DECISION OF THE BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

ON JUNE 4, 2013, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED THE FOLLOWING:

CONSIDERATION: TUPPERWARE HEIGHTS PLANNED DEVELOPMENT / TUPPERWARE HEIGHTS PRELIMINARY SUBDIVISION PLAN, CASE # PSP-12-08-157, SUBMITTED IN ACCORDANCE WITH ARTICLE II, SECTION 34-27; THIS REQUEST IS PROPOSING TO CONSTRUCT 966,975 SQUARE FEET OF COMMERCIAL USES AND 200 AGE-RESTRICTED MULTI-FAMILY DWELLING UNITS ON 203.223 ACRES.

LOCATION: DISTRICT 4; PROPERTY GENERALLY LOCATED NORTH OF MARY LOUIS LANE / EAST OF ORANGE BLOSSOM TRAIL; PARCEL ID #S 34-24-29-0000-00-004, 35-24-29-0000-00-002; ORANGE COUNTY, FLORIDA (LEGAL PROPERTY DESCRIPTION ON FILE IN DEVELOPMENT ENGINEERING DIVISION)

UPON A MOTION, THE BOARD MADE A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN; AND FURTHER, APPROVED TUPPERWARE HEIGHTS PLANNED DEVELOPMENT / TUPPERWARE HEIGHTS PRELIMINARY SUBDIVISION PLAN, CASE # PSP-12-08-157 ON THE DESCRIBED PROPERTY, SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEVELOPMENT SHALL CONFORM TO THE TUPPERWARE HEIGHTS PLANNED DEVELOPMENT; ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS (BCC) APPROVALS; TUPPERWARE HEIGHTS PRELIMINARY SUBDIVISION PLAN DATED "RECEIVED APRIL 26, 2013", AND TO THE FOLLOWING CONDITIONS OF APPROVAL. DEVELOPMENT BASED UPON THIS APPROVAL SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCES AND REGULATIONS, WHICH ARE INCORPORATED HEREIN BY REFERENCE, EXCEPT TO THE EXTENT ANY APPLICABLE COUNTY LAWS, ORDINANCES AND REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY THESE CONDITIONS, OR BY ACTION APPROVED BY THE BCC, OR BY ACTION OF THE BCC. IN THE EVENT OF A CONFLICT OR INCONSISTENCY BETWEEN A CONDITION OF APPROVAL OF THIS PRELIMINARY SUBDIVISION PLAN AND THE ACTUAL PRELIMINARY SUBDIVISION PLAN DATED "RECEIVED APRIL 26, 2013", THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.
2. THIS PROJECT SHALL COMPLY WITH, ADHERE TO, AND NOT DEVIATE FROM OR OTHERWISE CONFLICT WITH ANY VERBAL OR WRITTEN PROMISE OR REPRESENTATION MADE BY THE APPLICANT (OR AUTHORIZED AGENT) TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING WHERE THIS DEVELOPMENT WAS APPROVED, WHERE SUCH PROMISE OR REPRESENTATION, WHETHER ORAL OR WRITTEN, WAS RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, COULD HAVE REASONABLY BEEN EXPECTED TO HAVE BEEN RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT; OR COULD HAVE REASONABLY INDUCED OR OTHERWISE INFLUENCED THE BOARD TO APPROVE THE DEVELOPMENT. FOR PURPOSES OF THIS CONDITION, A "PROMISE" OR "REPRESENTATION" SHALL BE DEEMED TO HAVE BEEN MADE TO THE BOARD BY THE APPLICANT (OR AUTHORIZED AGENT) IF IT WAS EXPRESSLY MADE TO THE BOARD AT A PUBLIC HEARING WHERE THE DEVELOPMENT WAS CONSIDERED OR APPROVED.

3. PRIOR TO CONSTRUCTION PLAN APPROVAL, A MASTER STORMWATER MANAGEMENT PLAN INCLUDING A DRAINAGE STUDY TO ESTABLISH THE 100-YEAR FLOOD ELEVATION OF THE ADJACENT WETLAND, IF NONE EXISTS, SHALL BE SUBMITTED TO THE DEVELOPMENT ENGINEERING DIVISION FOR REVIEW AND APPROVAL.

4. THE STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGNED TO RETAIN THE 100-YEAR/24-HOUR STORM EVENT ONSITE, UNLESS DOCUMENTATION WITH SUPPORTING CALCULATIONS IS SUBMITTED, WHICH DEMONSTRATES THAT A POSITIVE OUTFALL IS AVAILABLE. IF THE APPLICANT CAN SHOW THE EXISTENCE OF A POSITIVE OUTFALL FOR THE SUBJECT BASIN, THEN THE DEVELOPER SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL STORMWATER REQUIREMENTS AND REGULATIONS. AN EMERGENCY HIGH WATER RELIEF OUTFALL SHALL BE PROVIDED TO ASSURE OVERFLOW DOES NOT CAUSE FLOODING OF SURROUNDING AREAS.

5. PRIOR TO THE ISSUANCE OF ANY VERTICAL BUILDING PERMITS, THE PLAT OF THE ENTIRE SUBDIVISION SHALL BE APPROVED ON THE BCC CONSENT AGENDA.
6. THE APPLICANT MUST APPLY FOR AND OBTAIN A CAPACITY ENCUMBRANCE LETTER PRIOR TO CONSTRUCTION PLAN SUBMITTAL AND MUST APPLY FOR AND OBTAIN A CAPACITY RESERVATION CERTIFICATE PRIOR TO PLATTING. NOTHING IN THIS CONDITION, AND NOTHING IN THE DECISION TO APPROVE THIS PRELIMINARY SUBDIVISION PLAN, SHALL BE CONSTRUED AS A GUARANTEE THAT THE APPLICANT WILL BE ABLE TO SATISFY THE REQUIREMENTS FOR OBTAINING A CAPACITY ENCUMBRANCE LETTER OR A CAPACITY RESERVATION CERTIFICATE.

7. A PLANNING CONTEXT STUDY IS REQUIRED PRIOR TO PLAN APPROVAL.

8. PRIOR TO EARTHWORK OR CONSTRUCTION, THE DEVELOPER SHALL PROVIDE A COPY OF THE COMPLETED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NOTICE OF INTENT (NOI) FORM FOR STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITIES TO THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION, NPDES ADMINISTRATOR. THE ORIGINAL NOI FORM SHALL BE SENT TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

9. UNLESS A CONSERVATION AREA IMPACT (CAI) PERMIT IS APPROVED BY ORANGE COUNTY CONSISTENT WITH CHAPTER 15 PRIOR TO CONSTRUCTION PLAN APPROVAL, NO CONSERVATION AREA OR BUFFER ENCROACHMENTS SHALL BE PERMITTED.

10. ALL ACREAGES REGARDING CONSERVATION AREAS AND WETLAND BUFFERS ARE CONSIDERED APPROXIMATE UNTIL FINALIZED BY A CONSERVATION AREA DETERMINATION (CAD) AND A CONSERVATION AREA IMPACT (CAI) PERMIT. APPROVAL OF THIS PLAN DOES NOT AUTHORIZE ANY DIRECT OR INDIRECT CONSERVATION AREA IMPACTS.
11. THE SITE SHALL BE STABILIZED FOLLOWING GRUBBING, CLEARING, EARTH WORK OR MASS GRADING TO ESTABLISH A DENSE STAND OF GRASS, OR SHALL INCORPORATE OTHER APPROVED BEST MANAGEMENT PRACTICES, ON ALL DISTURBED AREAS IF DEVELOPMENT DOES NOT BEGIN WITHIN 7 DAYS. FINAL STABILIZATION SHALL ACHIEVE A MINIMUM OF 70% COVERAGE OF THE DISTURBED LAND AREA AND SHALL INCLUDE A MAINTENANCE PROGRAM TO ENSURE MINIMUM COVERAGE SURVIVAL AND OVERALL SITE STABILIZATION UNTIL SITE DEVELOPMENT. PRIOR TO CLEARING OR GRUBBING, APPROVAL OF MASS GRADING OR CONSTRUCTION PLANS, A LETTER OF CREDIT OR CASH ESCROW SHALL BE SUBMITTED TO THE COUNTY TO GUARANTEE THE REQUIRED SITE STABILIZATION AND MAINTENANCE OF ALL DISTURBED AREAS. THE COUNTY ENGINEER SHALL ESTABLISH THE AMOUNT OF THE LETTER OF CREDIT.

12. AN AGREEMENT SHALL BE EXECUTED BY THE BCC PRIOR TO CONSTRUCTION PLAN APPROVAL ADDRESSING COUNTY REIMBURSEMENT TO THE DEVELOPER FOR CONSTRUCTION OF THE SEGMENT OF PROPOSED FORCE MAIN THAT EXTENDS BEYOND ONE MILE FROM THE PD BOUNDARY AND REIMBURSEMENT TO THE DEVELOPER FOR CONSTRUCTION OF THE SEGMENT OF PROPOSED RECLAIMED WATER MAIN THAT EXTENDS BEYOND 1,350 LINEAR FEET FROM THE PD BOUNDARY. PREPAYMENT OF ERUS UP TO A VALUE EQUIVALENT TO THE FORCE MAIN REIMBURSEMENT AMOUNT SHALL BE COMPLETED PRIOR TO ANY COUNTY REIMBURSEMENT. ALTERNATIVELY, CONSTRUCTION PLANS MAY BE APPROVED IF THE DEVELOPER WAIVES ANY RIGHTS FOR REIMBURSEMENT, IN WHICH CASE THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE EXTENSION OF THE FORCE MAIN AND RECLAIMED WATER MAIN TO THE CONNECTION POINTS DESIGNATED IN THE APPROVED MUP.

13. PRIOR TO CONSTRUCTION PLAN APPROVAL, CERTIFICATION WITH SUPPORTING CALCULATIONS SHALL BE SUBMITTED WHICH STATES THAT THIS PROJECT IS CONSISTENT WITH THE APPROVED MASTER UTILITY PLAN (MUP) FOR THIS PD.

14. BILLBOARDS AND POLE SIGNS SHALL BE PROHIBITED. GROUND AND FASCIA SIGNS SHALL COMPLY WITH CH. 31.5.

15. OUTDOOR SALES, STORAGE AND DISPLAY SHALL BE PROHIBITED.
16. ANY REQUEST BY APPLICANT TO CONVERT AGE-RESTRICTED HOUSING TO MARKET-RATE HOUSING MUST UNDERGO A CAPACITY ENHANCEMENT REVIEW BY THE ORANGE COUNTY SCHOOL BOARD.

THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 10TH DAY OF JUNE 2013.

[Signature]
DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board’s subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.