

Memorandum



Date: May 18, 2016

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: BCC #Z2012000156-9th Revision
Lones Family Limited Partnership
9790 SW 97th Avenue
Special Exception for a Charter School with Grades K-12 and 2,000
Students; AND Non-Use Variance to Permit School Buildings
Setback Less than Required from Property Lines.
(EU-1) (8.00 Acres)
05-55-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

The subject property is located within the MDWASD water franchised service area. There is an existing 12-inch water main that presently serves the property. Said main is owned and operated by MDWASD.

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

Wastewater Disposal

The subject property is currently served by public water supply and septic tank disposal system. Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage or if the property is within feasible distance for connection to the public sanitary sewer system.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public

sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

As noted in the letter of intent the property is currently improved with a single family home, as well as several buildings for an existing private school. The Environmental Quality Control Board (EQCB) approved an extension of time, via Board Order No. 14-36, to allow the continued use and expansion of a private school on a property that is served by septic tank; although public sanitary sewer abuts the subject property. Pursuant to Board Order No. 14-36, the extension of time will automatically expire on May 8, 2018.

Pursuant to Section 24-43.1(4)(a) of the Code, the property owner has a properly executed covenant running with the land in favor of Miami-Dade County (CFN 2016 R 151293) which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Tree Preservation

Revised site plans that were received by the Department on January 21, 2016 revealed that the specimen size trees requiring preservation are now being preserved. The prohibited trees that were shown on a previous tree disposition list/tree survey as to remain are now being removed as required. Four (4) specimen size trees are being proposed for removal however they can be permitted for removal due to condition. All trees outside of those areas being developed are to remain and be protected by barriers throughout development. No work including land clearing, or grading) may begin until DERM has verified that all barriers are in place and DERM authorization has been given for the commencement of construction (unless prior written approval is granted by DERM). The applicant must notify the DERM project manager when the barriers are in place and schedule an inspection (two weeks notice is required). Protective barriers shall be constructed of wood, plastic, or metal and shall be a minimum of four (4) feet above ground level. Protective barriers shall be placed no less than (6) feet (radius distance) from the trunk of any protected tree or cluster of trees. Protective barriers must remain in place until development is completed and the Department has authorized their removal. During all site work and construction, no soil, vehicles, heavy equipment (such as bulldozers or backhoes), fill, building materials, construction debris, or dead vegetation shall be placed, stored, or deposited within the areas of protective barriers. Natural grade shall be maintained around the trees. Underground utility lines shall be placed to minimize disturbance to all remaining trees by using techniques such as (but not limited to) tunneling. This site does contain numerous prohibited trees as referenced in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited trees must be removed from site prior to development.

Wellfield Protection

The subject properties are located within the Average Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Since the subject request would permit non-residential land uses, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Stormwater Management

A Surface Water Management General Permit from the Water Control Section of DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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 properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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 be required for the proposed project. It is the applicant's responsibility to contact these agencies.

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.

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources