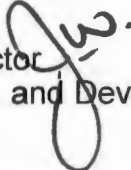




Interoffice Memorandum

January 25, 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: February 23, 2021 – Public Hearing
Pulte Home Company, LLC Semi-Private Boat Ramp Facility
Permit Application BR-20-04-001
(Related to #CAI-20-04-027)

This item was continued from the December 15, 2020 meeting. The applicant, Pulte Home Company, LLC, is requesting a permit to construct a new semi-private boat ramp facility adjacent to Lake Pickett. The semi-private Boat Ramp Facility Permit Application (#BR-20-04-001) is being processed concurrently with a Conservation Area Impact Permit Application (#CAI-20-04-027).

The project site is located at 4708 Marina Row Drive, Orlando, on the southeastern shoreline of Lake Pickett in District 5. The Parcel ID for the site is 03-22-32-7898-18-001.

The project site is located within the Sunset Preserve Subdivision, on a parcel designated as a recreation and boat ramp tract (Tract R-1 on Plat Book 101, Page 63). The proposed boat ramp will be 147 feet long and 15 feet wide, and will extend 33 feet waterward of the Normal High Water Elevation of Lake Pickett. A companion boat mooring dock, as required by Orange County Code, will be constructed immediately adjacent to the semi-private boat ramp.

The public was notified of the December 15, 2020 public hearing by newspaper advertisement, posting on the subject property, and direct mail to the applicant, agent, and all upland owners adjacent to Lake Pickett in accordance with the noticing requirements set forth in Orange County Code, Chapter 15, Article XV, Section 15-605(d)(2). Additional noticing for the continuance is not required. In addition, a community meeting was facilitated by the applicant on October 20, 2020.

As noted above, the public hearing for this permit request was previously scheduled for the December 15, 2020 meeting of the Board. At that meeting, Commissioner Bonilla requested a continuance to February 23, 2021 in order to address some written concerns and comments that were received by her office just days prior to the hearing. Accordingly,

the applicant and EPD facilitated an additional community meeting on January 13, 2021 in order for the applicant to address the concerns and comments received. At the second community meeting, several recommendations were made by the citizens in attendance, of which the primary one was to revise the proposed location of the boat ramp facility further away from adjacent wetlands to the south of the recreation and boat ramp tract. Following the meeting, EPD requested that the applicant provide a list of the requirements necessary to move the proposed ramp to a different location. EPD received this information on January 20, 2021, and provided it to Commissioner Bonilla's office. In the supplemental information, the applicant indicates that revising the boat ramp location will extend the project timeline by three years and would result in similar impacts as the current proposed location.

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 semi-private Boat Ramp Permit No. BR-20-04-001, 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 'Sheet C3.00' submitted by Poulos & Bennett, LLC received by the Environmental Protection Division (EPD) on October 2, 2020. The construction of the semi-private 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. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Pickett [55.64 feet mean sea level, North American Vertical Datum (NAVD)], not to exceed 30 feet or 20 percent of the shoreline length of the tract, whichever is greater. The ramp and companion dock must be located within this corridor.
5. No wake within a 100-foot radius of the boat ramp facility shall be allowed. Prior to final inspection or issuance of Certificate of Completion, No-Wake Zone signage shall be installed at the end of the boat ramp, as depicted on 'Sheet C3.00' submitted by Poulos & Bennett, LLC, received by EPD on October 2, 2020.
6. The boat ramp facility must be clearly marked with signage that explicitly states that no overnight mooring, beaching, or storage shall be allowed, as depicted on 'Sheet C3.00' submitted by Poulos & Bennett, LLC, received by EPD on October 2, 2020. The signage shall be installed prior to final inspection or issuance of Certificate of Completion.

7. The parking of any car or trailer by individuals other than those authorized to use the boat ramp facility is expressly prohibited. A 'Tow-Away' warning sign shall be installed at the boat ramp facility site, as depicted on 'Sheet C3.00' submitted by Poulos & Bennett, LLC, received by EPD on October 2, 2020. The signage must be installed prior to final inspection or issuance of Certificate of Completion.
8. Within 30 days of issuance of this permit, or prior to EPD approval of the Building Permit, whichever comes last, a Developers Agreement, accepted and approved by Orange County, shall be recorded in the public records of Orange County and a copy of the recorded Developers Agreement submitted to EPD.
9. Prior to the final inspection of the boat ramp facility or issuance of Certificate of Completion, the applicant shall post a letter of credit in a form accepted by Orange County in the amount of ten percent of the estimated cost of construction of the boat ramp facility site in favor of Orange County. Please note that the 10 percent assessment shall include the cost of construction of the boat ramp and any other improvements to be built in conjunction with the boat ramp which may be required by state or local regulations or Article XV, and the assessed value of the platted lot for the boat ramp facility.
10. The launching of motorized vessels shall be prohibited and access to the ramp shall be blocked when the lake water level drops below 54.0 feet (NAVD). Signage shall be installed informing boaters of this restriction as depicted on 'Sheet C3.00' submitted by Poulos & Bennett, LLC, received by EPD on October 2, 2020.
11. A permanent staff gauge shall be properly installed and maintained in a usable condition at the end of the companion dock of the boat ramp, as depicted on 'Sheet C3.00' submitted by Poulos & Bennett, LLC, received by EPD on October 2, 2020. The accuracy of the staff gauge will be confirmed by a professional surveyor annually and at such times as the accuracy may be compromised by accident, vandalism or other occurrence. A letter shall be submitted to EPD with the survey information prior to final inspection or issuance of Certificate of Completion and following any other survey event.
12. The permittee shall restore any unauthorized wetland and/or littoral zone impacts (outside the designated access corridor) within 30 days of completion of the project.
13. Fill material used to construct the boat ramp shall be clean and not contaminated with **vegetation, hazardous or toxic waste, or other unsuitable materials.**
14. 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.
15. Use of the boat ramp is limited to the residents of Sunset Preserve and their usual and customary guests.
16. An oil-absorbent boom shall be installed and regularly maintained at the end of the companion dock in accordance with 'Sheet C3.00' submitted by Poulos & Bennett, LLC, received by EPD on October 2, 2020.

17. 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 with the location of any conservation easements, tracts, or conservation areas, the NHWE for Lake Pickett, 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 companion dock and boat ramp.

General Conditions:

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
29. 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.
30. 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.
31. 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.
32. All excess lumber, scrap wood, trash, garbage and similar materials shall be immediately removed from wetlands or surface waters.
33. 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.

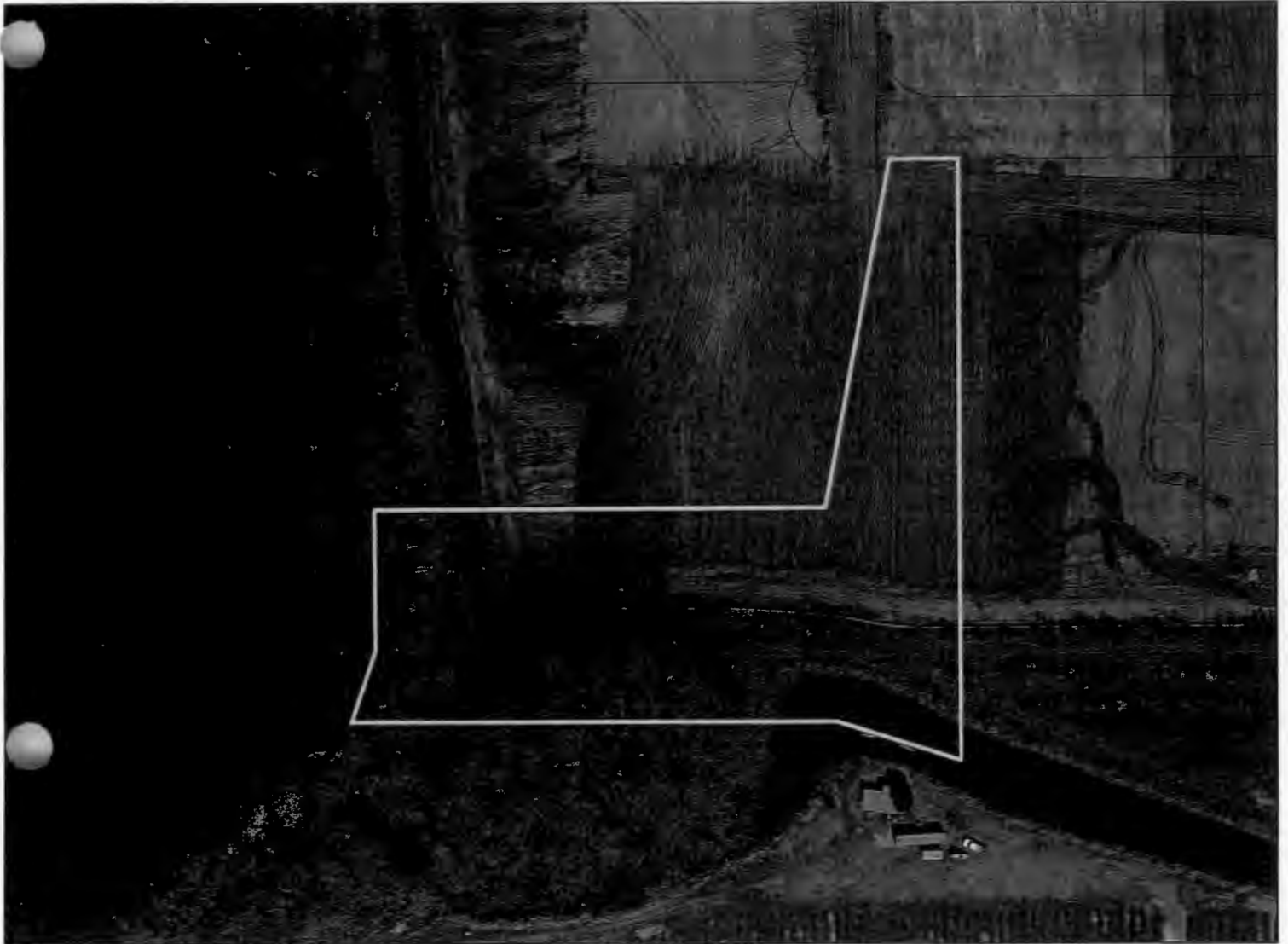
34. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
35. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
36. 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.
37. 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.
38. 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 the Sunset Preserve Semi-Private Boat Ramp Permit (BR-20-04-001) for Pulte Home Company, LLC, subject to the conditions listed in the staff report. District 5

JVW/DDJ: mg

Attachments


Semi-Private Boat Ramp Permit Request



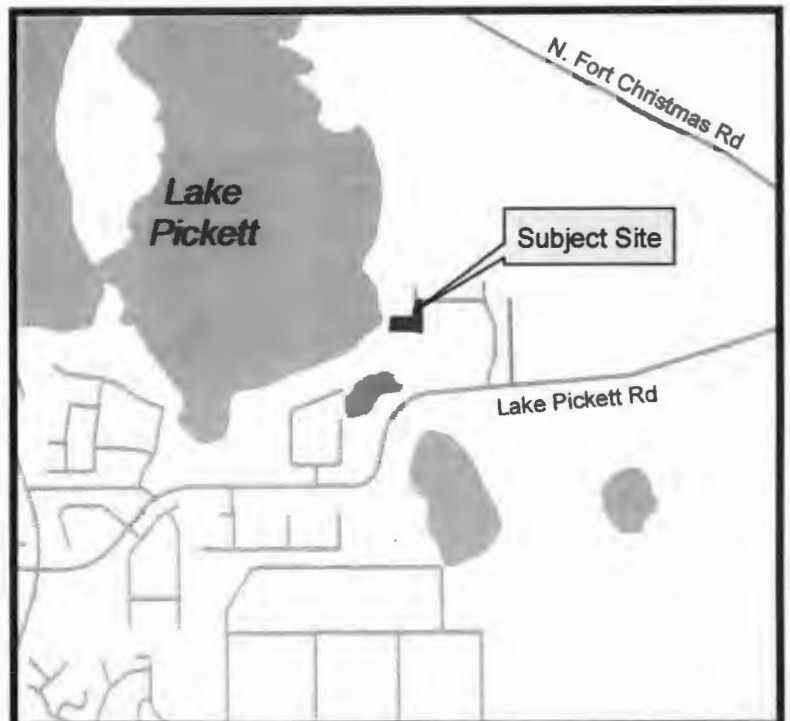
**Semi-Private Boat Ramp
Permit Request
BR-20-04-001
District #5**

Applicant: Pulte Home Company, LLC

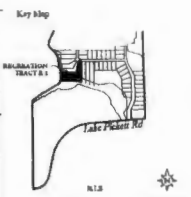
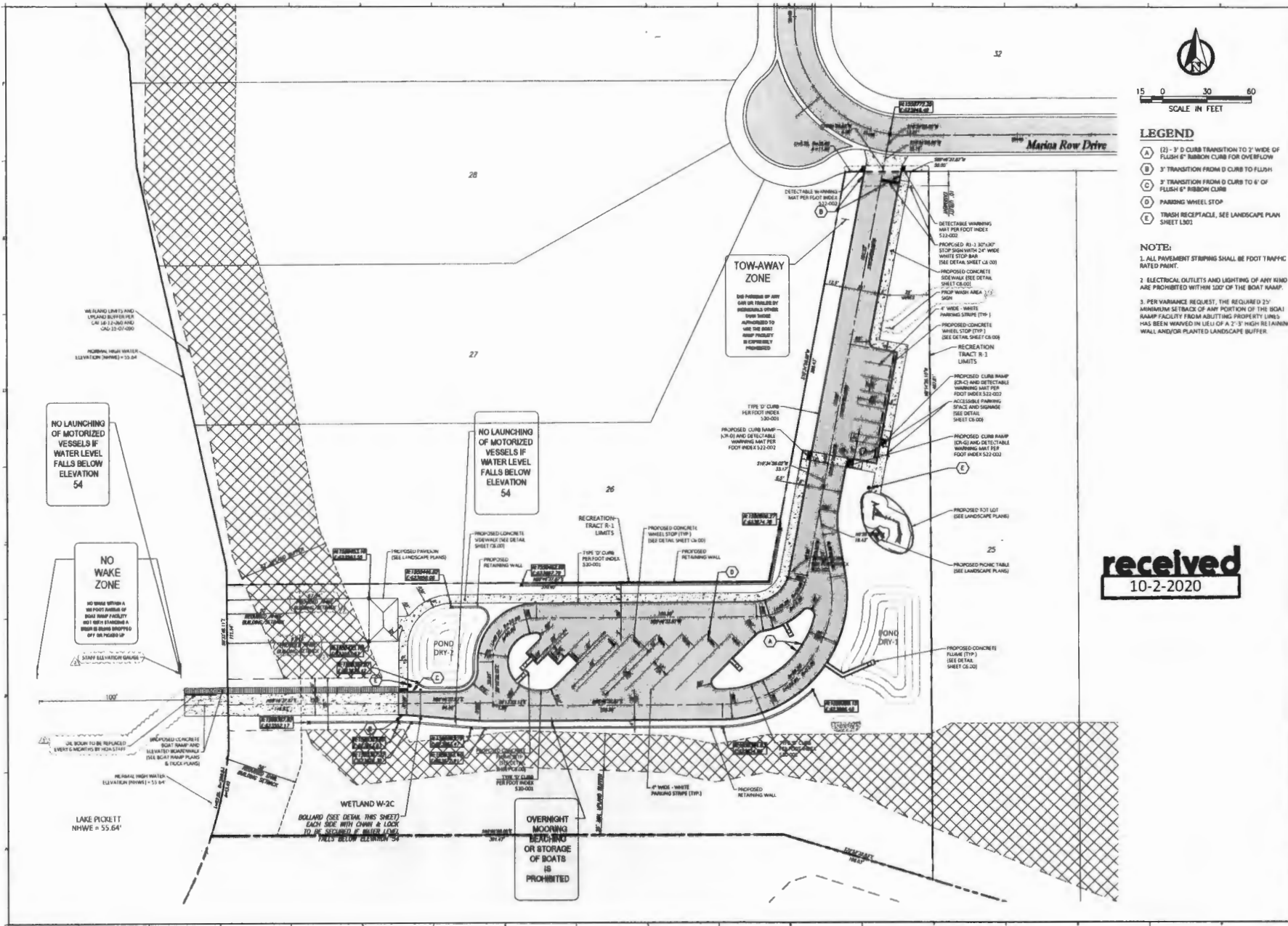
Parcel ID No.: 03-22-32-7898-18-001

Project Site 

Property Location 



25/001717-173 14/05 - LAKE PICKETT PARCELS 1-3/RECREATION TRACT R-1 BOAT RAMP/1717-001 00-000



- LEGEND**
- (A) 2'-3" D CURB TRANSITION TO 3" WIDE OF FLUSH 6" RIBBON CURB FOR OVERFLOW
 - (B) 3" TRANSITION FROM D CURB TO FLUSH
 - (C) 3" TRANSITION FROM D CURB TO 6" OF FLUSH 6" RIBBON CURB
 - (D) PARKING WHEEL STOP
 - (E) TRASH RECEPTACLE, SEE LANDSCAPE PLAN SHEET L301

- NOTE:**
1. ALL PAVEMENT STRIPING SHALL BE FOOT TRAFFIC RATED PAINT.
 2. ELECTRICAL OUTLETS AND LIGHTING OF ANY KIND ARE PROHIBITED WITHIN 100' OF THE BOAT RAMP.
 3. PER VARIANCE REQUEST, THE REQUIRED 20' MINIMUM SETBACK FROM ADJUTING PROPERTY LINES HAS BEEN WAIVED IN FAVOR OF A 2'-3" HIGH 3" HIGH RAIL FURNISH WALL AND/OR PLANTED LANDSCAPE BUFFER.

received
10-2-2020

Coordinates

J. HISTORY	ASSTD. DIR. BLDG.
J. BUDG. MGR.	ENGR'G. DIVISION
J. INFO. MGR.	ENR. MGMT. DIVISION
J. PLAN. MGR.	ENR. MGMT. DIVISION
J. DESIGN	ENR. MGMT. DIVISION
J. CONSTRUCTION	ENR. MGMT. DIVISION
J. MAINTENANCE	ENR. MGMT. DIVISION
J. OPERATIONS	ENR. MGMT. DIVISION
J. FINANCE	ENR. MGMT. DIVISION
J. LEGAL	ENR. MGMT. DIVISION
J. COMMUNITY	ENR. MGMT. DIVISION
J. ENVIRONMENTAL	ENR. MGMT. DIVISION
J. PUBLIC AFFAIRS	ENR. MGMT. DIVISION
J. SAFETY	ENR. MGMT. DIVISION
J. SECURITY	ENR. MGMT. DIVISION
J. TRAINING	ENR. MGMT. DIVISION
J. UTILITIES	ENR. MGMT. DIVISION
J. WASTE	ENR. MGMT. DIVISION
J. WATER	ENR. MGMT. DIVISION
J. WEATHER	ENR. MGMT. DIVISION
J. WILDLIFE	ENR. MGMT. DIVISION
J. ZONING	ENR. MGMT. DIVISION

LAKE PICKETT CLUSTER PARCELS 1-3 RECREATION TRACT R-1 BOAT RAMP

Submitted To: **ORANGE COUNTY, FL**
 Sheet Title: **GEOMETRY & SIGNAGE PLAN**

Sheet No: **C3.00**



POULOS & BENNETT, LLC
 2800 E. Las Vegas Ave., Orlando, FL 32835
 Tel. 407.427.2204 www.poulosandbennett.com
 Reg. No. 746.2847

Sunset Preserve Boat Ramp Relocation Steps, Timeline and Expenses
 Received by EPD from Pulte Home Company, LLC on January 20, 2021

Agency	Item Needed	Time to Complete	Potential Issues	Submitted Immediately Est Completion Date	Permit Fees Not Included Est. Add'l Cost (Consultant Fees)
USACE/FDEP	Wetland Impact Permit Revision (formerly USACE permit)	8 - 12 months	No guarantee of approval, run risk of not having alternate location approved by Orange County and then cannot construct a ramp due to not getting permit. Federal permitting/regulatory authority has changed from USACE to FDEP; which provides further complication as this transfer has just occurred.	1/24/22	\$6,000
SJRWMD	Conservation Easement Release	6 - 8 months	Must be approved by ED. This is not guaranteed as there is no justification to relocate a permitted boat ramp location and existing Conservation Easement.	9/24/21	
SJRWMD	ERP Revision	6 - 8 months	Cannot be approved until Conservation Easement release approved by ED	9/24/2021	\$20,000
Orange County/SJRWMD	Amend CE Easement	6 months	OC REM/Atty; Surveyor scheduling. Will require SJR/USACE/FDEP approvals prior to submittal to EPD.	Dependent upon SJR/USACE/FDEP approvals. Add 6 months. (July-2022)	\$5,000
Orange County	PSP Revision	3 months + BCC Approval	Cannot submit until we know USACE/SJRWMD will support revised location. Otherwise run risk of having boat ramp approved by Orange County in location we cannot get approved and having to start over again.	5/1/22	\$10,000
Orange County	Final Plat with BR Tract Designation - Final Phase (Phase 3) only possible location	6 months from PSP approval, however ultimately based on pace of development as it is the last phase of Sunset Preserve	Phase 4 lakefront lots are sold, cannot relocate there. Phase 5A plat is being submitted early February. There is not time receive approval from other agencies and revise the PSP to designate a boat ramp in Phase 5 prior to starting construction and submitting plat in February. Thus this is assuming the revised location would be in phase 3.	7/1/23	Negligible
Orange County	Boat Ramp Permit	6 months from submittal to BCC approval	Cannot be approved until BR tract is designated on the plat. Will require SJR/USACE/FDEP approvals prior to submittal to EPD.	Dependent on Final Plat approval for Phase 3. Add 6 months (Jan 2024)	\$50,000
Orange County	CAI Permit	Concurrent with Boat Ramp Permit	Approved by BCC along with BR Application. BCC scheduling. Will require SJR/USACE/FDEP approvals prior to submittal to EPD.	Dependent on Final Plat approval for Phase 3. Add 6 months (Jan 2024)	\$12,500

Boat Ramp Alternate Location Comparison

Location	Issues	Environmental Comparison
Existing "Evans Investments LLC" Ramp	All Phase 4 Lakefront lots have already been sold to buyers. Cannot relocate buyers to new lot and keep them close to their current estimated closing date. Existing ramp (small concrete) is located within property retained by the sellers. Pulte cannot submit for a ramp on this tract as we do not own.	Existing, overgrown launch's location is <u>directly</u> adjacent to the forested wetland which SOC and Commissioner Bonilla were concerned about and appears to have similar or more direct wetland impacts. Additionally, this location is contiguous to the "flow-way" which SOC and Commissioner Bonilla were concerned about that wraps around the southern edge of the forested wetland.
Existing "Wheeler" Ramp		N/A, cannot work past the issue of Pulte not owning the property.
Existing "Lake Picket Properties" Ramp	Phase/Timing - 3 year delay outlined above.	Existing, overgrown launch is directly adjacent to an even larger wetland area than that of the current location. Evaluation of acreage of direct and indirect impacts to be completed over the next 2 weeks, but looks to be equal to if not greater than that of current location.