



Interoffice Memorandum

June 5, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

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

**CONTACT PERSON: Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405**

SUBJECT: June 20, 2017 – Public Hearing
Taylor Morrison of Florida, Inc., Application to Construct a Semi-Private Boat Ramp Facility and Application for Variances (BR-16-04-000)

The applicant, Taylor Morrison of Florida, Inc., requests a permit to construct a new semi-private boat ramp facility adjacent to Lake Hancock. In addition, the applicant requests three (3) variances to Orange County Code. The semi-private boat ramp facility permit application (BR-16-04-000) accompanies Conservation Area Impact Permit (CAI-16-04-018).

The project site is located at the intersection of Minuteman Loop and John Hancock Drive, on a lobe of Lake Hancock in Section 28, Township 23 South, Range 27 East. The Parcel ID No. is 28-23-27-9174-10-000. The subject property is located in Orange County Commission District 1.

The project site is located within the West Lake Hancock Estates Subdivision, on a tract designated as open space, recreation area and boat ramp. The tract is approximately 800 feet wide and 210 feet deep. A small playground and outdoor amphitheater are located at the southern end of the tract. The adjacent lot to the south is undeveloped and will be a future single-family residence. The adjacent lot to the north is a completed single-family residence. The proposed boat ramp will be 140 feet long and 12 feet wide.

The applicant has requested three (3) variances to Orange County Code:

1. Section 15-603(m) (more than one subdivision): The Code requires that a semi-private boat ramp facility be utilized by the residents of a subdivision wherein the boat ramp facility is located. The applicant is requesting that in addition to the residents of the West Lake Hancock Estates Subdivision, residents of the Overlook 2 at Hamlin and 36 lakefront residents of the Summerlake Subdivision be authorized to utilize the boat ramp facility.

The applicant has stated that pursuant to Specific Condition of Approval #29, in CAI #05-046, the residents of Summerlake Subdivision are prohibited from having their own semi-private boat ramp facility.

The applicant also cites engineering and economic constraints, and the lack of a designated boat ramp tract as extraordinary hardships that preclude the feasibility of a boat ramp facility in the Overlook 2 at Hamlin Subdivision.

2. Section 15-605(b)(8) (dock length): The Code states, "No semi-private companion boat mooring dock shall exceed the length of the boat ramp (measured from the normal high water mark to the waterward end of the ramp) and a width of four (4) feet." The proposed companion dock will project into Lake Hancock 25 feet beyond the end of the boat ramp.

The applicant has stated that the variance is necessary for safer loading/unloading of watercraft and adequate water depth for launching boats.

3. Section 15-605(b)(14) (letter of credit): The Code requires, "the applicant to post a one-year irrevocable letter of credit, in favor of Orange County, in the amount of 10% of the assessed value of the boat ramp facility site..."

The applicant has proposed to post a letter of credit or cash escrow in favor of Orange County in the amount \$3,750. This is ten percent of the total of the estimated cost to construct the boat ramp facility x 125 percent. The County has accepted this arrangement in the past for similar circumstances.

In accordance with the noticing requirements set forth in Article XV, Section 15-605(d)(2), a notice has been published in a newspaper of general circulation in Orange County at least two (2) weeks prior to the public hearing. The applicant posted a notice of public hearing on the subject parcel on May 20, 2017. The applicant completed mailing notices of the public hearing to all upland owners on Lake Hancock on May 23, 2017.

Pursuant to Orange County Code, Chapter 15, Article XV, Environmental Protection Division (EPD) staff has evaluated the proposed Semi-Private Boat Ramp Facility Permit Application, the requests for variance and required documents.

There is no current enforcement action on the subject property.

Staff Recommendation

Approval of the semi-private boat ramp facility permit application and three variance requests subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the ten (10) 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 any and all appeals are resolved.

2. Construction activities shall be completed in accordance with the "Boat Ramp Site Plans" submitted by Madden, Moorhead & Glunt Inc., dated as received by EPD on August 18, 2016, as revised on October 14, 2016, and March 22, 2017, and as submitted by Bio-Tech Consulting, Inc., dated as received on December 1, 2016, and as submitted by Fender Marine Construction, dated as received on December 1, 2016. The construction of the boat ramp facility shall be completed five (5) years from the date of issuance of this permit. Requests for permit extension must be submitted to EPD prior to the expiration date. Operational conditions, post construction, remain in effect, in perpetuity.
3. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Hancock (97.30 feet mean sea level, NGVD), not to exceed the 20 percent of the length of shoreline on the tract. The ramp and companion dock must be located within this corridor.
4. No wake within a 100-foot radius of the boat ramp facility shall be allowed. "No-Wake Zone" signage shall be installed at the end of the boat ramp, as depicted on the "Boat Ramp Site Plans", submitted by Madden, Moorhead & Glunt Inc., as dated as received by EPD on March 22, 2017, prior to the final inspection or issuance of Certificate of Completion.
5. The boat ramp facility must clearly be marked with signage that explicitly states that no overnight mooring, beaching, or storage shall be allowed, as depicted on the "Boat Ramp Site Plans", submitted by Madden, Moorhead & Glunt Inc., as dated as received by EPD on March 22, 2017. The signage shall be installed prior to final inspection or issuance of Certificate of Completion.
6. The parking of any car or trailer at the boat ramp facility site is prohibited. A "Tow-Away" warning sign shall be installed at the boat ramp facility site, as depicted on the "Boat Ramp Site Plans", submitted by Madden, Moorhead & Glunt Inc., as dated as received by EPD on March 22, 2017. The signage must be installed prior to final inspection or issuance of Certificate of Completion.
7. Within thirty (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.
8. Prior to the final inspection of the boat ramp facility or issuance of Certificate of Completion, the applicant shall post a letter of credit or cash escrow, in a form accepted by Orange County, in the amount of ten (10) percent of the estimated cost of construction of the boat ramp facility site, multiplied by 125 percent, in favor of Orange County. Please note that the ten (10) percent shall be the cost of construction of the boat ramp and any other improvements which may be required by state or local regulations, or Article XV, to be built in conjunction with the type of boat ramp, and the assessed value of the duly platted lot or parcel of record which is the location of any boat ramp facility.

June 20, 2017 - Public Hearing

Taylor Morrison of Florida, Inc., Application to Construct a Semi-Private Boat Ramp Facility and Application for Variances (BR-16-04-000)

9. The launching of motorized vessels shall be prohibited, and access to the ramp shall be blocked off, when water level drops below 93.00 feet mean sea level (NGVD). Signage shall be installed informing boaters of this restriction as depicted on the "Boat ramp Site Plans", as submitted by Madden, Moorhead & Glunt Inc., as dated as received by EPD on March 22, 2017.
10. 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 the "Boat Ramp Site Plans", submitted by Madden, Moorhead & Glunt Inc., as dated as received by EPD on March 22, 2017. 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.
11. The following restriction shall apply to the operation and use of the boat ramp: No fueling is allowed at the ramp; boats with antifouling paint may not use the ramp; power loading or unloading shall be prohibited; no draining or washing of watercraft shall be permitted at the ramp; and shoreline mooring shall be prohibited at the boat ramp.
12. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within thirty (30) days of completion of the project. The restoration will be done to the satisfaction of EPD.
13. This permit does not authorize any fill in wetlands, or below the NHWE of Lake Hancock, that may be necessary to construct the boat ramp facility, or maintain or create navigable access from the boat ramp to the lake, other than as depicted in the approved "Boat Ramp Site Plans."
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. A variance to Section 15-603(m) (more than one subdivision) is hereby granted, that the residents of the West Lake Hancock Estates, Overlook 2 at Hamlin subdivisions, and the 36 lakefront residents of the Summerlake Subdivision, may utilize the boat ramp facility. The 36 lots in Summerlake include: Lots 1 - 7, Block S, Summerlake PD Phase 1B, Lot 8, Block S, Summerlake PD Phase 2A & 2B, Lots 21A - 26A, Block V, Summerlake PD Phase 2A & 2B, Lots 1 - 20, Block KK, Summerlake PD Phase 3A and Lots 78 & 79, Isles of Lake Hancock Phase 3E.
16. A variance to Section 15-605(b)(8) (dock length) is hereby granted for the boat ramp facility companion dock to extend 25 feet further waterward than the end of the boat ramp.
17. A variance to Section 15-605(b)(14) (letter of credit) is hereby granted. The applicant shall provide a letter of credit or cash escrow, in the amount of ten (10) percent of the cost to construct the boat ramp facility, multiplied by 125 percent, in favor of Orange County.

General Conditions:

18. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the Orange County Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the Orange County Zoning Division at (407) 836-5525.
19. After approval by Orange County Zoning, the certified site plans will need to be reviewed by the Orange County Building Division in order to obtain a building permit. For further information, please contact the Orange County Division of Building Safety at (407) 836-5550.
20. 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 any 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.
21. 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.
22. 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.
23. 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 (sixty) 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.
24. 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.

25. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign 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.
26. 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.
27. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
28. 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.
29. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
30. The permittee shall notify EPD, in writing, within thirty (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.
31. All excess lumber, scrap wood, trash, garbage, and similar materials shall be removed from the project area and/or surface waters immediately.

32. 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.
33. 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.
34. 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.
35. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 F.A.C. 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/or surface waters.
36. Pursuant to Section 125.022, Florida Statutes, issuance of this construction 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.
37. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of construction.
38. Within thirty (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; an aerial view of the project site with the location of any conservation easements, tracts, or conservation areas, the NHWE for Lake Hancock, topographic elevations and cross sections with elevation data in the exact same area as the cross sections on the approved "Boat Ramp Site Plans", and complete dimensions of the companion dock and boat ramp.

ACTION REQUESTED: **Approval of Semi-Private Boat Ramp Facility Permit (BR-16-04-000) and Variance Requests for Taylor Morrison of Florida, Inc., subject to the conditions listed in the staff report. District 1**

JVW/LC: mg

Attachments