Subject:
Commercial Dock Application CD38585-07/ Revised
Orange Street Property Management, LLC/Gary Boesch aka American Marine
105 Orange Street, Ozona
Smith Bayou
Section 11, Township 28 South, Range 15 East

Department:
Environmental Management

Staff Member Responsible:
William M. Davis

Recommended Action:
I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD), ACTING AS THE PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY (AUTHORITY), APPROVE THIS APPLICATION AND EXECUTE THE ATTACHED ORDER BASED UPON NEGATIVE FINDINGS OF FACT, ITEMS ONE THROUGH NINE, AND AFFIRMATIVE FINDINGS OF FACT, ITEMS TEN THROUGH THIRTEEN; CONDITIONAL TO THE FOLLOWING:

1. A hurricane plan for the marina must be received from the applicant prior to permit issuance.

2. A conservation easement limiting mangrove trimming to 50% of the mangroves on this property and limiting the trimming to a height of no lower than 10 ft. must be executed prior to permit issuance.

3. All material that does not meet the criteria for riprap in the Pinellas County Code must be removed from the shoreline.

4. If within six months from project commencement mangroves do not naturally recruit into the areas where the existing dock and rubble are to be removed, the applicant must plant mangroves in these locations.

5. The loading platform will only be used during the hours of 7 a.m. to 7 p.m.

6. The applicant must comply with the upland site plan requirements of Building and Development Review Services.

7. Boats must moor bow-in when utilizing the permitted boat slips.
Summary Explanation/Background:
The applicant proposes to construct a 7-slip commercial dock in the waters of Smith Bayou. According to the application currently before the Board, six of the seven wet slips and eight upland dry slips will be used by the applicant, his family and friends for the mooring of personal vessels, although the upland zoning does allow for these slips to be rented commercially in the future provided the applicant can provide the required upland support (such as parking). The seventh wet slip will be used as a temporary mooring for a service vessel that will transport food and other consumables to an offshore fishing resort located about 100 miles from shore in the Gulf of Mexico. A forklift will load supplies onto the service boat, as well as launch the dry storage vessels, via a loading platform included in the proposed plans. The upland site will contain offices for the applicant and a storage area for the resort’s supplies. There will be no live aboard or fueling facilities at this site and customers of the offshore resort will not use this site.

The proposed structure will consist of a 107 ft. long by 6 ft. wide walkway, a 36 ft. long by 6 ft. wide walkway, a 17 ft. long by 6 ft. wide walkway, a 32 ft. long by 15 ft. wide platform, three 18 ft. long by 3 ft. wide catwalks, and associated tie poles. The total area of the proposed structure will be 1,600 sq. ft. The waterfront width of the applicant’s property is 309 ft. The proposed dock will be located 25 ft. from the north property line and approximately 192 ft. from the south property line. The length of the proposed structure will be 147 ft. and the width will be 42 ft. The structure will project 107 ft. beyond the mangroves into open water. Depths at the end of the slips will range from 2.1 ft. to 2.7 ft. at Mean Low Water.

The project requires a public hearing because it exceeds the 500 square foot limit for administrative approval. The following variance is also required:

1. Pursuant to Section 166-334 (b) (1) of the Pinellas County Code, all docking facilities must be set back from the property line a distance of 10% of the applicant’s waterfront width (30.9 ft. in this case). The proposed dock will be located 25 ft. from the north property line, and therefore a 6 ft. variance is required. This variance is required because the only deep water off of the applicant’s property is located near the north property line.

The Department of Environmental Management has reviewed the application and does not object to the requested variance or approval of the application. There are no environmental or navigational concerns with this project. There will be some impacts to mangroves for the placement of the loading platform; however, this will be mitigated pursuant to conditions 2 through 4 above.

An Administrative Hearing was held on Monday, December 17, 2007. No one spoke in opposition to the project; however, four people raised concerns about the hours of operation of the loading platform and the applicant agreed to limit these pursuant to condition number 5 above.

Fiscal Impact/Cost/Revenue Summary:
Not applicable.

Exhibits/Attachments Attached:
Copy of proposed order.
Copy of application.
Copy of the Department of Environmental Management’s report.
Copies of correspondence received.
Copies of legal notices.
BEFORE THE PINELLAS COUNTY
WATER AND NAVIGATION CONTROL AUTHORITY

In Re: Orange Street Property Management, LLC/Gary Boesch aka American Marine

Application No.: CD38585-07/Revised

PROPOSED ORDER

The Board of County Commissioners of Pinellas County, Florida, acting as the governing authority of the Pinellas County Water and Navigation Control Authority ("Authority") pursuant to Chapter 31182, Laws of Florida (1955), as amended, after receiving testimony and data at a properly noticed public hearing held on January 22, 2008, makes its findings of fact and determination as to whether or not the proposed plan and requested variance in said application will materially affect any of the rights and interest of the public, as follows:

1. YES ( ) NO (X) Would have a detrimental effect on the use of said waters for navigation, transportation, recreational or other public purposes and public conveniences.

2. ( ) (X) Would restrict the free use of the waterways and navigable waters.

3. ( ) (X) Would have a material adverse effect upon the flow of water or tidal currents in the surrounding waters.

4. ( ) (X) Would have a material adverse effect upon erosion, erosion control, shoaling of channels, extraordinary storm drainage, or would be likely to adversely affect the water quality now existing in the area in question.

5. ( ) (X) Would have a material adverse effect upon the natural beauty and recreational advantages of Pinellas County.

6. ( ) (X) Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores so as to be contrary to the public interest.

7. ( ) (X) Would have a material adverse effect upon the uplands surrounding or necessarily affected by said plan or development.
8. ( ) (X) Would adversely affect the safety, health and welfare of the general public.
9. ( ) (X) Are inconsistent with the Pinellas County Comprehensive Plan.
10. (X) ( ) The property rights of others are not infringed upon.
11. (X) ( ) A literal enforcement of the provisions of the regulations would result in extreme hardship due to the unique nature of the project and the applicant's property.
12. (X) ( ) The variance sought to be granted is the minimum variance that will make possible the reasonable use of the applicant's property.
13. (X) ( ) The granting of the requested variance will be in harmony with the general intent and purpose of the Authority's regulations and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.

The Authority, based on the above findings of fact and determination, hereby approves Application No.: CD38585-07/Revised; subject to the following conditions:

1. A hurricane plan for the marina must be received from the applicant prior to permit issuance.

2. A conservation easement limiting mangrove trimming to 50% of the mangroves on this property and limiting the trimming to a height of no lower than 10 ft. must be executed prior to permit issuance.

3. All material that does not meet the criteria for riprap in the Pinellas County Code must be removed from the shoreline.

4. If within six months from project commencement mangroves do not naturally recruit into the areas where the existing dock and rubble are to be removed, the applicant must plant mangroves in these locations.

5. The loading platform will only be used during the hours of 7 a.m. to 7 p.m.

6. The applicant must comply with the upland site plan requirements of Building and Development Review Services.

7. Boats must moor bow-in when utilizing the permitted boat slips.
Any person, firm or corporation, including the State of Florida, Pinellas County, and any municipal corporation in said County, aggrieved by the findings of fact and determination of the Authority, may within thirty (30) days of the filing of this order, petition for rehearing, stating in such petition the grounds upon which the governing authority has erred in its finds and wherein such person, firm or corporation is aggrieved by said findings. The Authority may, in its discretion, grant or deny such rehearing.

Any person, firm or corporation, including the State of Florida, Pinellas County, and any municipal corporation in said County, who is aggrieved by the Authority's above ruling on the petition for rehearing shall have the right to have the entire cause reviewed by the Circuit Court of the Sixth Judicial Circuit of Florida in and for Pinellas County, as provided by law for other appeals to the circuit court.

__________________________
Chairman

The Foregoing Decision Has Been Filed With Me This day of___________, 2008

Attest: KEN BURKE, CLERK

By: ________________________
Deputy Clerk

Approved as to form by: ________________________
Pinellas County Attorney's Office
commercial and multi-use dock permit application

Pinellas County Water and Navigation Control Authority

Original Please type, or hand print in black ink

I. Property Owner Information:

A. Applicant's Name: Orange Street Property Management, LLC

B. Mailing Address: 1816 Wood Trush Way

City: Clearwater State: FL Zip: 34683

C. Telephone No.(s): (727) 441-3474

II. Agent Information:

A. Name: Michael J. Gaylor, P.E.

B. Address: 21764 State Road 54

City: Lutz State: FL Zip: 33549

C. Telephone No.(s): (813) 949-5599

III. Site Information:

A. Construction Site Address: 105 Orange Street

City: Clewiston

B. Intended Use: Marina

C. Parcel ID Number: 11/28/15/000000 330 0200

D. Incorporated: □ Unincorporated: ○

E. Affected Waterbody: Smith Bayou

F. Previous Permits: NONE

G. Date applicant assumed property ownership: October 2007

H. Obstructions: (dogs, fences, etc.) NONE

J. Attach 8-1/2" x 11" vicinity map showing specific project location.

K. All other information pursuant to P.C.O. 90-19 (amended), Section 10.8, as needed.

L. Does the project abut residentially zoned property? Yes □ No ○

M. For projects requiring a public hearing, attach a copy of the complete legal description.
IV. PROJECT DESCRIPTION:  MULTI-USE ☐ COMMERCIAL ☑

A. Nature and Size of Project:  See Attached

Square feet: 1,450

B. Variance:  Yes ☑ No ☐

Amount in variance:

Length: 50 Width: 100

Setbacks: L 6'; R 6'

Other: 

NOTE: It is the applicant's responsibility to clearly demonstrate that any requested variances are consistent with the variance criteria of the Pinellas County Water and Navigation Control Authority Regulations. The applicant must submit a written variance request outlining the nature of and need for any variances. The applicant must demonstrate that a literal enforcement of the regulations would result in an extreme hardship due to the unique nature of the project and the applicant's property. The hardship must not be created by action(s) of the property owner(s). The granting of the variance must be in harmony with the general intent of the regulations and not infringe upon the property rights of others. The variance requested must be the minimum possible to allow for the reasonable use of the applicant's property. Should the applicant fail to demonstrate that any variance request is consistent with the criteria outlined in the regulations, staff cannot recommend approval of the application.

V. CONTRACTOR INFORMATION:

I, ____________________________________________, a certified contractor, state that the dock has not been constructed and that it will be built in compliance with all requirements and standards set forth in the "Rules and Regulations" of the Pinellas County Water and Navigation Control Authority, and in accordance with the attached drawings which accurately represent all the information required to be furnished. In the event that this dock is not built in accordance with the permit or the information furnished is not correct, I agree to either remove the dock or correct the deficiency.

Signed: ____________________________________________ Cert. No.: __________

Company Name: ____________________________________________ Telephone No.: __________

Address: ____________________________________________

VI. OWNER'S SIGNATURE:

I hereby apply for a permit to do the above work and state that the same will be done according to the map or plan attached hereto and made a part hereof, and agree to abide by the "Rules and Regulations" of the Pinellas County Water and Navigation Control Authority for such construction and, if said construction is within the corporate limits of a municipality, to first secure approval from said municipality. I further state that said construction will be maintained in a safe condition at all times, should this application be approved, that I am the legal owner of the upland from which I herein propose to construct the improvements, and that the above stated agent/contractor may act as my representative. I understand that I, not Pinellas County, am responsible for the accuracy of the information provided as part of this application and that it is my responsibility to obtain any necessary permits and approvals applicable for the proposed activities on either private or sovereign owned submerged land.

______________________________
Date

[Signature]

Legal Owner's Signature

[Name]

ORANGE STREET PROPERTY MANAGEMENT, LLC
MULTI-USE/COMMERCIAL DOCK

Application # C03855-007
(Official Use Only)

All Elevations Reference NAVD 88

Gaylor Engineering
21764 State Road 54
Lutz, Florida 33549
Ph: (813) 940-0018
Fax: (813) 940-0018

Michael J. Gaylor P.E.
Certificate Of Authorization No. 26166
P.E. No. 13006

ORANGE ST. PROPERTIES MANAGEMENT LLC

TOTAL SQUARE FEET 1405.60
WATERWAY WIDTH 309 FT
WATERFRONT WIDTH 388 FT
MHW 0.76 MLW -1.32

SHORELINE

Municipality Approval
Water and Navigation Approval
Engineer's Seal

2/4/07

Sheet 2 of 10
Johns, Brian R

From: Gaylor Engineering [gaylorlb@tampabay.rr.com]
Sent: Wednesday, October 24, 2007 4:00 PM
To: Johns, Brian R
Cc: gaylormg@tampabay.rr.com
Subject: American Marine docks

Brian
Sorry for the delay in the response, please find below a description of the above referenced project docks.

The American Marine dock system will consist of seven slips and one service ramp to service boats that will shuttle goods to a remote recreational fishing barge known as “Sportsman’s Paradise”. This barge will be built, launched and moored elsewhere.

This dock system will consist of one main access walkout dock 5’ wide by approximately 150’ long extending into the water way approximately 140’. This walkout dock will have seven slips 14’ wide by 36’. Between each slip will be a catwalk dock with the first being 5’ by 36’, the next three will be 3’ by 18’ for a total of four catwalk docks. Main walkout dock deck elevation to be 4.0 ft NAVD the catwalk docks to be at 3.75 ft. NAVD.

These slips will be for the use of the owner. There will be no live aboard and there will be no fueling from these docks. These docks will be used for private recreational purposes only. The boats will be no longer that 35 ft.

The service ramp will be used for the servicing of a remotely located recreational fishing barge known as “Sportsman’s Paradise”. This ramp will be designed for fork lift traffic. This fork lift will transfer goods from a storage facility on shore to a service boat that will dock at the ramp. This ramp will also be used to launch boats via the fork lift as well.

I hope this helps. If you have any question please let me know.
Larry Bean
Gaylor Engineering
Osprey Cove Professional Park
21764 State Road 54
Lutz, FL 33549
Office: 813-949-5599
Fax: 813-949-0818
DISCLOSURE FORM

In order to alleviate any potential conflict of interest with Pinellas County staff, it is required that the Authority be provided with a listing of PERSONS being party to a trust, corporation, or partnership, as well as anyone who may have beneficial interest in the application which would be affected by any decision rendered by the Authority. (Attach additional sheets if necessary.)

A. PROPERTY OWNERS:

Name: Gary Borsch
Address: 105 Orange St.
          020an, fl. 34470

Name: 
Address: 

Name: 
Address: 

B. REPRESENTATIVES:

Name: 
Address: 

Name: 
Address: 

Name: 
Address: 

C. OTHER PERSONS HAVING OWNERSHIP INTEREST IN THE SUBJECT PROPERTY:

Interest is:    contingent ☐    absolute ☐

Name: 
Specific interest held ________

D. DOES A CONTRACT FOR SALE EXIST FOR THE SUBJECT PROPERTY?    YES ☐    NO ☐

Name of parties to the contract: 

E. DOES AN OPTION TO PURCHASE EXIST FOR THE SUBJECT PROPERTY?    YES ☐    NO ☐

Name of parties to the option: 

F. OWNER’S SIGNATURE:

I hereby certify that the information stated above is complete, accurate, and true to the best of my knowledge.

[Signature]

Date 8/28/07
The original application was received by this Department on August 28, 2007. The subject site was inspected by this Department on December 14, 2007. The latest revision to this application was received by this Department on December 5, 2007.

PROJECT AND SITE DESCRIPTION:

The applicant proposes to construct a 7-slip commercial dock and loading platform in the waters of Smith Bayou.

The proposed structure will consist of a 107 ft. long by 6 ft. wide walkway, a 36 ft. long by 6 ft. wide walkway, a 17 ft. long by 6 ft. wide walkway, a 32 ft. long by 15 ft. wide platform, three 18 ft. long by 3 ft. wide catwalks and associated tie poles. The total area of the proposed structure will be 1,600 square feet. The waterfront width of the applicant's property is 309 ft. The proposed dock will be located 25 ft. from the north property line and approximately 192 ft. from the south property line. The length of the proposed structure will be 147 ft. total, and the width of the structure will be 42 ft. The structure will project 107 ft. beyond the mangroves into open waters. Depths at the ends of the slips will range from 2.1 ft. to 2.7 ft. at Mean Low Water.

The shoreline is natural with a mature mangrove fringe. There is some scattered riprap along the bank starting at 54 ft. from the north property line. The southern half of the property has broken up roof tiles/pavers up to the base of the mangroves. The mangroves are predominately black mangroves (*Avicennia germinans*) ranging from 20 to 27 ft. tall with some white mangroves...
(Laguncularia racemosa) mixed in. A natural opening in the fringe is present between 205 and 211 ft. from the north property line. Mangroves may not have been able to recruit in this area due to the broken up roof tiles on the bank. Brazilian pepper was recently removed from the upland bank along the shoreline.

There is an existing dock on the property located between 45 and 50 ft. from the north property line which will be removed. It consists of a single 5 ft. wide walkout with a tie pole on the south side of the structure. There are remains of old timber wall posts near the start of the mangrove fringe and within the fringe.

Seagrass is present in the southern half of the property. It consists of sparse to moderate Cuban shoal grass (Halodule wrightii). The seagrass starts 112 ft. from the top of the bank and extends out past 300 ft. Two oyster beds are located in the waters to the right of the natural opening in the mangrove fringe.

Wildlife observed during the field inspection included great egrets (Casmerodius albus), white ibis (Eudocimus albus), great blue heron (Ardea herodias), tri-color heron (Hydranassa tricolor), mullet (Mugil cephalus), southern stingray (Dasyatis americana), and gray snapper (Lutjanus griseus).

Depths at 25 ft. from the north property line (northern end of the proposed slips):

<table>
<thead>
<tr>
<th>Distance</th>
<th>Depth (MLW)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 ft.</td>
<td></td>
<td>Top of bank. Marked JD line.</td>
</tr>
<tr>
<td>14 ft.</td>
<td></td>
<td>1st mangrove trunk.</td>
</tr>
<tr>
<td>30 ft.</td>
<td></td>
<td>Transect crosses existing dock.</td>
</tr>
<tr>
<td>39.5 ft.</td>
<td></td>
<td>Opposite side of existing dock.</td>
</tr>
<tr>
<td>44 ft.</td>
<td></td>
<td>End of pneumatophores.</td>
</tr>
<tr>
<td>55 ft.</td>
<td></td>
<td>Water's edge.</td>
</tr>
<tr>
<td>63 ft.</td>
<td>0.8 ft.</td>
<td>2 ft. of muck on the bottom.</td>
</tr>
<tr>
<td>73 ft.</td>
<td>1.9 ft.</td>
<td>Outside limit of the first slip.</td>
</tr>
<tr>
<td>83 ft.</td>
<td>2.5 ft.</td>
<td></td>
</tr>
<tr>
<td>93 ft.</td>
<td>2.7 ft.</td>
<td></td>
</tr>
<tr>
<td>103 ft.</td>
<td>2.7 ft.</td>
<td></td>
</tr>
<tr>
<td>113 ft.</td>
<td>2.7 ft.</td>
<td></td>
</tr>
<tr>
<td>123 ft.</td>
<td>2.4 ft.</td>
<td></td>
</tr>
<tr>
<td>133 ft.</td>
<td>2.3 ft.</td>
<td></td>
</tr>
<tr>
<td>143 ft.</td>
<td>2.2 ft.</td>
<td></td>
</tr>
<tr>
<td>153 ft.</td>
<td>2.2 ft.</td>
<td></td>
</tr>
<tr>
<td>163 ft.</td>
<td>2.3 ft.</td>
<td></td>
</tr>
<tr>
<td>173 ft.</td>
<td>2.1 ft.</td>
<td></td>
</tr>
<tr>
<td>183 ft.</td>
<td>2.2 ft.</td>
<td></td>
</tr>
<tr>
<td>193 ft.</td>
<td>2.1 ft.</td>
<td>Outside limit of the seventh slip.</td>
</tr>
</tbody>
</table>
Depths at 61 ft. from the north property line (southern end of the proposed slips):

<table>
<thead>
<tr>
<th>Distance</th>
<th>Depth (MLW)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1.5 ft.</td>
<td>JD stake 8 ft. to the right.</td>
<td></td>
</tr>
<tr>
<td>0 ft.</td>
<td>JD stake 8 ft. to the left.</td>
<td></td>
</tr>
<tr>
<td>12 ft.</td>
<td>1&quot; mangrove trunk.</td>
<td></td>
</tr>
<tr>
<td>28.5 ft.</td>
<td>End of pneumatophores immediate.</td>
<td></td>
</tr>
<tr>
<td>38.5 ft.</td>
<td>Water's edge.</td>
<td></td>
</tr>
<tr>
<td>41.5 ft.</td>
<td>Outside fringe immediate.</td>
<td></td>
</tr>
<tr>
<td>42.5 ft.</td>
<td>0.3 ft.</td>
<td></td>
</tr>
<tr>
<td>52.5 ft.</td>
<td>0.9 ft.</td>
<td></td>
</tr>
<tr>
<td>62.5 ft.</td>
<td>1.0 ft.</td>
<td></td>
</tr>
<tr>
<td>72.5 ft.</td>
<td>0.9 ft.</td>
<td></td>
</tr>
<tr>
<td>82.5 ft.</td>
<td>0.8 ft.</td>
<td></td>
</tr>
<tr>
<td>92.5 ft.</td>
<td>0.7 ft.</td>
<td></td>
</tr>
<tr>
<td>102.5 ft.</td>
<td>0.6 ft.</td>
<td></td>
</tr>
<tr>
<td>112.5 ft.</td>
<td>0.6 ft.</td>
<td></td>
</tr>
<tr>
<td>122.5 ft.</td>
<td>0.5 ft.</td>
<td></td>
</tr>
<tr>
<td>132.5 ft.</td>
<td>0.5 ft.</td>
<td></td>
</tr>
<tr>
<td>142.5 ft.</td>
<td>0.6 ft.</td>
<td></td>
</tr>
<tr>
<td>152.5 ft.</td>
<td>0.6 ft.</td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

1. There are no navigational concerns with the proposed structure.

2. There is no seagrass within the area of the proposed structure. There will be some mangrove impact where the platform goes through the mangrove fringe, but this has been minimized as much as possible to retain the functionality of the structure. Mitigation in the form of a conservation easement limiting mangrove trimming, cleaning up of the shoreline debris, and new mangrove plantings/recruitment will be required.

3. The proposed marina is in variance to Pinellas County Code, Section 166-334 (b) (1), which requires a setback of 10% (30.9 ft.) of the waterfront width. On the north side of the project, the setback will be 25 ft. and therefore a 6 foot variance is required. The circumstances of this project are unique in that the only place suitable for a boat dock is closer to the north property line where the water depths are sufficient to support this structure.

4. Six of the slips on the dock (and eight upland dry storage slips) will be used for the personal boats of the applicant, his family, and friends. The seventh slip will be temporary mooring for a service vessel that will take supplies to an offshore fishing resort known as "Fisherman's Paradise" located over the middle grounds in the Gulf of Mexico (about 80
to 100 miles offshore). The loading ramp will be accessed by a forklift to load supplies (food and other consumables) onto the service vessel.

FINDINGS:

The Department of Environmental Management has reviewed this application and finds it to be consistent with the Water and Navigation criteria of the Pinellas County Code. This finding is subject to the following conditions:

1. A hurricane plan for the marina must be received from the applicant prior to permit issuance.

2. A conservation easement limiting mangrove trimming to 50% of the mangroves on this property and limiting the trimming to a height of no lower than 10 ft. must be executed prior to permit issuance.

3. All material that does not meet the criteria for riprap in the Pinellas County Code must be removed from the shoreline.

4. If within six months from project commencement mangroves do not naturally recruit into the areas where the existing dock and rubble are to be removed, the applicant must plant mangroves in these locations.

5. The loading platform will only be used during the hours of 7 a.m. to 7 p.m.

6. The applicant must comply with the upland site plan requirements of Building and Development Review Services.

7. Boats must moor bow-in when utilizing the permitted boat slips.

The applicant is advised that approvals for this project may also be required from the State of Florida and/or the U. S. Army Corps of Engineers.
Mr. David Walker  
Supervisor, Pinellas County Water & Navigation Control Authority  
510 Bay Ave.  
Clearwater, Florida 33756

Re: Commercial Dock Application CD 38585-07  
Orange Street Property Management, LLC

Dear Mr. Walker:

As the agent for Prior’s Marina, I would like to address the design for the 6 slip commercial marina and loadout ramp for Orange Street Property Management, LLC, to be located at 105 Orange Street in Palm Harbor. This is the planned commercial marina immediately adjacent to Priors Marina on its south side.

Attached is the latest slip layout/plan generated by Gaylor Engineering. Please note the water depths at MLW as shown on the Gaylor plans range from approximately 5 feet at the location of the main dock (the dock from which the finger piers extend northward) to 7 to 8 feet at the outboard tie piles. However, the County’s field notes (also attached) show the depth to be approximately 0.6 to 0.8 feet at MLW at the location of the main dock, and depths of 0.9 to 3.6 feet at the location of the outboard tie piles. This is a tremendous discrepancy in measured water depths. Our client, Priors Marina, request that this discrepancy be investigated by the county staff and, should the depths as measured be correct, that the county require the Gaylor plan to be revised to reflect the actual depths.

Attached is a recent aerial upon which the proposed slips have been overlaid. Upon examination, it is evident that almost one half of the lengths of the boats slips is on relatively dry ground. Although we are not aware of the exact tide condition when the aerial was obtained, it is very evident that there is insufficient water depths in the slips to support the mooring of boats.

It is also our understanding that the county requires a minimum of 18" of water at MLW at all points within slips. We are aware that in some instances the county will allow a variance of up to 6" to this minimum depth requirement. However, it would appear that the county is allowing a depth variance of approximately 0.7 to 0.8 feet, MLW, in this case. We question why the county would allow such a large variance when dredging could be permitted to achieve the needed depths.

We would note that the Department of Environmental Protection (DEP) requires a depth of 3 feet at MLW at all points within commercial boat slips. Even though the county does not require this depth, we question why the Applicant would attempt to go forward to the state agencies with depths well below those required. It would seem that a dredge would be required to achieve the minimum state-required depths although upon our inquiry to Brian Johns, we were informed that the applicant has not requested a dredge permit.

We remain available to discuss the issues address above.

My regards,

Bill Woods  
Woods Consulting

cc: Brian Johns  
Jay Powers
December 7, 2007

Re: Commercial Dock Application CD 38585-07/Revised
Gary Boesch
105 Orange Street, Ozona
Smith Bayou

Dear Sir/Ms:

This is official notice to you as a property owner within a radius of 500 feet of the above referenced proposed project or as an interested party that the above referenced applicant has made application for a permit to the Pinellas County Water and Navigation Control Authority. Additional information concerning this project can be found in the attached legal notice.

An Administrative Hearing will be held on MONDAY, DECEMBER 17, 2007 at 2:00 P.M. in the PUBLIC WORKS CONFERENCE ROOM, 1ST FLOOR, 440 COURT STREET, CLEARWATER, FL 33756.

A Public Hearing before the Board of County Commissioners acting as the Pinellas County Water and Navigation Control Authority will be held on TUESDAY, JANUARY 22, 2008 at 6:30 P.M. in the COUNTY COMMISSION ASSEMBLY ROOM, 5TH FLOOR, COURTHOUSE, 315 COURT STREET, CLEARWATER, FLORIDA.

If you wish to comment on the project, either in support or opposition, you are encouraged to attend both hearings. Written correspondence may also be sent to my attention at the address listed on the letterhead and should be submitted as early as possible so that it can be fully considered by staff during the review of this project. In order to be included in the record reviewed by the Board, any written materials must be submitted no later than one week before the public hearing.

If you have any questions on the proposed project or on the hearing process, or if you would like to review the file prior to the hearings, please call me at (727) 453-3385.

Sincerely,

Brian Johns
Environmental Specialist II
LEGAL NOTICE

LEGAL NOTICE is hereby given that, pursuant to the provisions of Chapter 31182, Acts of 1955, Laws of Florida, as amended, a Public Hearing will be held by the Pinellas County Water and Navigation Control Authority on TUESDAY, JANUARY 22, 2008, beginning at 6:30 P.M. in the COUNTY COMMISSION ASSEMBLY ROOM, 5TH FLOOR, COURTHOUSE, 315 COURT STREET, CLEARWATER, FLORIDA, for the consideration of the application and any amendments to the application of Gary Boesh – American Marine, (CD 38585-07/Revised), for the construction of a 1,600 square foot, 7 slip, commercial dock consisting of a 107 ft. long by 6 ft. wide walkway, a 36 ft. long by 6 ft. wide walkway, a 17 ft. long by 6 ft. wide walkway, a 32 ft. long by 15 ft. wide platform, three 18 ft. long by 3 ft. wide catwalks and associated tie poles. The project will be located in the waters off Smith Bayou at 105 Orange Street, Ozona, more specifically described as follows:

S 265 FT(S) OF SW 1/4 OF SW 1/4 LYING W OF ORANGE ST & E OF WATERS EDGE

An Administrative Hearing will be held on MONDAY, DECEMBER 17, 2007 at 2:00 P.M. in the PUBLIC WORKS CONFERENCE ROOM, 1ST FLOOR, 440 COURT STREET, CLEARWATER, FLORIDA to gather information and facts to use in formulating a staff recommendation to the Authority.

Interested parties may appear at both hearings to be heard in support of or objection to said application. Should individuals wish to respond by correspondence or review the application, please contact the Water and Navigation Section of the Department of Environmental Management at 510 Bay Avenue, Clearwater, FL, 33756 or call (727) 453-3385.

Persons are advised that, if they decide to appeal any decision made at this hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS PUBLIC HEARING NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 S. FT. HARRISON AVE., STE. 500, CLEARWATER, FL 33756. (727) 464-4062 (VTDD).

KEN BURKE, CLERK TO THE
PINELLAS COUNTY WATER AND NAVIGATION
CONTROL AUTHORITY
By Linda R. Reed, Deputy Clerk