEST LINE OF LOT 3 IN SMITH'S THIRD SUBDIVISION, RECORDED IN PLAT BOOK 1,PAGE 86 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE SOUTH 208 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 24 IN SAID SMITH'S THIRD SUBDIVISION; THENCE WEST 660 FEET ALONG THE NORTH LINE OF LOT 24 TO THE WEST LINE OF SAID SECTION 28; THENCE NORTH 208 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, LESS THE WEST 15 FEET FOR A PUBLIC ROAD.

**PARCEL 2-A:**

BEGIN ON WEST LINE, SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST AT A POINT 586 FEET SOUTH OF CENTER LINE OF ST. GERTRUDE'S AVENUE, RUN EAST PARALLEL WITH ST. GERTRUDE'S AVENUE 190 FEET, THENCE SOUTH 14 FEET, THENCE WEST 190 FEET, THENCE NORTH 14 FEET TO BEGINNING (LESS THE WEST 15 FEET FOR ROAD PURPOSE).

**PARCEL 1-B:**

BEGIN ON WEST LINE, SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST AT A POINT 482 FEET SOUTH OF CENTER LINE OF ST. GERTRUDE'S AVENUE, RUN EAST PARALLEL WITH ST. GERTRUDE'S AVENUE 250 FEET THENCE SOUTH 104 FEET, THENCE WEST 250 FEET, THENCE NORTH 104 FEET TO BEGINNING (LESS THE WEST 15 FEET FOR ROAD PURPOSES). ALSO LESS THE EAST 60 FEET THEREOF AND LESS THE NORTH 20 FEET THEREOF.

**PARCEL 2-B:**

**PARCEL 2-B:**

BEGIN ON WEST LINE, SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST AT A POINT 586 FEET SOUTH OF CENTER LINE OF ST. GERTRUDE'S AVENUE, RUN EAST PARALLEL WITH ST. GERTRUDE'S AVENUE 190 FEET, THENCE SOUTH 14 FEET, THENCE WEST 190 FEET, THENCE NORTH 14 FEET TO BEGINNING (LESS THE WEST 15 FEET FOR ROAD PURPOSES).

II. Statement of Basic Fact:

|    |   |                                |
|----|---|--------------------------------|
| A. | Total acreage<br>(Parcels 1-A, 1-B, 2-A, 2-B) | 5.34 acres.                    |
| B. | Proposed Expansion                            | 3.09 acres +/-.                |
| C. | Existing Substation                           | 2.25 acres +/-.                |
| D. | Specific Use                                  | Unmanned Electrical Substation |

III. Building and Lot Restrictions:

Maximum height in the substation will be the transmission poles, which should not exceed 75 feet.

IV. Landscaping and Buffers:

Landscaping and buffers shall exceed Seminole County Land Development Code requirements and shall meet the intent of the landscape plan represented to the County Commission. The current site plan delineates the following: 25 feet of perimeter buffer with a hedge and double row of native trees (along the north property line). A hedge surrounds the entire property consisting of a solid row of 1070 Wax Myrtles 3 feet in height at planting, and spaced every 2 feet. Native canopy trees will be planted surrounding the entire site (with the exception of under the existing transmission lines), consisting of 63 Live and Laurel Oaks twelve (12) feet in height, a minimum 3" caliper, spaced twenty-five (25) feet apart. The second row of trees will be planted along the north side of the property also spaced twenty-five (25) feet apart.

As an alternative to the aforementioned requirements, and complying with this intent, FPL shall preserve the majority of existing trees on-site. Specifically, the west and north sides and the east 208 feet will be preserved. If a north-south access road is constructed along the West Side and the remaining trees do not comply with the intent of the 25-foot buffer represented to the Commission, the buffer material shall be upgraded to meet this requirement.

The buffer material along a portion of the east and south side, under the existing transmission lines, has been substituted with a greater number of FPL "Right Tree-Right Place" material, specifically 35 Wax Myrtles twelve (12) feet in height spaced eight (8) feet apart.

V. Water and Sewer:

N/A (existing well – irrigation for expansion buffer). Septic. FPL shall have the option to connect to water and/or sewer if it becomes available and feasible.

VI. Permitted and Conditional Uses:

A. Only those uses permitted and conditional uses within PCD (Planned Commercial Development) zoning district classification.

VII. Other Commitments:

Proposed substation security fence shall be consistent with the existing security fence: 7 feet of chain link with 1 foot of barbed wire to make an overall height of 8 feet.

The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the Property.

The terms and provisions of this Agreement run with the land and are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain, Chairman

ATTEST:

\_\_\_\_\_  
Maryanne Morse  
Clerk to the Board of County  
Commissioners of Seminole County, Florida

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Florida Power and Light Co., on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

By: \_\_\_\_\_  
Dean Busch, Siting Section Manager  
Florida Power & Light Co. (FPL)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

**STATE OF FLORIDA**

**COUNTY OF SEMINOLE**

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

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



To: Memo to File

Date: October 17, 2000

Re: FLORIDA POWER & LIGHT COMPANY  
TRANSMISSION LINE ROUTE AND SUBSTATION  
SITE ACQUISITION, ZONING, SITE PLAN APPROVAL  
AND PERMITTING: AUTHORIZATION TO SIGN

I, A. J. Olivera, Vice President, Power Systems, for Florida Power & Light Company, verify that the following listed individuals:

Barbara Jaindl  
Dean Busch

are hereby authorized to represent, sign for, and authorize on behalf of Florida Power & Light Company in matters relating to the right-of-way and site acquisition, zoning, site plan approval and permitting of electrical transmission lines and substations.

A. J. Olivera  
Vice President  
Power Systems

The foregoing instrument was acknowledged before me this 24 day of OCTOBER 2000, by A. J. Olivera, Vice President of Power Systems of Florida Power & Light Company, a Florida Corporation. He is personally known to me and did not take an oath.

Gail F. Sanchez  
Notary Public

Gail F. Sanchez  
MY COMMISSION # CC785493 EXPIRES  
November 14, 2002  
BONDED THRU TROY FAHN INSURANCE, INC

STATE OF FLORIDA  
COUNTY OF PALM BEACH



Gail F. Sanchez  
MY COMMISSION # CC785493 EXPIRES  
November 14, 2002  
BONDED THRU TROY FAHN INSURANCE, INC

**AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE PCD ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Florida Power and Light Company, Inc., Rezoning", dated April 10, 2001.

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

**Section 2. REZONING.**

(a) The zoning classification assigned to the following described property is changed from the A-1 (Agriculture) zoning classification to the PCD (Planned Commercial Development District) zoning classification:

Legal Description Attached as Exhibit A

(b) The rezoning action herein is subject to the conditions provided for and agreed to in Development Order #00-20000001 and the preliminary site plan incorporated herein.

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

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

**Section 5. EFFECTIVE DATE.**

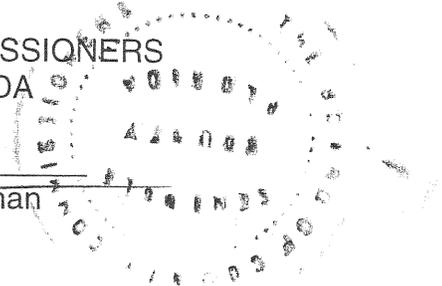
(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall take effect upon filing with the Department of State.

ENACTED this 10<sup>th</sup> day of April, 2001.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

Dick Van Der Weide, Chairman



## EXHIBIT A

1. Beginning on the West line of Section 28, Township 19 South, Range 30 East; Seminole County, Florida, at a point 482 feet South of the center line of St. Gertrude's Avenue, thence run East parallel with St. Gertrude's Avenue 660 feet to the West line of Lot 3 in Smith's Third Subdivision, recorded in Plat Book 1, Page 86, of the Public Records of Seminole County, Florida; thence South 208 feet, more or less, to the Northeast corner of Lot 24 in said Smith's Third Subdivision; thence West 660 feet along the North line of Lot 24 to the West line of said Section 28; thence North 208 feet, more or less, to beginning, less the West 190.00 feet of the North 118.00 feet and also less the West 15 feet for a public road.
2. Begin on West line, Section 28, Township 19 South, Range 30 East at a point 482 feet South of center line of St. Gertrude's Avenue, run East parallel with St. Gertrude's Avenue 250 feet, thence South 104 feet, thence West 250 feet, thence North 104 feet to beginning (less the West 15 feet for road purposes).
3. Begin on West line, Section 28, Township 19 South, Range 30 East at a point 586 feet South of center line of St. Gertrude's Avenue, run East parallel with St. Gertrude's Avenue 190 feet, thence South 14 feet, thence West 190 feet, thence North 14 feet to beginning (less the West 15 feet for road purposes).

BK 0 2 7 0 PG 1 5 0 3

# RINEHART SUBSTATION EXPANSION

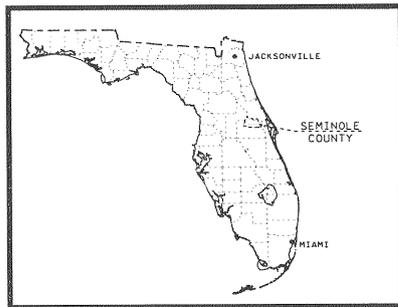
## SITE DEVELOPMENT PLAN



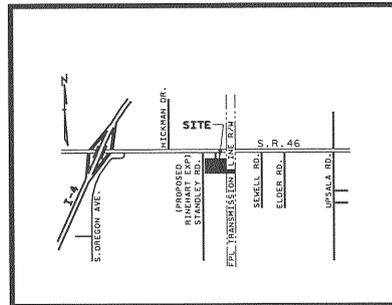
**FPL**

### SEMINOLE COUNTY, FLORIDA

### SECTION 28, TOWNSHIP 19S, RANGE 30E



LOCATION MAP



VICINITY MAP

INDEX OF DRAWINGS

| SKETCH NO. | DESCRIPTION              |
|------------|--------------------------|
| RINØØ      | COVER SHEET              |
| RINØ1      | SITE PLAN                |
| RINØ2      | FENCE, FILL & GRADE PLAN |
| RINØ4      | LANDSCAPE PLAN           |



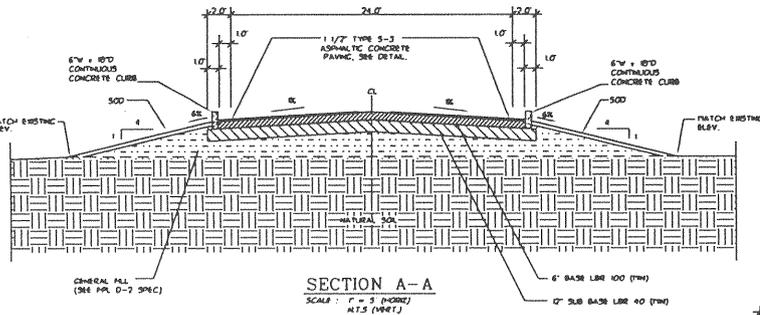
PLANS PREPARED BY :  
 FLORIDA POWER AND LIGHT COMPANY  
 TRANSMISSION AND SUBSTATION SITING SECTION

700 UNIVERSE BLVD. (PDP-JB)  
 JUNO BEACH, FLORIDA 33408

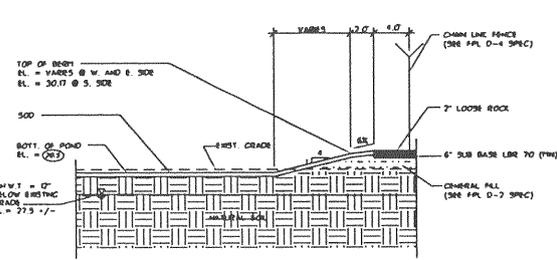
|                          |       |
|--------------------------|-------|
| RINEHART SUBSTATION      |       |
| FPL PROJECT NO. 20001267 |       |
| 00126754 R0              | RINØØ |
| C A D E                  |       |

ENGINEER'S SEAL

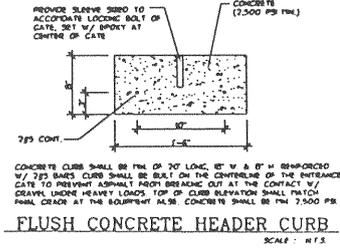




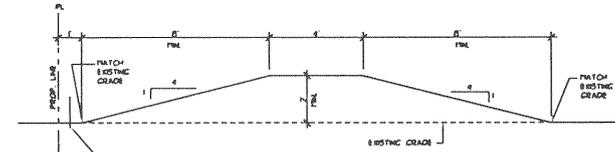
SECTION A-A  
SCALE: 1" = 3' (HORIZ)  
N.T.S. (VERT.)



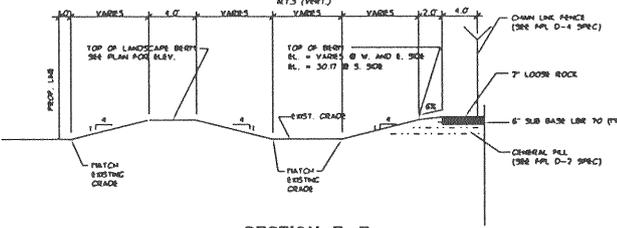
SECTION B-B  
SCALE: 1" = 3' (HORIZ)  
N.T.S. (VERT.)



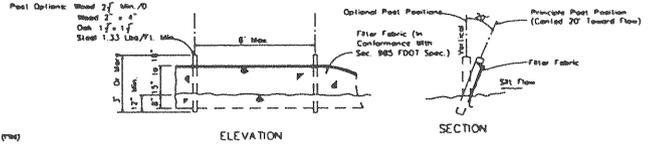
FLUSH CONCRETE HEADER CURB  
SCALE: N.T.S.



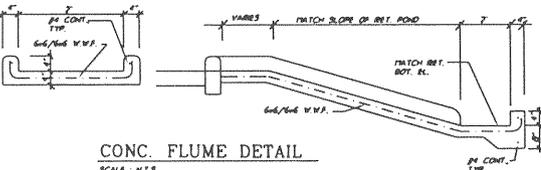
LANDSCAPE BERM DETAIL  
SCALE: 1" = 3' (HORIZ)  
N.T.S. (VERT.)



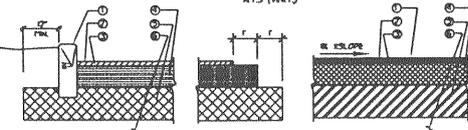
SECTION E-E  
SCALE: 1" = 3' (HORIZ)  
N.T.S. (VERT.)



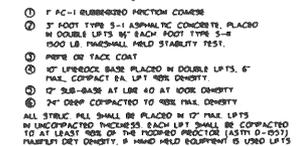
TYPE 3 SILT FENCE  
SCALE: N.T.S.



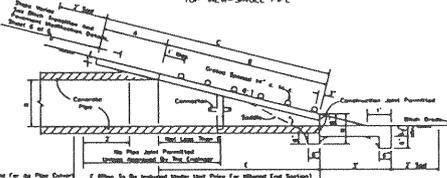
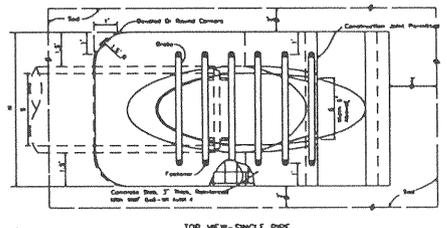
CONC. FLUME DETAIL  
SCALE: N.T.S.



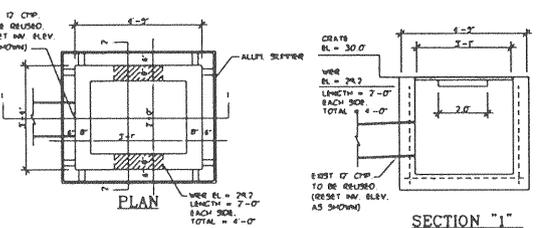
SITE PAVING W/ CONC. CURB  
N.T.S.



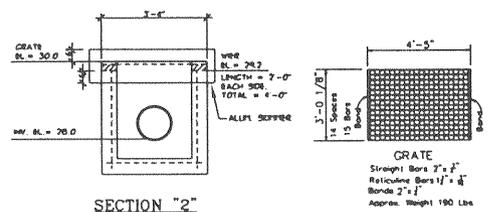
ROW PAVING  
N.T.S.



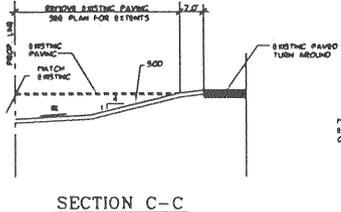
MITERED END SECTION  
FDOT INDEX # 273-4  
N.T.S.



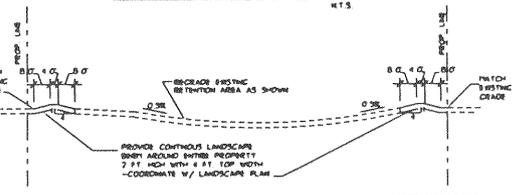
FDOT TYPE 'C' - OUTFALL STRUCTURE  
FDOT INDEX 232 DESIGN STANDARDS



ASPHALT PAVING DETAILS  
N.T.S.



SECTION C-C  
SCALE: N.T.S.



SECTION D-D  
SCALE: N.T.S.

**DROR & ASSOCIATES INC.**  
380 N. Wickham Rd., Suite 101  
Melbourne, FL 32905  
PH 329 253-8223  
FAX 329 253-8222  
EB-000728

|         |         |                            |
|---------|---------|----------------------------|
| 2       | 3/7/03  | ADD LANDSCAPE BERM SECTION |
| 1       | 1/20/03 | PER FPL REVIEW COMMENTS    |
| ER (NO) | DATE    |                            |

|              |                            |
|--------------|----------------------------|
| DATE 9-25-02 | SCALE 0" = 5' 7 1/2" = 15' |
| DR ER        | ER                         |
| CH CH        | CDR                        |
| APPROVED     |                            |

RINEHART SUBSTATION  
SECTIONS AND DETAILS

(SU, G, PP)  
SHEET 2 OF 2  
E-RINO2  
DAI PROJ. # 2002-88

ENGINEER'S SEAL