



Interoffice Memorandum

AGENDA ITEM

August 26, 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: October 11, 2022 — Consent Item
Request for Time Extension for After-the-Fact Shoreline
Alteration/Dredge and Fill Permit SADF-18-09-024 for DCML
Enterprises, LLC

The applicant, DCML Enterprises, LLC, is requesting a time extension for Shoreline Alteration/Dredge and Fill Permit SADF-18-09-024. The project site is located at 28501 East Colonial Drive, Christmas, FL 32709 (Parcel ID Number 29-22-34-0000-00-003) in District 5.

On June 8, 2021, the Board approved a request for an After-the-Fact Shoreline Alteration/Dredge and Fill Permit (SADF-18-09-024) to repair and reconstruct 188 linear feet of existing wooden seawall along the shoreline of the St. Johns River. On August 27, 2021, the Environmental Protection Division (EPD) issued the SADF permit that authorized the replacement of a failing section of the existing seawall, the installation of deadman anchors and backfill at approximately 10-foot intervals, and the installation of a 90 degree return at the south end of the wall. The permit also required the installation of riprap and native plantings. In accordance with Orange County Code, Chapter 15, Article VI ("Pumping and Dredging Control"), Section 15-221, no permit shall be issued for more than a one-year period and if construction is not completed within one year from the date of issuance of the permit, reapplication must be made to the Board. The permit was issued on August 27, 2021 and will be considered to have expired as of August 27, 2022, unless the Board approves an extension.

On August 18, 2022, EPD received a request to extend the expiration date of the permit. Condition #5 of the permit states, "Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes." No changes have been requested or will be authorized with this one-year permit extension.

ACTION REQUESTED: Approval of a One-Year Time Extension of After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-18-09-024 for DCML Enterprises, LLC. District 5

JVW/DDJ: jk

Attachments

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

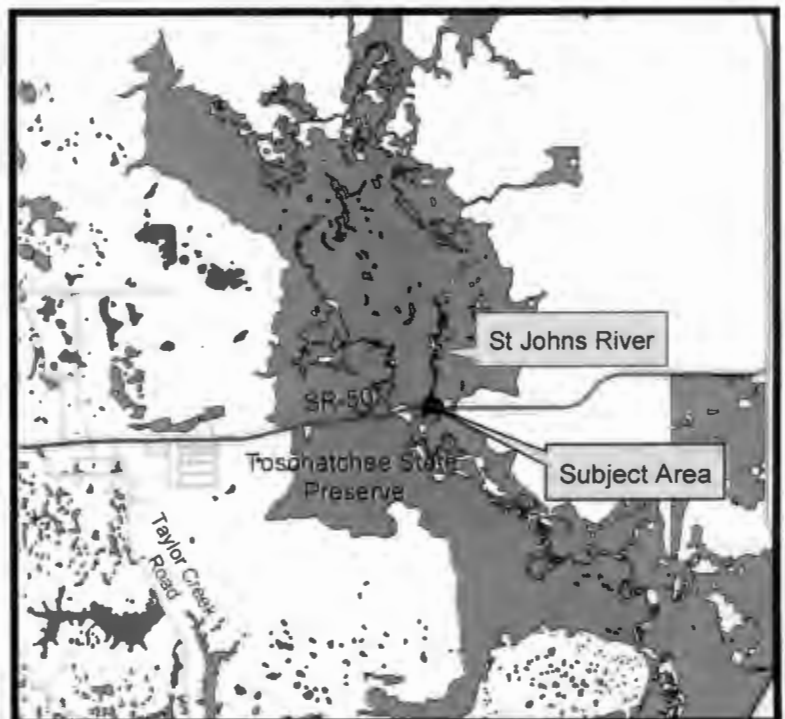


**After-the-Fact Shoreline
Alteration/Dredge
and Fill Permit Request
SADF-18-09-024
District #5**

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

Project Site

Property Location





Environmental Protection Division

AFTER-THE-FACT SHORELINE ALTERATION/DREDGE & FILL PERMIT

Permit No: SADF-18-09-024

Date Issued: August 27, 2021

Date Expires: August 27, 2022

An After-the-Fact Permit Authorizing:

The repair and reconstruction of 188 linear feet of existing wooden seawall along the shoreline of the St. Johns River, ranging in placement from 4.2- to 12.7-feet waterward of the Safe Upland Line established by the Florida Department of Environmental Protection (DEP). This permit authorizes the replacement of a failing section of the existing wall with new pressure treated wood, 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 of the wall to prevent flanking. The applicant will install riprap rock along the face of the seawall to dissipate wave energy and will install native plantings at the toe of slope to support wildlife habitat.

The Environmental Protection Division (EPD) has evaluated the proposed activity and made a finding that the request is consistent with Orange County Code, Chapter 15, Article VI, Section 15-218, and is subject to the permit conditions provided on the following pages:

Activity Location:

28501 East Colonial Drive, Christmas, FL 32709
Parcel ID No.: 29-22-34-0000-00-003
St. Johns River
Orange County Commission District: 5

Permittee / Authorized Entity:

Midway Airboat Rides
Derrick Lockhart
DCML Enterprises, LLC
c/o Larry Medlin
Bio-Tech Consulting, Inc.
Email: larry@bio-techconsulting.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400 Fax: 407-836-1499
www.OCEPD.org

The Board of County Commissioners (BCC) authorized this permit on June 8, 2021, 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.

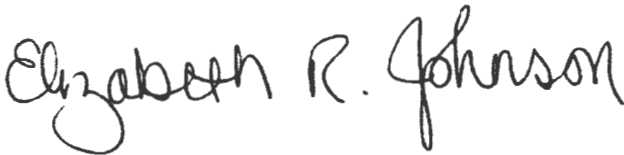
If you should have any questions concerning this permit, please contact Elois Lindsey at 407-836-1448 or via email at Elois.Lindsey@ocfl.net.

Project Manager:



Elois Lindsey, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



for

David D. Jones, P.E., CEP, Environmental Protection Officer

EL/~~NP~~/TH/ERJ/DJ: gfdjr

Enclosure(s): Construction Notice
Board of County Commissioners Decision Letter
Approved Site Plans

c: Derrick Lockhart, DCML Enterprise, LLC, info@airboatridesatmidway.com
Peter Fleck, Q-Ice Builders, pkfleck@aol.com
DEP, DEP_CD@dep.state.fl.us
John Palmer, USACE, John.Palmer@usace.army.mil



Construction Notice

- BEGINNING OF CONSTRUCTION
- COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
or Fax to: 407-836-1499
Attn: Elois Lindsey, Project Manager

Permit Number and Name: **SADF-18-09-024, DCML Enterprises, LLC - 28501 E Colonial Drive (ATF)**

Permit Type: **Shoreline Alteration/Dredge and Fill**.

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will begin or have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, June 8, 2021

2:00 PM

County Commission Chambers

21-451

SADF # 18-09-024

DCML Enterprises, LLC, St. Johns River, after-the-fact permit; District 5

Consideration: Request for an After-the-fact Shoreline Alteration/Dredge and Fill Permit, SADF-18-09-024, for the construction of a vinyl seawall with riprap and plantings along the shoreline of the St. Johns River, pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control.

Location: District 5; on property located adjacent to St. Johns River, located at 28501 E. Colonial Drive, Christmas, FL 32709; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-18-09-024) subject to the twenty-eight (28) conditions of approval listed in the Staff Report dated May 11, 2021. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 25TH DAY OF JUNE 2021.

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.

jk

received

March 1, 2021

SADF-18-09-024

SEAWALL PLANS

MIDWAY AIR BOAT RIDES

28501 E Colonial Dr, FL 32709

Approved By The
Orange County
Environmental Protection Division
Date: August 12, 2021
Reviewer:



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.tegfi.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
of this document are not considered signed
and sealed and the signature must be
verified on any electronic copies.
Date: 2021.02.19 16:23:07 -05'00'

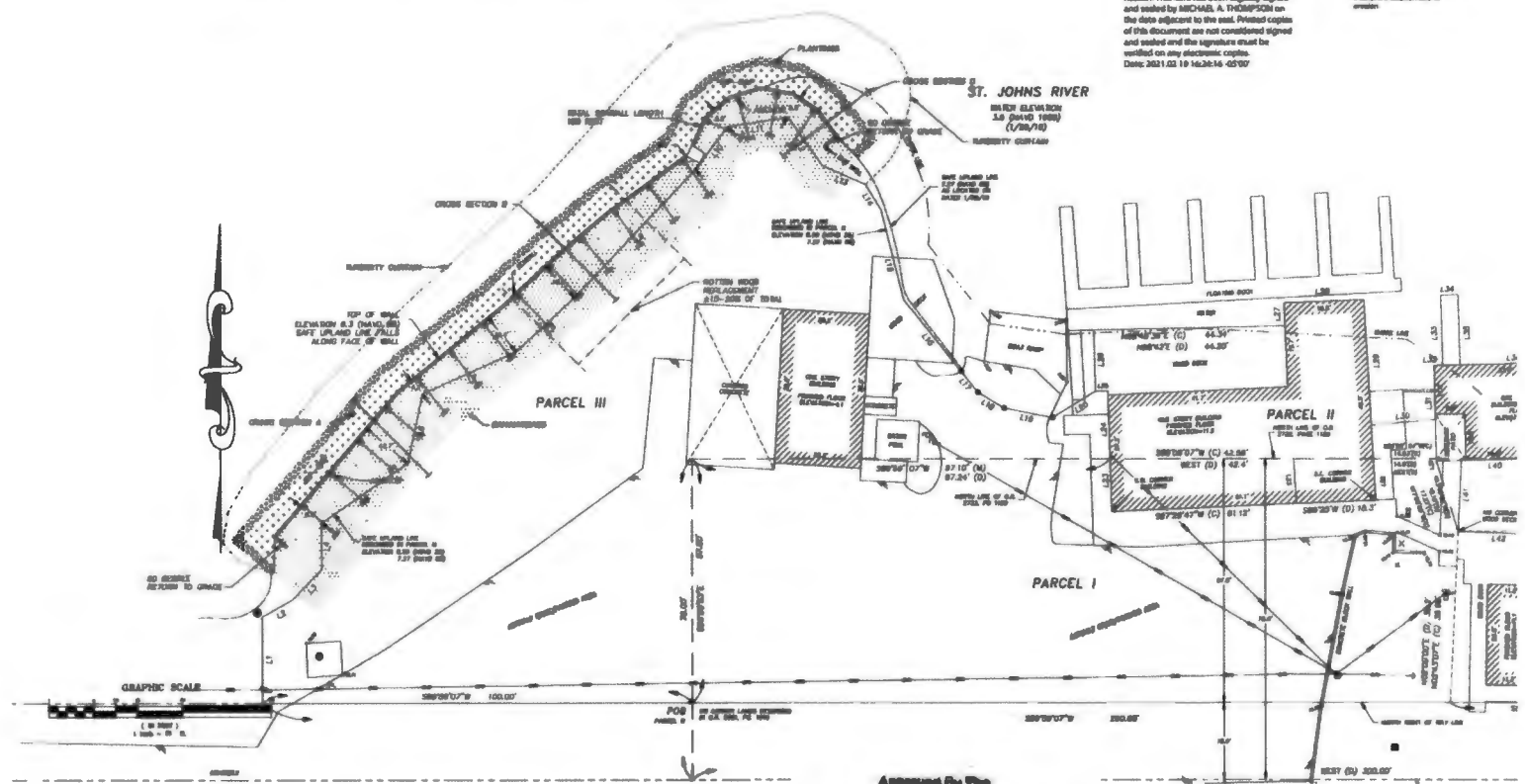
received
 March 1, 2021
 SADF-18-09-024

-  PLANTING
-  REFUSE
-  DAMAGED/REPAIR



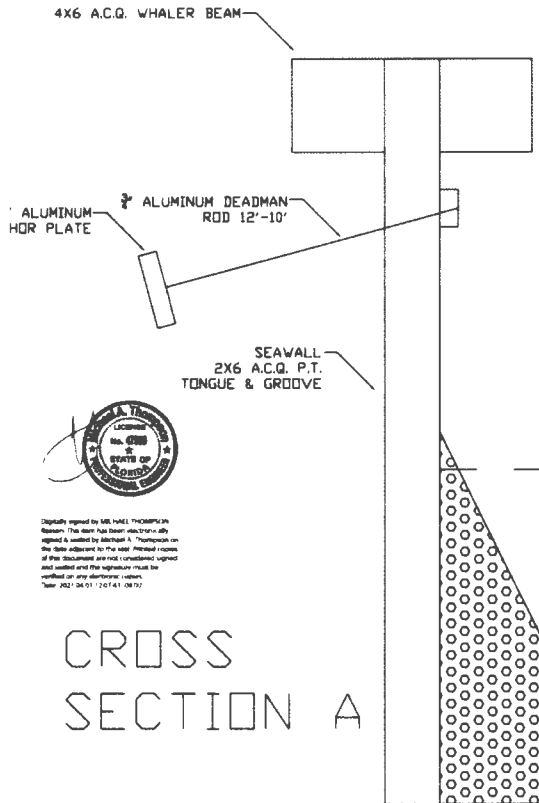
This plan includes a legal description under Parcel II for the site subject hereof. It is hereby approved by the Board of Civil Engineers, L.C.E. No. 1808. The plan also includes the site plan and the location of the road survey 1/7/20/2020 which was in a different location due to erosion.

Digitally signed by MICHAEL THOMPSON
 Reason: This data has been digitally signed and sealed by MICHAEL A. THOMPSON on the date adjacent to the seal. Printed copies of this document are not conditionally signed and sealed and the signature must be verified on any electronic copies.
 Date: 2021.02.19 16:26:16 -05'00'



CROSS SECTION AREAS

Approved By The
 Orange County
 Environmental Protection Division
 Date: August 12, 2021
 Reviewer: *[Signature]*



ALUMINUM HOR PLATE

ALUMINUM DEADMAN ROD 12'-10'

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



Digitally signed by MICHAEL THOMPSON Reason: This document has been electronically signed & sealed by Michael S. Thompson on the date adjacent to the signature. Copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies. Date: 2021.04.01 12:47:41 -0400

CROSS SECTION A

TOP OF WALL ELEVATION APPROX. 8.3FT

Approved by The Orange County Environmental Protection Division Date August 1, 2021 Reviewer: *[Signature]*

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

received
April 2, 2021

SADF-18-09-024

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

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

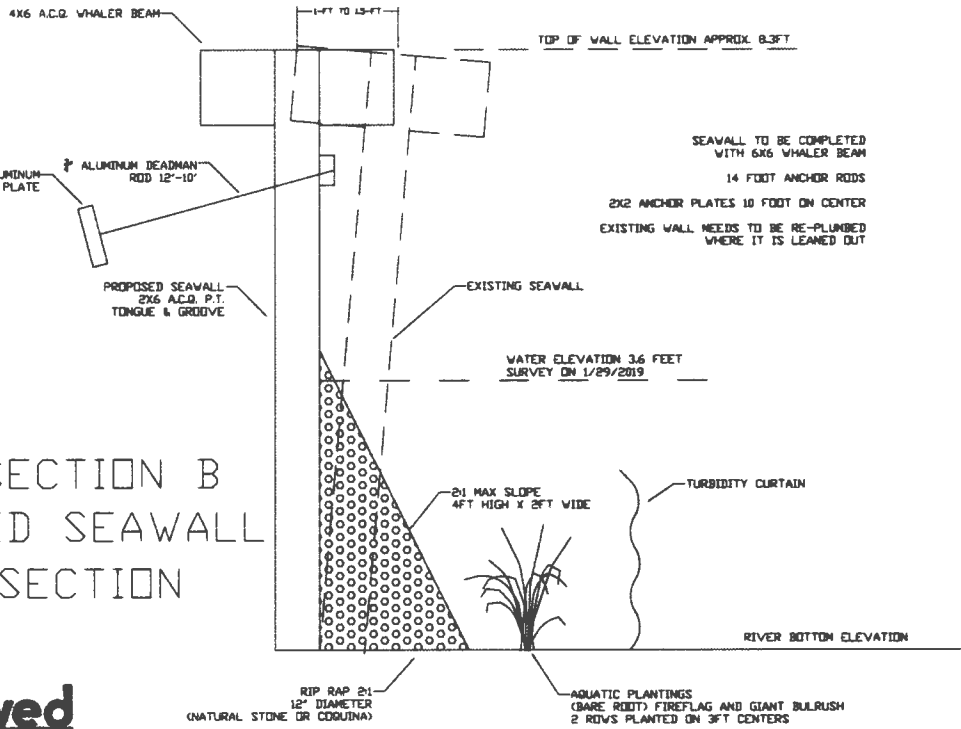
RIVER BOTTOM ELEVATION

Approved by Pro
 Orange County
 Environmental Planning Division
 Date: AUGUST 12, 2021
 Reviewer: *[Signature]*



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 Reason: This item has been electronically
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 signature must be verified on any
 electronic copies.
 July 2021 04:21 22403 0420

CROSS SECTION B PROPOSED SEAWALL REPAIR SECTION



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
 4 FT HIGH X 2 FT WIDE

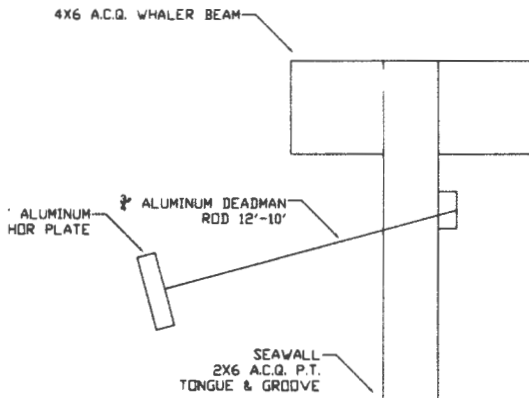
TURBIDITY CURTAIN

RIVER BOTTOM ELEVATION

RIP RAP 2 1/2
 12" DIAMETER
 (NATURAL STONE OR COBBLE)

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

received
 April 2, 2021
 SADF-18-09-024



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



Digitally signed by MICHAEL A. THOMPSON Reason: This seal has been electronically signed & sealed by Michael A. Thompson in the file 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: 2019.01.29 14:11:48-05'00'

Approved By The
 Orange County
 Environmental Protection Division
 Date: August 12, 2021
 Reviewer:

CROSS SECTION C

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

received
 April 2, 2021
 SADF-18-09-024