



Interoffice Memorandum

May 11, 2021

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: June 8, 2021 – Public Hearing
After-the-Fact Shoreline Alteration/Dredge and Fill Permit
Application for DCML Enterprises LLC (SADF-18-09-024)

DCML Enterprises LLC (applicant) is requesting an after-the-fact Shoreline Alteration/Dredge and Fill (SADF) Permit to authorize an existing vertical seawall and proposed repairs and modifications along the shoreline of the St. Johns River, on the property located at 28501 E Colonial Drive, Christmas, FL 32709. The Parcel ID is 29-22-34-0000-00-003. The subject property is located in District 5.

Project History

In 2014, the applicant installed a vertical, wooden seawall in the northwestern portion of the subject property to control erosion of the shoreline along the St. Johns River. On June 27, 2017, the Environmental Protection Division (EPD) received a complaint regarding the seawall, and on March 20, 2018, EPD conducted a site meeting with the applicant to review the property. EPD confirmed that the wall was constructed without the proper permits and sent a Notice of Violation (NOV) letter to the applicant on March 29, 2018. The NOV required the submittal of a Shoreline Alteration/Dredge and Fill (SADF) Permit Application to EPD within 30 days, and a penalty of \$3,599.10 for construction of the wall without a permit. An SADF application was submitted to EPD on September 28, 2018. The application was lacking several required items, and EPD subsequently sent several Requests for Additional Information. During the review process, the applicant requested additional time to respond, which extended the review timeframe. The penalty of \$3,599.10 was paid on January 7, 2021 and the application was deemed complete on April 2, 2021.

The applicant is requesting after-the-fact authorization for the existing vertical seawall and approval of proposed repairs and modifications that are necessary to ensure that the seawall will be in good structural condition. In the current condition, the seawall is 188 feet in length and 8.3 feet in height. The central section of the wall is failing and in disrepair, and the wall is lacking proper anchors in the backfill. The proposed modifications include the replacement of approximately 20 percent of the existing wall with new pressure-treated lumber, the installation of deadman anchors in the backfill at approximately 10-foot intervals, and the installation of a 90-degree return at the south end

in order to prevent flanking of the adjacent shoreline. The applicant provided a signed/sealed letter from a professional engineer indicating that the proposed repairs and modifications to the existing seawall will stabilize the shoreline. In addition, EPD reached out to the Orange County Stormwater Management Division regarding the project, and was advised that they have no objection to the proposed seawall and improvements.

To minimize impacts to natural resources, the restored seawall will be faced with 12-inch diameter riprap made of natural stone or coquina that will cover 50 percent of the height of the wall. The riprap will be installed at a 2:1 slope in order to dissipate wave energy and prevent undermining. Two rows of native plantings will be installed at the toe of the riprap along the entire length of the seawall.

The placement of the wall into the St. Johns River also required an Environmental Resource Permit (ERP) and a state-owned sovereignty submerged lands (SSL) lease from the Florida Department of Environmental Protection (DEP). An ERP Permit was issued by DEP on February 26, 2021 with a stated intent to issue a future SSL lease.

In accordance with Orange County Code, Chapter 15, Article VI, notification of the public hearing was sent to all property owners within 500 feet of the project site. EPD has received no objections to the request.

Pursuant to Orange County Code, Chapter 15, Article VI, EPD staff has evaluated the proposed SADF permit application and required documentation and has made a finding that the request is consistent with Section 15-218 and recommends approval of SADF Permit No. SADF-18-09-024, subject to the conditions listed below.

Staff Recommendation

Approval of the SADF permit, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar-day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until all appeals are resolved.
2. Construction activities shall be completed in accordance with the engineered plans, signed and sealed by Michael Thompson, P.E. with Thompson Engineering Group, Inc., received by the Environmental Protection Division (EPD) on March 1, 2021 and April 2, 2021. The permitted modifications must commence within six months and be completed within one year from the date of issuance of the permit. In the event that the project has not commenced within six months or been completed within one year, this permit shall be void and a new permit application will be required.
3. Any lumber used to replace portions of the wall must be appropriate for use in aquatic environments.
4. Appropriate sediment control devices shall be used during construction and shall remain in place until all sediments have settled out of the water column.

5. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.
6. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall and riprap.
7. The installation of a vertical seawall and riprap rock is limited to the applicant's property and the surface waters of the St. Johns River. This permit does not authorize the applicant to install/construct anything on property owned by others.

General Conditions:

8. 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 the approved drawings, plans, and other documents attached hereto or on file with EPD.
9. The permittee binds themselves and any 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 Environmental Protection Officer. Notice of the revocation shall be provided to the permit holders and/or agent promptly thereafter.
10. 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. For further information, please contact the OCZD at (407) 836-5525.
11. After approval by the 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.
12. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
13. 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 of the seawall.
14. 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.
15. 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 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 remove the offending structure or encroachment within 60 days from the date of adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

16. 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 rights, 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 VI of the Orange County Code.
17. 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.
18. 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.
19. 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.
20. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
21. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
22. EPD staff shall have permission to enter the site at any reasonable time to inspect the property for conformity with the plans and specifications approved by the permit.
23. The permittee shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.
24. 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.
25. 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.

26. 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 of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site specific conditions require additional measures, then the permittees shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. 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 permittee 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 permittees fail to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.
28. Pursuant to Section 125.022 FS, the permittee shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-18-09-024 for DCML Enterprises LLC subject to the conditions listed in the staff report. District 5

DDJ/JW: erj

Attachments

After-the-Fact Shoreline Alteration/Dredge and Fill Permit Request

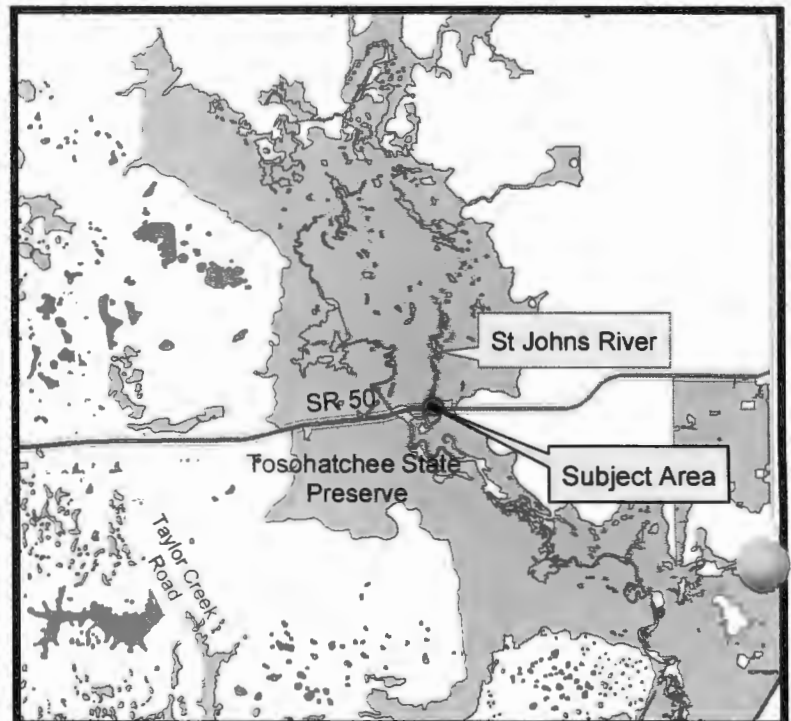


**After-the-Fact Shoreline
Alteration/Dredge
and Fill Permit Request
SADF-18-09-024
District #5**

**Applicants: DCML Enterprises LLC
Address: 28501 E Colonial Drive
Parcel ID: 29-22-34-0000-00-003**

Project Site 

Property Location 



received
March 1, 2021

SEAWALL PLANS

MIDWAY AIR BOAT RIDES

28501 E Colonial Dr, FL 32709

Prepared For

Q-ICE Builders

Prepared By

THOMPSON ENGINEERING GROUP, INC

Engineer: Michael Thompson, MSc, P.E. (#47509)
4401 Vineland Road, Suite A6
Orlando, Florida 32811
Ph: 407-734-1450
Fax: 407-734-1790
Certificate of Authorization No. 30060
www.tegfl.com

February, 2021



Digitally signed by MICHAEL THOMPSON
Reason: This item has been digitally signed
and sealed by MICHAEL A. THOMPSON on
the date adjacent to the seal. Printed copies
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Date: 2021.02.19 16:23:07 -05'00'

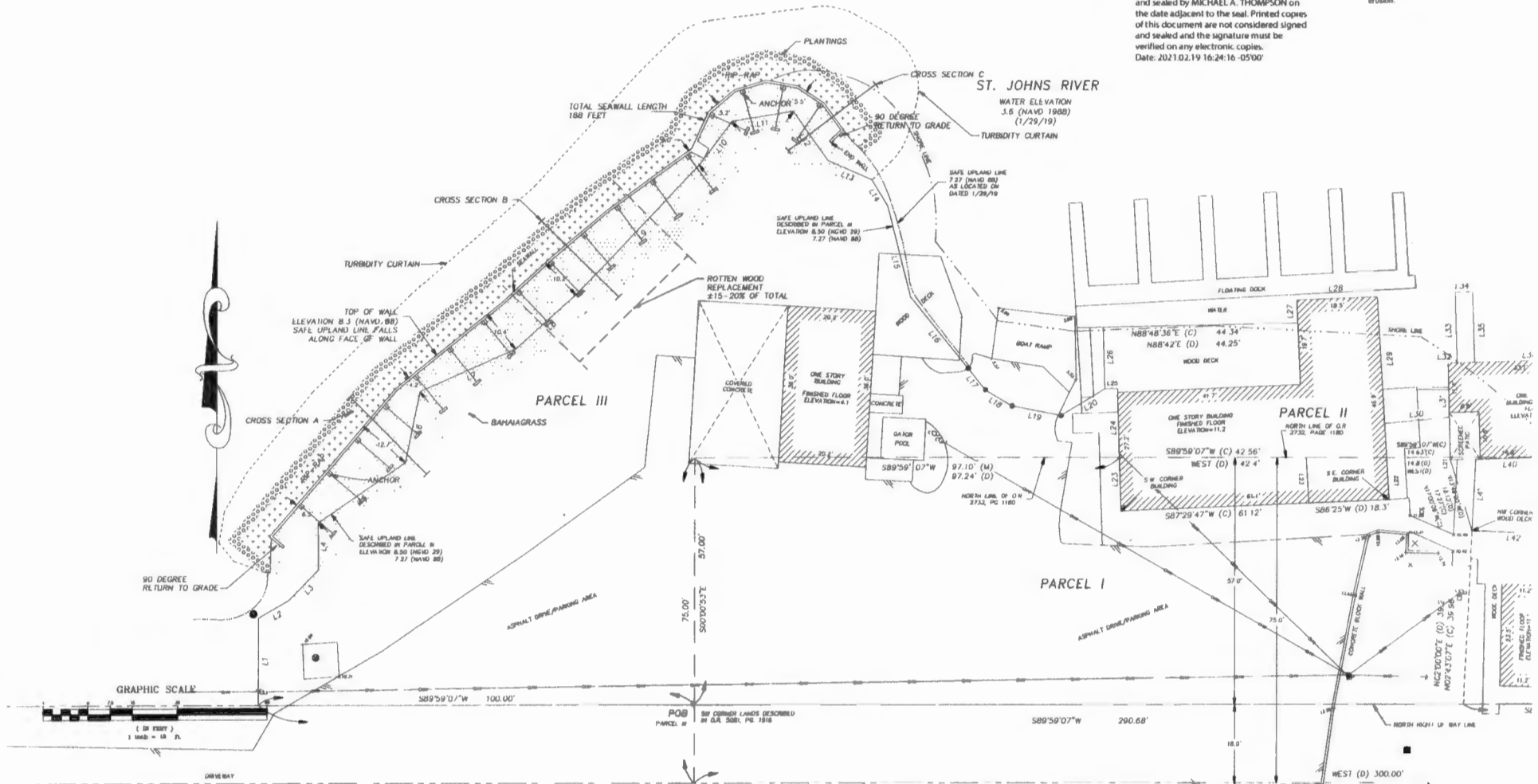
received
March 1, 2021

-  PLANTINGS
-  RIP-RAP
-  BAHIA GRASS



This plan includes a legal description under Parcel III for the safe upland line (1.27 ft NAVD83/0.50 ft REVD83) approved by the SJRWMD on 1/26/2020. The plan also includes the safe upland line located on the most recent survey (1/29/2019) which was in a different location due to erosion.

Digitally signed by MICHAEL THOMPSON
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Date: 2021.02.19 16:24:16 -05'00'



CROSS SECTION AREAS

4X6 A.C.Q. WHALER BEAM

TOP OF WALL ELEVATION APPROX. 8.3FT

ALUMINUM HOR PLATE

ALUMINUM DEADMAN ROD 12'-10'

SEAWALL TO BE COMPLETED WITH 6X6 WHALER BEAM

14 FOOT ANCHOR RODS

2X2 ANCHOR PLATES 10 FOOT ON CENTER

EXISTING WALL NEEDS TO BE RE-PLUMBED WHERE IT IS LEANED OUT

SEAWALL 2X6 A.C.Q. P.T. TONGUE & GROOVE

WATER ELEVATION 3.6 FEET SURVEY ON 1/29/2019



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Date: 2021.04.01 12:07:43 -0400

received
April 2, 2021

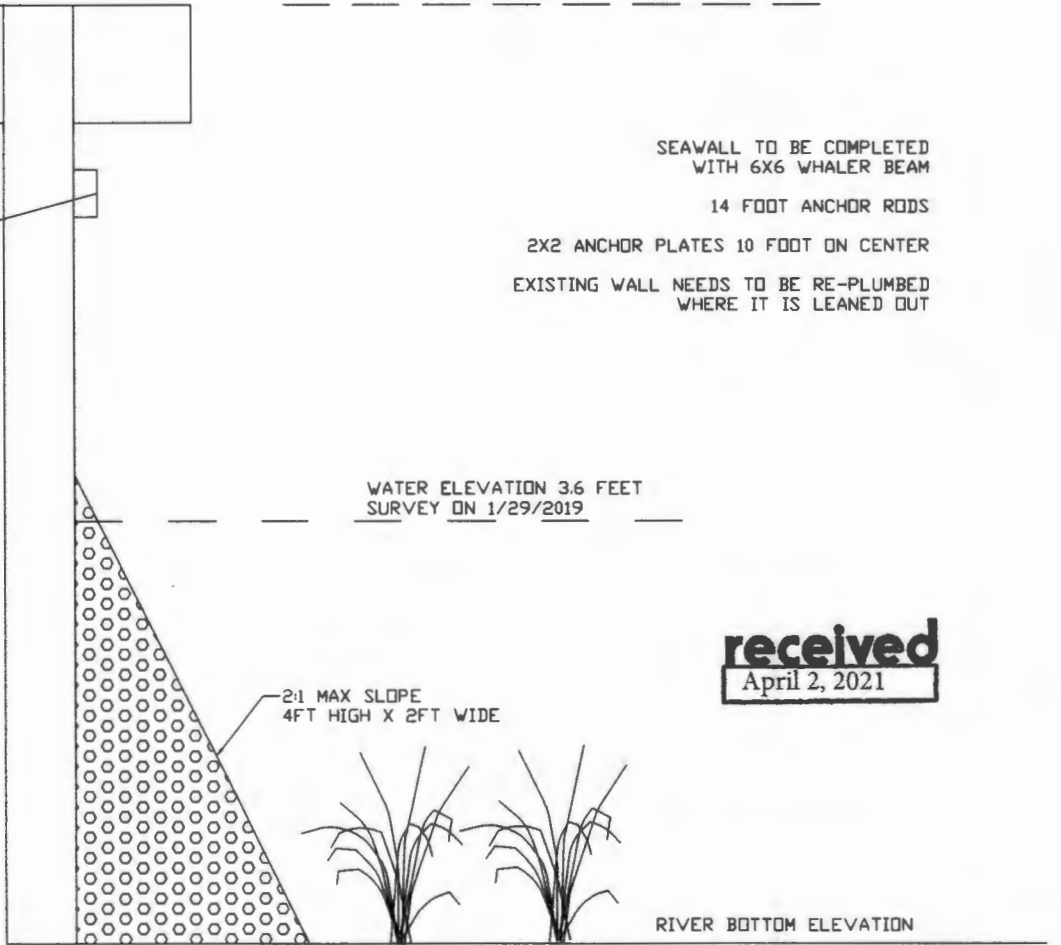
CROSS SECTION A

2:1 MAX SLOPE
4FT HIGH X 2FT WIDE

RIVER BOTTOM ELEVATION

RIP RAP 2:1
12" DIAMETER
(NATURAL STONE OR COQUINA)

AQUATIC PLANTINGS
(BARE ROOT) FIREFLAG AND GIANT BULRUSH
2 ROWS PLANTED ON 3FT CENTERS



4X6 A.C.D. WHALER BEAM

1-FT TO 1.5-FT

TOP OF WALL ELEVATION APPROX. 8.3FT

24"X24" ALUMINUM ANCHOR PLATE

ALUMINUM DEADMAN ROD 12'-10'

SEAWALL TO BE COMPLETED WITH 6X6 WHALER BEAM

14 FOOT ANCHOR RODS

2X2 ANCHOR PLATES 10 FOOT ON CENTER

EXISTING WALL NEEDS TO BE RE-PLUMBED WHERE IT IS LEANED OUT

PROPOSED SEAWALL 2X6 A.C.D. P.T. TONGUE & GROOVE

EXISTING SEAWALL

WATER ELEVATION 3.6 FEET SURVEY ON 1/29/2019

2:1 MAX SLOPE 4FT HIGH X 2FT WIDE

TURBIDITY CURTAIN

RIVER BOTTOM ELEVATION

RIP RAP 21-12" DIAMETER (NATURAL STONE OR COQUINA)

AQUATIC PLANTINGS (BARE ROOT) FIREFLAG AND GIANT BULRUSH 2 ROWS PLANTED ON 3FT CENTERS

Digitally signed by MICHAEL THOMPSON Reason: This item has been electronically signed & sealed by Michael A. Thompson on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies. Date: 2021.04.01 12:24:03 -04'00'



CROSS SECTION B PROPOSED SEAWALL REPAIR SECTION

received
April 2, 2021

4X6 A.C.Q. WHALER BEAM

ALUMINUM HOR PLATE

3/4" ALUMINUM DEADMAN ROD 12'-10"

SEAWALL
2X6 A.C.Q. P.T.
TONGUE & GROOVE

TOP OF WALL ELEVATION APPROX. 8.3FT

SEAWALL TO BE COMPLETED
WITH 6X6 WHALER BEAM

14 FOOT ANCHOR RODS

2X2 ANCHOR PLATES 10 FOOT ON CENTER

EXISTING WALL NEEDS TO BE RE-PLUMBED
WHERE IT IS LEANED OUT

WATER ELEVATION 3.6 FEET
SURVEY ON 1/29/2019

2:1 MAX SLOPE
4FT HIGH X 2FT WIDE

RIVER BOTTOM ELEVATION

RIP RAP 2:1
12" DIAMETER
(NATURAL STONE OR COQUINA)

AQUATIC PLANTINGS
(BARE ROOT) FIREFLAG AND GIANT BULRUSH
2 ROWS PLANTED ON 3FT CENTERS

CROSS
SECTION C

received
April 2, 2021



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THOMPSON ENGINEERING GROUP, INC

January 4th 2021

Structural Inspection Report
Mid Way Airboat Rides
28501 E Colonial Dr, FL 32709

Re: Seawall Requirements



To whom it may concern;

This letter is a follow up to my engineering letter dated 01/27/20 regarding the existing shoreline condition stabilization at the above listed address.

Please be advised that the contractor as the option, in lieu of the placement of new vinyl seawall construction to replace the existing wooden seawall, the contractor can restore the existing wooden seawall with the placement of concrete and/or timber pile "deadman" spaced at 10 feet maximum.

The contractor shall replace all damage and/rotten wood material to restore the existing wooden seawall.

The contractor shall submit a restoration structural seawall plans to be sign and sealed by a professional engineer license in the state of Florida prior to submittal to the Orange County EPD and/or governing building officials.

Should you have any questions, please feel free to contact me at 407-721-2292.

Sincerely,

Thompson Engineering Group (TEG)

Michael Thompson, MSc, PE
Structural Engineer



received
March 1, 2021

THOMPSON ENGINEERING GROUP, INC

July 31st, 2020

Structural Inspection Report
Mid Way Airboat Rides
28501 E Colonial Dr, FL 32709

Re: Seawall Requirements



To whom it may concern;

This letter is a follow up to my engineering letter dated 01/27/20 regarding the existing shoreline condition stabilization at the above listed address.

Please be advised that the contractor as the option, in lieu of the placement of new vinyl seawall construction to replace the existing wooden seawall, the contractor can retort the existing wooden seawall with the placement of concrete and/or timber pile "deadman" spaced at 10 feet maximum.

The contractor shall replace all damage and/rotten wood material to retort the existing wooden seawall.

The contractor shall submit a restoration structural seawall plans to be sign and sealed by a professional engineer license in the state of Florida prior to submittal to the Orange County EPD and/or governing building officials.

Should you have any questions, please feel free to contact me at 407-721-2292.

Sincerely,

Thompson Engineering Group (TEG)

Michael Thompson, MSc, PE
Structural Engineer



received
October 22, 2020

THOMPSON ENGINEERING GROUP, INC

January 27th, 2020

Structural Inspection Report
Mid Way Airboat Rides
28501 E Colonial Dr, FL 32709

Re: Seawall Requirements

To whom it may concern;



This letter is to inform you that I, Michael Thompson, P.E. of **Thompson Engineering Group (PE47509)**, have conducted a site inspection on 01/26/20 of the existing shoreline condition listed at the above address.

Pursuant to my inspection, it is my recommendation that a permanent seawall construction is the best and only method to be implemented in order to stabilize the existing tidal slope shore line, because of the combinations of the close proximity set back of the existing buildings structure to the shore line, failure of the existing cypress trees that were planted several years ago at 8 feet on center in an effort to control the river bank slope, the steep existing embankment slope angle of 36 degree exceeds the angle of repose of 30 degree, at which slope sliding will occur to the existing embankment slope soil wedge resulting in loss of building structures.

In addition, there is eminent possible failure to temporary wooded seawall as a result of structural instability of and the inadequate of the temporary wooden seawall to provide structural resistance to the active lateral earth pressure.

It is my recommendation that a permanent seawall shall be designed to provide adequate structural section modulus capacity and material type (i.e. Vinyl etc.) to provide structural resistance to the slope embankment with an estimated height of 6 feet along with structural seawall plans to be sign and sealed by a professional engineer license in the state of Florida prior to submittal to the Orange County EPD and/or governing building officials.

Should you have any questions, please feel free to contact me at 407-721-2292.

Sincerely,



Digitally signed by MICHAEL THOMPSON
Reason: This item has been electronically
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using a digital signature. Printed copies of
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and sealed and the signature must be
verified on any electronic copies.
Date: 2020.01.27 09:33:27 -05'00'

Thompson Engineering Group (TEG)

Michael Thompson, MSc, PE
Structural Engineer



received
February 10, 2020