

**CONSENT AGENDA TABLE OF CONTENTS**  
**REGULATORY ITEMS FOR GOVERNING BOARD ACTION**  
**March 10, 2011**

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## REGULATION AGENDA ITEMS

**PERMIT DENIAL:** Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

**Environmental Resource (ERP):** Permits that consider such factors as the storage of storm water to prevent flooding of a project (upstream or downstream projects); the treatment of stormwater prior to discharge from the site to remove pollutants; and the protection of wetlands on the project site.

**Surface Water Management:** Permits for drainage systems, which address flood protection, water quality, and environmental protection of wetlands.

**Water Use:** Permits for the use of ground and/or surface water from wells, canals, or lakes.

**Lake Okeechobee Works of the District:** Permits that set concentration limits for total phosphorus in surface discharge from individual parcels in the Lake Okeechobee Basin.

**EAA Works of the District:** Permits to reduce the total phosphorus load from the EAA by 25 percent in water discharged to Works of the District.

**Wetland Resource:** Permits for dredge and fill activities within Waters of the State and their associated wetlands.

**ADMINISTRATIVE HEARING:** A case in litigation conducted pursuant to the Administrative Procedures Act (Chapter 120, Florida Statutes) involving the determination of a suit upon its merits. Administrative hearings provide for a timely and cost effective dispute resolution forum for interested persons objecting to agency action.

**FINAL ORDER:** The Administrative Procedures Act requires the District to timely render a final order for an administrative hearing after the hearing officer submits a recommended order. The final order must be in writing and include findings of fact and conclusions of law.

**CONSENT ORDER:** A voluntary contractual agreement between the District and a party in dispute which legally binds the parties to the terms and conditions contained in the agreement. Normally used as a vehicle to outline the terms and conditions regarding settlement of an enforcement action.

**CONSERVATION EASEMENT:** A perpetual fee ownership in real property that retains such land or water area in its predominantly natural, scenic, open, or wooded condition. Conservation easements generally limit the use of the conservation area to passive, recreational activities such as hiking and bicycling. The District will consider as mitigation for the adverse impacts to wetlands or other surface waters functions caused by a proposed project, the preservation, by conservation easement, of wetland ecosystems.

**TECHNICAL DENIAL:** This action normally takes place when a proposed project design does not meet water management criteria or the applicant does not supply information necessary to complete the technical review of an application.

**EMERGENCY ORDER and AUTHORIZATION:** An immediate final order issued without notice by the Executive Director, with the concurrence and advice of the Governing Board, pursuant to (Section 373.119(2), Florida Statutes, when a situation arises that requires timely action to protect the public health, safety or welfare and other resources enumerated by rule and statute.

**MEMORANDUM OF AGREEMENT/UNDERSTANDING:** A contractual arrangement between the District and a named party or parties. This instrument typically is used to define or explain parameters of a long-term relationship and may establish certain procedures or joint operating decisions.

**PETITION:** An objection in writing to the District, requesting either a formal or an informal administrative hearing, regarding an agency action or a proposed agency action. Usually a petition filed pursuant to Chapter 120, Florida Statutes, challenges agency action, a permit, or a rule. Virtually all agency action is subject to petition by substantially affected persons.

**SEMINOLE TRIBE WORK PLAN:** The District and the Seminole Indians signed a Water Use Compact in 1987. Under the compact, annual work plans are submitted to the District for review and approval. This plan keeps the District informed about the tribe plans for use of their land and the natural resources. Although this is not a permit, the staff has water resource related input to this plan.

**SITE CERTIFICATIONS:** Certain types of projects (power plants, transmission lines, etc.) are permitted by the Governor and Cabinet under special one-stop permitting processes that supercede normal District permits. The Water Management Districts, DEP, DCA, FGFWFC, and other public agencies are mandatory participants. DEP usually coordinates these processes for the Governor and Cabinet.

**VARIANCES FROM, OR WAIVERS OF, PERMIT CRITERIA:** The Florida Administrative Procedures Act provides that persons subject to an agency rule may petition the agency for a variance from, or waiver of, a permitting rule. The Governing Board may grant a petition for variance or waiver when the petitioner demonstrates that 1) the purpose of the underlying statute will be or has been achieved by other means and, 2) when application of the rule would create a substantial hardship or would violate principles of fairness.



DENIALS

COLLIER COUNTY

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1. CENTURY PARK CENTER APPL. NO. 040407-14  
WALLACE L LEWIS JR PERMIT NO. 11-02354-W  
SEC 36 TWP 49S RGE 26E ACREAGE: 15.72  
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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2. CENTURY PARK CENTER APPL. NO. 080227-12  
WALLACE L LEWIS JR PERMIT NO. N/A  
SEC 36 TWP 49S RGE 26E ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE

WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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3. CENTURY PARK CENTER APPL. NO. 040301-15  
WALLACE L LEWIS JR PERMIT NO. N/A  
SEC 36 TWP 49S RGE 26E ACREAGE: 305.56  
LAND USE: INDUSTRIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)

RECEIVING BODY: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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4. FALLS OF PORTOFINO APPL. NO. 060118-5  
PRIME HOMES AT PORTOFINO FALLS LTD PERMIT NO. 11-02332-P  
SEC 34 TWP 48S RGE 26E ACREAGE: 69.00  
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (GENERAL PERMIT MODIFICATION)

RECEIVING BODY: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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**DENIALS**

**LEE COUNTY**

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1. HML METRO COMMERCIAL APPL. NO. 080603-10  
HML PROPERTIES LLC PERMIT NO. 36-06881-W  
SEC 6 TWP 45S RGE 25E ACREAGE: 5.02  
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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2. HML METRO COMMERCIAL APPL. NO. 080801-17  
HML PROPERTIES LLC PERMIT NO. N/A  
SEC 6 TWP 45S RGE 25E ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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DENIALS

MARTIN COUNTY

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1. LOST RIVER COVE PHASE 2  
LOST RIVER PROPERTIES LLC  
SEC N/A TWP N/AS RGE N/AE  
APPL. NO. 040123-5  
PERMIT NO. N/A  
ACREAGE: 1.20  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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2. THE SANCTUARY AT MANATEE BAY  
THE VENTURE GROUP OF JUPITER INC  
SEC 51 TWP 38S RGE 41E  
APPL. NO. 081202-2  
PERMIT NO. N/A  
ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: WATER TABLE AQUIFER  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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**DENIALS**

**MIAMI-DADE COUNTY**

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1. PINNACLE SQUARE  
PINNACLE SQUARE LTD  
SEC N/A TWP N/AS RGE N/AE

APPL. NO. 070709-21  
PERMIT NO. N/A  
ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE  
APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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DENIALS

ORANGE COUNTY

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1. CINTAS FACILITY ORLANDO APPL. NO. 080512-18  
CINTAS CORPORATION NO 2 PERMIT NO. 48-00055-S  
SEC 4 TWP 24S RGE 29E ACREAGE: 8.67  
LAND USE: COMMERCIAL

PERMIT TYPE: SURFACE WATER MANAGEMENT (GENERAL PERMIT MODIFICATION)  
RECEIVING BODY: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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2. LAKE BRYAN HOTEL APPL. NO. 080924-7  
LAKE BRYAN DEVELOPMENT LLC PERMIT NO. N/A  
SEC 27 TWP 24S RGE 28E ACREAGE: 9.85  
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)  
RECEIVING BODY: LAKE BRYAN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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3. THE GARDENS AT VILLAGE OF WINDERMERE APPL. NO. 080310-12  
VERANDA PARTNERS LLC PERMIT NO. 48-01877-W  
SEC 12 TWP 23S RGE 27E ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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4. THE MONK PD APPL. NO. 080215-10  
MONK PARTNERS LLC PERMIT NO. N/A  
SEC 26 TWP 23S RGE 27E ACREAGE: 63.26  
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)  
RECEIVING BODY: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
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DENIALS

PALM BEACH COUNTY

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1. AMANZI CONDOS  
AMANZI CONDOS LLC  
SEC 20 TWP 44S RGE 44E

APPL. NO. 080110-11  
PERMIT NO. N/A  
ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: WATER TABLE AQUIFER  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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2. BOCA BEND  
BOCA BEND LLC  
SEC 31 TWP 47S RGE 43E

APPL. NO. 070322-19  
PERMIT NO. N/A  
ACREAGE: .07  
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)  
RECEIVING BODY: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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DENIALS

ST LUCIE COUNTY

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1. KING LEAL INDUSTRIAL CENTER APPL. NO. 040505-8  
INCOM PROPERTIES 31 INCORPORATED PERMIT NO. N/A  
SEC 36 TWP 34S RGE 39E ACREAGE: 34.33  
LAND USE: INDUSTRIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)  
RECEIVING BODY: FORT PIERCE FARMS WATER CONTROL DISTRICT CANAL NO.1  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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2. KING LEAL INDUSTRIAL PARK APPL. NO. 050214-14  
INCOM PROPERTIES 31 INC PERMIT NO. 56-02166-W  
SEC 36 TWP 34S RGE 39E ACREAGE: 4.01  
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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3. KING LEAL INDUSTRIAL PARK APPL. NO. 070716-24  
INCOM PROPERTIES 31 LLC PERMIT NO. 56-02727-W  
SEC 36 TWP 34S RGE 39E ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: APRIL 14, 2011

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4. VICTORIA OAKS PUD APPL. NO. 071001-9  
JENKINS ROAD 90 LLC PERMIT NO. 56-02861-W  
SEC 1 TWP 35S RGE 39E ACREAGE: 1.00  
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: MARCH 10, 2011

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CONSENT ORDERS

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1. RESPONDENT: LAKESHORE AT UNIVERSITY PARK SECTION 1 ASSOCIATION, INC.  
PROJECT: LAKESHORE AT UNIVERSITY PARK

SEC 21 TWP 51S RGE 41E BROWARD COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE FOR  
IRRIGATION

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2. RESPONDENT: UNIVERSITY OF FLORIDA, SOUTHWEST FLORIDA RESEARCH AND EDUCATION  
CENTER  
PROJECT: SOUTHWEST FLORIDA RESEARCH AND EDUCATION CENTER

SEC 20 TWP 46S RGE 29E COLLIER COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT  
CONDITION FOR FAILURE TO SUBMIT MONITORING DATA

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3. RESPONDENT: ADVENTURE TOURS OF SOUTH FLORIDA, INC.  
PROJECT: ADVENTURE TOURS

SEC 13 TWP 40S RGE 32E GLADES COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WORKS AND ALTERATION  
OF WETLANDS AND PERMANENT STRUCTURES AND FACILITIES CONSTRUCTED WITHIN SOVEREIGN  
SUBMERGED LANDS AND A SOUTH FLORIDA WATER MANAGEMENT RIGHT-OF-WAY.

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