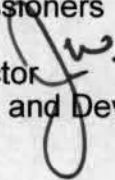





**Interoffice Memorandum**

February 4, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of 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:** February 25, 2020 – Public Hearing  
A&H Industrial Park Conservation Area Impact Permit #CAI-  
19-08-048

On August 30, 2019, the Environmental Protection Division (EPD) received an Application for a Conservation Area Impact (CAI) Permit for the A&H Industrial Park to impact Class I wetlands and Class III surface waters in order to expand the existing storage facility. Revised plans were received on January 8 and 27, 2020. The address of the subject parcel is 2500 North Forsyth Road and the Parcel ID No. is 15-22-30-0000-00-002. The property is located in District 5.

The project site is in a highly industrialized portion of Orange County west of Forsyth Road. The project site contains a 5.71 acres portion of Class I wetlands that extends off site to the north, south, and west. The fringe of the Class I wetlands include an "edge-effect" of nuisance/exotic vegetation along with trash and debris; however, the wetland interior consists of an appropriate palette of healthy, mature, native wetland vegetation. Multiple industrial, residential, and commercial developments surround the wetland system. Untreated stormwater currently discharges into the wetlands. There is also 0.12 acre of Class III surface waters.

In order to add covered recreational vehicle and boat storage, the applicant proposes to impact 0.23 acre of Class I wetlands and 0.12 acre of Class III surface waters. Of the 0.23 acres of proposed Class I impacts, approximately 0.07 acre is associated with a man-made pond that was partially excavated from wetlands sometime between 1999 and 2002. The Class I wetlands that are proposed for impact are part of a wetland "finger" that protrudes east into the project area. The request also includes 0.37 acre of secondary impacts to the Class I wetland.

The Class III surface waters that are proposed for impact are moderately-low quality, man-made ditches consisting of a high prevalence of nuisance/exotic vegetation. These ditches currently discharge into the onsite wetlands and are thus providing a source of nuisance/exotic seeds.

The current site plan includes the construction of two wet detention and two dry detention areas for stormwater treatment and retention. Where adjacent to wetlands, the applicant proposes a 15-foot upland buffer in lieu of the required 25-foot buffer around the stormwater detention areas. The applicant will provide mitigation to offset secondary impacts for the lack of the full 25-foot upland buffer. The proposed mitigation for the direct and secondary wetland impacts combined is the purchase of 0.20 wetland mitigation credits from the TM-Econ Mitigation Bank.

Notification of the public hearing was sent on January 30, 2020 to the applicant and authorized agent.

### **Staff Recommendation and Findings**

Based on the documentation and justifications provided, the applicant has demonstrated that no other feasible or practical alternatives exist that will permit a reasonable use of the land. Additionally, the original site plan for this project included an additional 0.01 acre of Class I wetland impact in the north where the wetlands slightly protrude out to the east. The applicant has since eliminated this impact by reducing the depth of the nearby storage space by 15 feet. Accordingly, EPD staff has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, Sections 15-362(5) and 15-396(3)(a) and recommends approval of CAI Permit #CAI-19-08-048, 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 of County Commissioners' 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. This permit provides reasonable use of the property.
3. The operation phase of this permit is effective upon completion of construction and continues in perpetuity.
4. The wetland impacts must be completed in accordance with Sheet C4 and Sheet C6 of the plans prepared by American Civil Engineering, Co., dated as received by the Environmental Protection Division (EPD) on January 8, 2020 and January 27, 2020. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
5. Prior to initiating any construction within the wetlands to be impacted or approval of construction or mass grading plans, EPD shall receive documentation from the TM-Econ Mitigation Bank stating the purchase of 0.20 mitigation credits has been completed.

6. In the event that the permittee does not successfully complete the transaction to purchase the requisite 0.20 credits from the TM-Econ Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer (EPO) to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
7. Conservation areas shall be clearly marked with signage that identifies the wetland and upland buffer. These signs shall conform to the detail and locations shown on Sheet C4 of the approved plans, dated as received by EPD on January 8, 2020. The signs shall be installed prior to plat approval.
8. Prior to any filling within the 100-year flood zone, a Flood Plain Permit may be required from the Orange County Stormwater Management Division authorizing the fill.
9. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
10. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) for Stormwater Discharge from Large and Small Construction Activities is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C.). As the Operator of the MS4, a copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.htm>.
11. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters.

and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.

12. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Florida Statutes (FS) Chapter 403. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.
13. All excess lumber, scrap wood, trash, garbage, and similar materials shall be removed from the preservation areas immediately.

#### General Conditions

14. 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, including without limitation the performance of the required mitigation, 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.
15. 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.
16. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
17. 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.
18. 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.

19. 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 X 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.
20. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, 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.
21. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
22. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
23. 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.
24. 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.
25. 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.
26. 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.
27. Pursuant to Section 125.022, FS, issuance of this development 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 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.
28. Pursuant to Section 125.022, FS the applicant shall obtain all other applicable state or federal permits before commencement of development.

**ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit CAI-19-08-048 for A&H Industrial Park, subject to the conditions listed in the staff report. District 5**

# Conservation Area Impact Permit Request



Conservation Area Impact  
Permit Application Request  
District #5

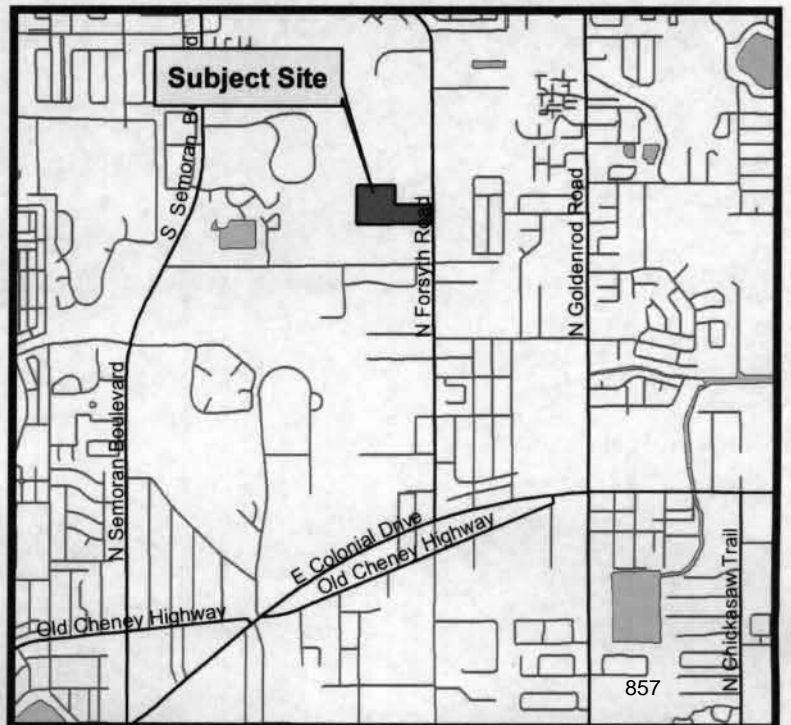
Applicants: A&H Industrial Park

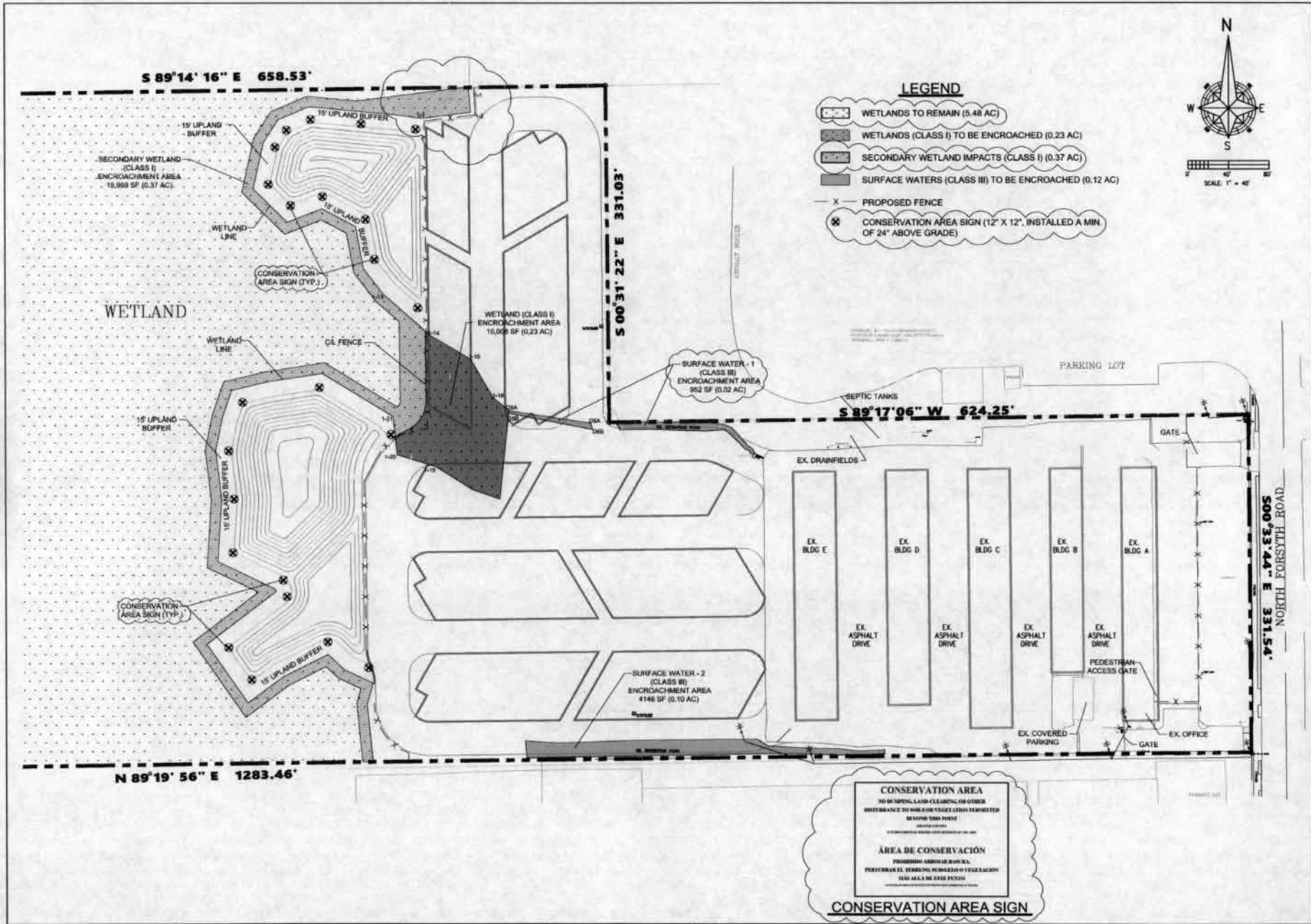
Parcel ID: 15-22-30-0000-00-002

Conservation Area Impact  
Permit No.: CAI-19-08-048

Project Site 

Property Location 





**CONSERVATION AREA**  
 NO SOIL REMOVAL, CLEARING, OR OTHER  
 INTERFERENCE TO SOILS OR VEGETATION PERMITTED  
 BEYOND THIS POINT

**ÁREA DE CONSERVACIÓN**  
 PROHIBIDO ARRIBAAR BUNDA  
 PERMISOS EL TENDRER, BUNDAAR O TVER EACON  
 MÁS ALLÁ DE ESTE PUNTO

**CONSERVATION AREA SIGN**

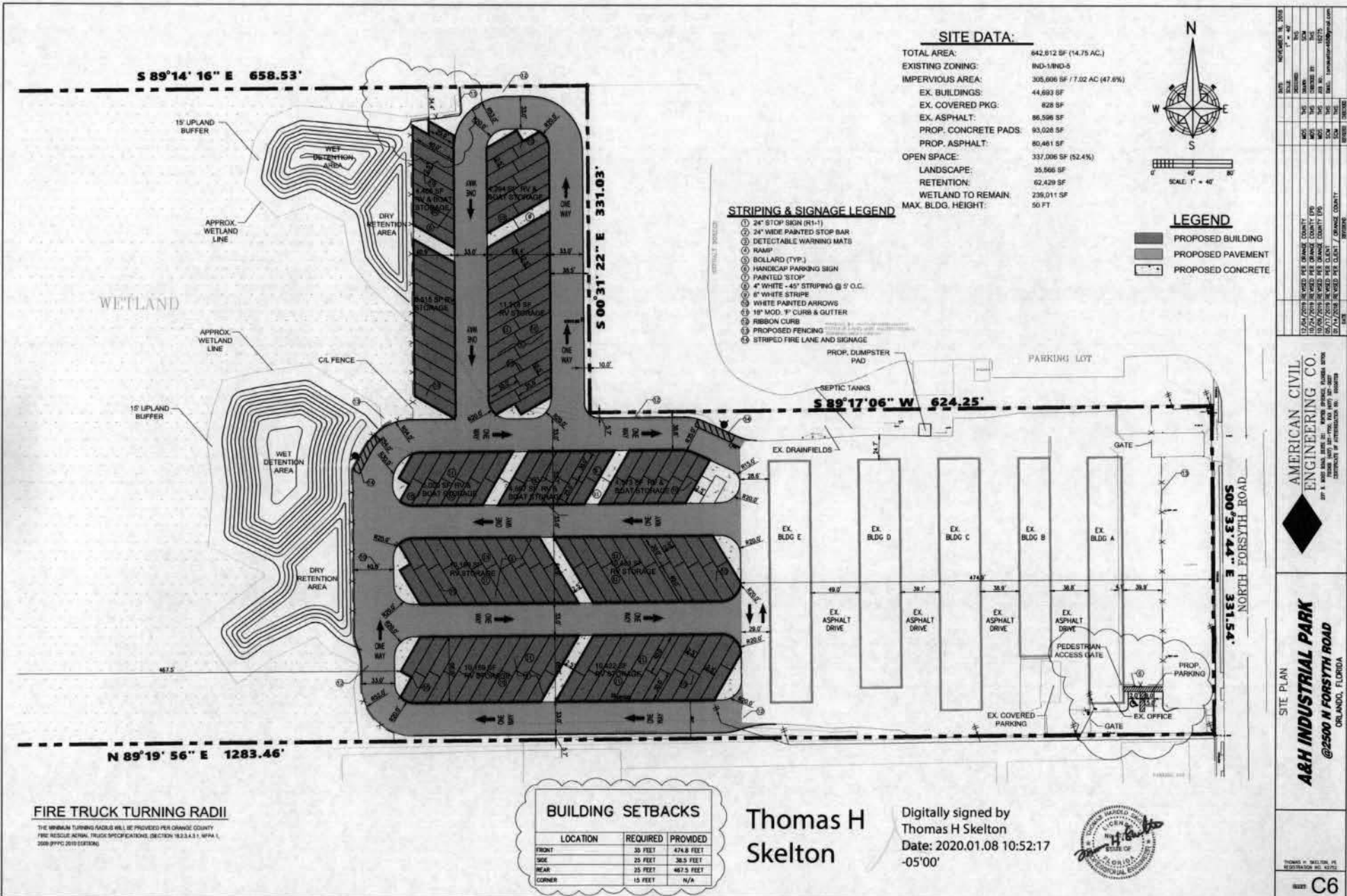
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BY	11/16/16
FOR	11/16/16
SCALE	1" = 40'
DATE	NOVEMBER 16, 2016
BY	11/16/16
FOR	11/16/16
SCALE	1" = 40'
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FOR	11/16/16
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**AMERICAN CIVIL ENGINEERING CO.**  
 10000 W. BOYD BLVD., SUITE 100, BOYDTON, FLORIDA 32709  
 TEL: 407.351.1111 FAX: 407.351.1112  
 WWW.AMERICAN-CIVIL-ENGINEERING.COM

**A&H INDUSTRIAL PARK**  
 @2500 N FORSYTH ROAD  
 ORLANDO, FLORIDA

WETLAND ENCROACHMENT PLAN

Sheet **C4**



**SITE DATA:**

TOTAL AREA:	842,812 SF (14.75 AC.)
EXISTING ZONING:	IND-1/RND-5
IMPERVIOUS AREA:	305,606 SF / 7.02 AC (47.6%)
EX. BUILDINGS:	44,693 SF
EX. COVERED PKG:	828 SF
EX. ASPHALT:	86,596 SF
PROP. CONCRETE PADS:	93,028 SF
PROP. ASPHALT:	80,481 SF
OPEN SPACE:	337,006 SF (52.4%)
LANDSCAPE:	35,566 SF
RETENTION:	62,429 SF
WETLAND TO REMAIN:	236,011 SF
MAX. BLDG. HEIGHT:	50 FT



**LEGEND**

- PROPOSED BUILDING
- PROPOSED PAVEMENT
- PROPOSED CONCRETE

**STRIPING & SIGNAGE LEGEND**

- ① 24" STOP SIGN (R-1)
- ② 24" WIDE PAINTED STOP BAR
- ③ DETECTABLE WARNING MATS
- ④ RAMP
- ⑤ BOLLARD (TYP.)
- ⑥ HANDICAP PARKING SIGN
- ⑦ PAINTED STOP
- ⑧ 4" WHITE - 45° STRIPING @ 9' C.C.
- ⑨ 8" WHITE STRIPE
- ⑩ WHITE PAINTED ARROWS
- ⑪ 18" MOD. 1" CURB & GUTTER
- ⑫ FIBROUS CURB
- ⑬ PROPOSED FENCING
- ⑭ STRIPED FIRE LANE AND SIGNAGE

**FIRE TRUCK TURNING RADI**

THE MINIMUM TURNING RADIUS WILL BE PROVIDED PER ORANGE COUNTY FIRE RESCUE AGENCY TRUCK SPECIFICATIONS, SECTION 1833.4.1, WPA 1, 2009 (PPFC 20101010306)

**BUILDING SETBACKS**

LOCATION	REQUIRED	PROVIDED
FRONT	35 FEET	474.8 FEET
SIDE	25 FEET	38.5 FEET
REAR	25 FEET	487.5 FEET
CORNER	15 FEET	N/A

Thomas H Skelton

Digitally signed by Thomas H Skelton  
Date: 2020.01.08 10:52:17 -05'00'



DATE	DESCRIPTION	BY	CHK
12/15/2019	ISSUED FOR PERMITS	THS	THS
11/29/2019	REVISED PER ORANGE COUNTY PERMITS	THS	THS
11/29/2019	REVISED PER ORANGE COUNTY PERMITS	THS	THS
11/29/2019	REVISED PER ORANGE COUNTY PERMITS	THS	THS
10/17/2019	REVISED PER CLIENT	THS	THS
07/22/2019	REVISED PER CLIENT	THS	THS
07/22/2019	REVISED PER CLIENT	THS	THS

**AMERICAN CIVIL ENGINEERING CO.**  
 207 S. MAIN ST. SUITE 201  
 TAMPA, FL 33602  
 LICENSE NO. 12575  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF FLORIDA

**A&H INDUSTRIAL PARK**  
 @2500 N FORSYTH ROAD  
 ORLANDO, FLORIDA

THOMAS H. SKELTON, P.E.  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF FLORIDA  
 LICENSE NO. 12575  
**C6**





