

Memorandum



Date: June 23, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

From: John W. Renfrow, P.E., Director
Environmental Resources Management

A handwritten signature in black ink, appearing to read "John W. Renfrow", with a long horizontal flourish extending to the right.

Subject: C-14 #Z2005000037-Revised
Emilio Garcell
12350 & 12400 SW 199 Ave
Non-Use Variance of Lot Area Requirements for an Existing Single Family Residence
(GU) (7.78 Ac.)
15-55-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that the request meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code); therefore, the application may be scheduled for public hearing.

However, the subject site is located in an area that receives no flood protection, and therefore is likely to experience frequent flooding that persists for extended periods of time. It is DERM's staff opinion that the use of septic systems in an area with a high potential for flooding, will likely result in a human health hazard as well as the degradation of surface and ground water quality. In addition, DERM notes that the Zoning Overlay Ordinance outlines that a density of no greater than one (1) unit per five (5) acres can be approved, provided that positive drainage flood control facilities are available to protect the area from a one-in-ten year flood event. This flood control facility does not exist. Accordingly, DERM recommends denial of the application.

Potable Water Supply and Wastewater Disposal:

The closest public water and public sanitary sewers are located approximately 4.4 miles from the site. Therefore, any land use on the property requiring sanitary facilities would have to be served by an on-site drinking water supply well and a septic tank.

The use of an on-site drinking water supply well may only be approved if groundwater quality in the area is such that drinking water standards can be met by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required from septic tanks and drainfields and from all surface waters. Furthermore, any on-site drinking water supply well may only be approved subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the said system.

Section 24-43.1 of the Code provides that the use of a septic tank as a means for the disposal of domestic liquid waste in conjunction with an on-site drinking water supply well, may only be approved if the property contains at least 20,328 square feet of unsubmerged land.

Notwithstanding the foregoing, DERM staff believes that the aforesaid Code provisions are intended for property that receives flood protection. As previously stated, the subject site is located in an area that receives no flood protection and consequently, has the potential of remaining flooded for prolonged periods. Staff believes that during these extended periods of flooding, the septic tank effluent may short circuit to the on-site drinking water well via the standing waters, thus becoming a health hazard for this property as well as for the neighboring ones.

DERM staff further believes that approval of the subject application would set a precedent for allowing intensified development that would induce the proliferation of septic tanks on less than forty acres; and furthermore, would be inconsistent with the language and intent of the Zoning Overlay Ordinance. Accordingly, DERM recommends that the application be denied.

Stormwater Management:

The subject property is located in area that receives no flood protection; therefore, it may not be approved for concurrency for flood protection.

Wetland Permitting Comments:

Although the subject property lies within a jurisdictional wetland basin, it does not contain jurisdictional wetlands.

Tree Preservation:

The subject property contains tree resources. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service (LOS) standards as specified in the adopted Comprehensive Master Plan (CDMP) for potable water and supply and wastewater disposal.

However, since the property is located within an area that has no flood protection, the application does not meet the LOS standards for flood protection specified in the CDMP. Therefore, the application cannot be approved for concurrency.

In summary, the application meets the minimum requirements of Chapter 24 of the Code. Therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written consent to that effect as required by the Code. Notwithstanding the foregoing, DERM staff believes that approval of the application may result in an unwarranted source of contamination of surface and groundwater; accordingly, DERM recommends denial of the same.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z