

Memorandum

Date: March 21, 2014

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: DIC #Z2012000128-3rd Revision
Ferro Development LLC
SW 8th Street and 152nd Avenue, Miami, Florida
Charter School
(BU-1A) (8.97 Acres)
04-54-39



The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). As noted in the attached comments, your application has been reviewed and approved for compliance with the requirements of Chapter 24 of the Code subject to the conditions below and may be scheduled for hearing:

Conditions for Covenant:

Prior to BCC approval of this zoning application, the applicant shall submit to DERM a properly executed covenant running with the land in favor of Miami-Dade County. The covenant shall provide that with the exception of the materials permitted under Board Order No. 14-02, hazardous material shall not be used, generated, stored, disposed of, handled or discharge on the property.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that regulate land uses within the wellfield protection area.

Section 24-43(5) of the Code requires that no zoning action may occur within the West Wellfield interim protection area without the prior written approval of the Director of DERM or his designee. The same Code Section further provides that the Director or his designee shall issue his written approval only after ascertaining that hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on the property and the owner of the property has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County which provides for this requirement.

In as much as the above-noted request did not comply with the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board granted the property owner a variance from the requirements of Section 24-43(5) of the Code via Board Order 14-02. This approval is subject to several conditions.

Potable Water Service

The subject property is located within Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. A 12-inch public water main is abutting this property on the east side.

The source for this water supply is Alexander Orr Water Treatment Plant, which is owned and operated by MDWASD. This plant has sufficient capacity to provide current water demand, and is presently producing water that meets Federal, State, and County drinking water standards.

Wastewater Disposal

The subject property is located within MDWASD sewer franchised service area. A public sanitary sewer 20-inch force main is abutting the subject property along S.W. 8th Street, as well as a 16-inch force main along S.W. 152nd Avenue.

The wastewater flows is directed into pump station 30-1213, then into either pump station 30-0559 or pump station 30-0536, then to pump station 30-Tandem and finally to the South District Wastewater Treatment Plant. All the aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department. The aforesaid force main and pump stations, are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Water and Wastewater Engineering Section of DERM prior to approval of final development orders.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

This proposed development is located within the Basin Bird Drive and currently has a Cut and Fill approval (CF 328). Any deviation of the final site plan from the conditions below will require a modification of CF-328.

A Class II permit is required; this permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

The site, with exception of the water management areas, shall be filled to Miami-Dade County Flood criteria or +8.20 feet NGVD, with a low point set at +7.7 feet NGVD.

No encroachment shall be allowed in the surface water management area from elevation +5.0 feet to +9.20 feet NGVD.

A berm with minimum elevation of +8.60 feet NGVD along the property lines, with equivalent grading to match the required berm elevation at all roadway entrances shall be provided.

An Environmental Resources Permit from the South Florida Water Management District may be required for the construction and operation of the required surface water management system. It is the applicant responsibility to contact this agency for more information regarding said permit.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Wetlands

The subject property is located within the Bird Drive Wetland Basin, and is a wetland as defined in Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property.

Class IV Wetland Permit 2009-CLIV-PER-00039 was issued for this site and authorizes the impacts to 0.00027 acres of wetlands for soil borings associated with geotechnical due diligence. This permit is scheduled to expire on March 8, 2014. However, please be advised that a Class IV Wetland Permit will be required for the remaining wetlands on the site prior to the construction of the proposed charter school.

The Coastal and Wetlands Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject property revealed the presence of tree resources; however, the property is located in a designated wetland basin and will be regulated through a Class IV Wetland Permit.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Eric Silva, Department of Regulatory and Economic Resources