



Interoffice Memorandum

November 16, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager**
Environmental Protection Division
(407) 836-1406

SUBJECT: December 13, 2022 – Public Hearing
Correct Craft Real Estate, LLC Commercial Boat Ramp
Facility Permit Application BR-21-06-000
(Related to CAI-22-07-052)

The applicant, Correct Craft Real Estate, LLC, is requesting a permit to construct a new commercial boat ramp facility in and adjacent to a privately-owned, unnamed surface water. The Commercial Boat Ramp Facility Permit Application (BR-21-06-000) is being processed concurrently with a Conservation Area Impact Permit Application (CAI-22-07-052). The project site is located at 14700 Aerospace Parkway, Orlando, FL 32832 (Parcel ID No. 06-24-32-1500-01-000) in District 4.

The proposed boat ramp will be 65 feet long and 35 feet wide. There will be two boat docks constructed adjacent to the proposed boat ramp. The surface water where the proposed boat ramp will be located is a borrow pit that was created between 2004 and 2005. The project site includes two ponds:

- “west pond” where the proposed boat ramp will be located; and,
- “east pond” which is a permitted stormwater management system.

A Conservation Area Determination (CAD 05-092) was completed in 2005 and depicts the two ponds and additional wetlands onsite. CAD 05-092 determined that the two ponds are Class II surface waters. No impacts are proposed to the onsite wetlands.

The applicant utilizes these man-made surface waters to test new watercraft for development and sale. While the usage of the proposed boat ramp will be solely for the private use of the applicant, it is considered a commercial boat ramp pursuant to Section 15-603(f) which states, “a commercial boat ramp facility shall also include any boat ramp used in connection with any commercial establishment where the boat ramp is used as an enhancement to the principal function of the basic facility, whether or not use of the boat ramp facility itself is fee-based or profit motivated, or both.”

Variances:

Article XV requires additional review criteria for commercial boat ramps that may not be relevant to the use of this proposed boat ramp and therefore, the applicant is requesting eleven variances. The requested variances are as follows:

1. Section 15-605(b)(1): No boat ramp facility of any kind shall be permitted without adequate stormwater management facilities which, in the opinion of the county engineer, are designed to intercept all stormwater from the boat ramp above the normal high water elevation; provided, however, that all commercial boat ramp facilities and semi-private boat ramp facilities shall be required to have stormwater management facility designs which are consistent with the criteria contained in the Orange County Site Development Ordinance (Ordinance Number 86-20 as codified at sections 30-236 through 30-282 of the Orange County Code as the same may be amended and replaced from time to time). The foregoing criteria are not intended to exempt the upland portion of the boat ramp site from any other applicable regulations regarding stormwater retention.

Reason for variance: Approximately 15 feet of ramp exists above the normal high water elevation. Collection of minimal and clean stormwater from this portion of the ramp is unnecessary. The stormwater sheet flow runoff from this area post-development will be cleaner (due to the reduction of total suspended solids and total dissolved solids) than that of pre-development.

2. Section 15-605(b)(5): To discourage boat maintenance and repairs at boat ramp facility sites, electrical outlets and lighting of any kind shall be prohibited within one hundred (100) feet of any boat ramp facility, except for a private boat ramp facility.

Reason for variance: Design, research and development testing, which requires appropriate electrical outlets and lighting is performed by the manufacturing company at the boat ramp and companion docks.

3. Section 15-605(b)(6): Public road access to any commercial or public boat ramp facility site is mandatory.

Reason for variance: Public access to this manufacturing plant's commercial boat ramp on private property, on a man-made lake excavated by the applicant and surrounded by land owned by the applicant is unwarranted and/or unreasonable. Also see 15- 605(b)(14) below.

4. Section 5-605(b)(9): Boat houses and other similar sheltered structures proposed to be built in conjunction with a companion boat mooring dock are prohibited.

Reason for variance: The associated companion docks have been designed with roofs and storage rooms needed for the intended manufacturing design, research and development testing use of the boat ramp facility site as a boat research and development support facility. Employees need access to shaded and sheltered work space, cooled liquids for hydration, testing equipment and associated storage, etc.

5. Section 15-605(b)(10): All commercial and public boat ramp facilities (or semi-private boat ramp facilities which allow motorized boat usage) shall have a prop clean-out area.

Reason for variance: Due to the intended manufacturing use of the boat ramp facility site as a boat research and development support facility, a prop-cleanout area serves no benefit. Product Design & Development (PD&D) boats (boats and/or boat parts undergoing research and development) are generally not complete units and do not leave the Nautique Boat Company plant.

6. Section 15-605(b)(14): A developer's agreement between the applicant and county shall be required as a condition of approval of any commercial or semi-private boat ramp facility, which agreement shall be recorded at the applicant's expense and shall:
(a) allocate to the applicant, its successor and assigns the responsibility for maintenance and costs arising from use of the boat ramp facility including, but not limited to, costs for increased water safety enforcement and maintenance, which costs shall not exceed ten (10) percent of the assessed value of the boat ramp facility site;
(b) set forth any applicable restrictions on the use of such boat ramp facility;
(c) authorize that the semi-private boat ramp facility site may be liened in the event that the boat ramp facility site is not properly maintained; and
(d) require the applicant to post a one-year irrevocable letter of credit, in favor of Orange County, in the amount of ten (10) percent of the assessed value of the boat ramp facility site in favor of Orange County to secure the foregoing costs.

Reason for variance: Based on Correct Craft's standing, nature and setting of this project (commercial boat ramp in a private property and private water body) a Developer's Agreement and letter of credit are unnecessary. The purpose for this project is to provide a permanent access point (ramp and docks) for boats and boat parts that need to be tested for the commercial business (boat manufacturing) and that the testing will occur within a pond on private property that will not be open to the public.

7. Section 15-605(b)(16): No commercial or semi-private boat ramp facility site may be located within any platted subdivision which receives final subdivision plan approval and is recorded after September 24, 1993, unless such boat ramp facility was approved prior to the final approval and recordation of such plat and is shown thereon. In addition, with respect to nonsubdivision planned development projects that receive final approval after September 24, 1993, no semi-private or commercial boat ramp facility may be located within any such planned development unless such boat ramp facility was approved prior to final approval of the planned development and is shown on the approved land use plan for the planned development.

Reason for variance: Based on Correct Craft's standing, nature and setting of this project (commercial boat ramp in a private property and private water body), variance from Section 15-605(b)(16) is warranted. Section 15-605(b)(16) states, "No commercial or semi-private boat ramp facility site may be located within any platted subdivision which receives final subdivision plan approval and is recorded after September 24, 1993, unless such boat ramp facility was approved prior to the final approval and recordation of such plat and is shown thereon. In addition, with respect to non-subdivision planned development projects that receive final approval after

September 24, 1993, no semi-private or commercial boat ramp facility may be located within any such planned development unless such boat ramp facility was approved prior to final approval of the planned development and is shown on the approved land use plan for the planned development."

8. Section 15-605(b)(24): A "No Wake" sign shall be posted at all boat ramp facilities requiring no wake within a one-hundred-foot radius of the boat ramp facilities, notwithstanding whether a skier is being dropped off or picked up.

Reason for variance: As the made water body is approximately 290 feet wide at NHWE, the No Wake within 100-foot radius of the boat ramp facilities would create a hardship. The manufacturing plant has been using the lake for boat research and development testing for nearly 15 years without degradation to the vegetative shoreline or adjacent conservation areas. The public will not have access to the ramp, so the public would not be negatively impacted. Additionally, the boat ramp facility shoreline is and/or will be reestablished with aquatic vegetation and/or sod (staked) to prevent erosion.

9. Section 15-605(c)(1) Boat ramp size: a. Width: Single lane, twelve (12) to fifteen (15) feet in width. For additional lanes, use multiples thereof; example, double lane would be thirty (30) feet in width.

Reason for variance: Due to the intended manufacturing use of the boat ramp facility site as a boat research and development support facility and the related boat ramping and un-ramping activities, each lane has been designed to be 17.5 feet in width giving employees ample elbow room for associated activities and safety.

10. Section 15-605(c)(1) Boat ramp size: b. Length: The surface of the ramp should be paved down to an elevation of five (5) feet below the lowest recorded water elevation and two (2) feet above the normal high water elevation (NHWE).

Reason for variance: The top surface of the ramp is designed to match the grade of the existing gravel drive (E.L. 73.8') this is 1.64' above the Seasonal High Water Elevation (SHWE) and should be above the NHWE.

11. Section 15-605(c)(2): Boat ramp slope: A minimum of ten (10) degrees and maximum of fifteen (15) degrees.

Reason for variance: The ramp consists of three distinct slope sections. The upper portion of the ramp having a slope of 12.4 percent should serve the trucks' wheel base nearly 100 percent of the time (regardless of water elevation during normal years). The second (middle) and third (with ramp wheel stop) sections of the ramp have slopes of 18.8% and 26.7%, respectively. The third section of the ramp should serve the boat trailer wheels during periods of lower than normal-low-water-elevation (NLWE). The middle section of the ramp should serve the boat trailer wheels during periods of water elevation above NLWE. Nautique Boat Company uses heavy duty 4x4 trucks in their PD&D department for boat ramping.

Pursuant to Section 15-605(d)(2), noticing for commercial boat ramps should include "those upland owners on the lake whereon the proposed boat ramp facility is to be

located.” Since the proposed commercial boat ramp is located on a privately owned lake with no other upland property owners, this part of the noticing was not required. Section 15-605(d)(2) also requires posting the property and states that “the applicant shall place the notice in a conspicuous and easily visible location on the subject property at least thirty (30) days prior to the public hearing.” The applicant posted the property and provided verification of the posting to the Environmental Protection Division (EPD) on November 4, 2022.

The public was notified of the December 13, 2022 public hearing by newspaper advertisement and posting on the subject property in accordance with the noticing requirements set forth in Orange County Code, Chapter 15, Article XV, Section 15-605(d)(2).

No enforcement action has been taken by the EPD on the subject property.

EPD staff has made a finding that the request is consistent with Orange County Code, Chapter 15, Article XV and recommends approval of the Commercial Boat Ramp Permit No. BR-21-06-000, with the variances noted above and subject to the conditions listed below.

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board’s decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board’s decision.
2. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the site plans submitted by General Civil & Environmental Engineering, LLC, received by the Environmental Protection Division (EPD) on August 30, 2022. The construction of the commercial boat ramp shall be completed within five years from the date of issuance of this permit. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. Fill material used to construct the boat ramp shall be clean and not contaminated with vegetation, hazardous or toxic waste, or other unsuitable materials.
5. Any minor modifications [as determined by the Environmental Protection Officer (EPO)] for the construction of the boat ramp facility may be approved by way of Consent Agenda.
6. Within 30 days of completion of the activities authorized herein, the permittee must provide an as-built drawing on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall include, but is not limited to: a plan view of

the project site, topographic elevations and cross sections with elevation data in the exact same area as the cross sections on the approved site plans, and complete dimensions of the boat ramp and associated companion docks.

General Conditions:

7. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OCZD at (407) 836-5525.
8. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a Building Permit. For further information, please contact the OCBSD at (407) 836-5550.
9. Prior to any filling within the 100-year flood zone, a Flood Plain Permit authorizing the fill must be obtained from the Orange County Stormwater Management Division.
10. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.
11. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
12. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
14. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not

eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article XV of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

15. The permittee is hereby advised that Section 253.77, Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
16. Should any other regulatory agency require changes to the property or permitted activities, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
19. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
20. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
21. All excess lumber, scrap wood, trash, garbage and similar materials shall be immediately removed from wetlands or surface waters.
22. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.

23. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
24. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
25. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility exists of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and surface waters.
26. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
27. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of construction.

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Commercial Boat Ramp Permit (BR-21-06-000) for Correct Craft Real Estate, LLC, subject to the variances and conditions listed in the staff report. District 4

JVW/DDJ: jk

Attachments