

Memorandum



Date: April 2, 2014

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 #Z2013000092-1st Revision
Bird Road Corridor Urban Area District (BRCUAD)
Bird Road, SW 40 Street between the Palmetto Expressway and
the FTP Homestead Extension Palmetto, Miami-Dade County,
Florida
(BU-1A) (315 Acres)
22-54-40

Enclosed, please find the Department of Regulatory and Economic Resources - Division of Environmental Resources Management (DERM) review of the above referenced zoning application for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County, Florida (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 and may be scheduled for hearing.

Wellfield Protection

The portions of township 54, range 40, sections 15, 16, 17 and a portion of Section 18 within the proposed Bird Road Corridor Urban Area District (BRCUAD) are located within the Alexander Orr Wellfield protection area; more specifically, within the maximum and average travel time contours of the said wellfield protection area. Therefore, development on the properties within the wellfield shall be in accordance with the regulations established in Section 24-43 of the Code.

The subject request is to establish a zoning classification that would allow non-residential land uses in this area. Section 24-43(5) of the Code provides that for properties located within the basic wellfield protection area of any public utility potable water supply well, no County or municipal officer, agent, employee, or Board shall approve grant or issue any zoning action for non-residential land uses, unless the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County, which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on that portion of the property located within the basic wellfield protection area of any public utility potable water supply well. Some of the existing non-residential properties in the proposed BRCUAD located in this wellfield protection area do not have the aforementioned covenant. Each non-residential property located in the wellfield protection area would be required to file a covenant prior to the Department approval of this zoning request.

The applicant applied for variances from the aforesaid Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition to allow the zoning change action to proceed and to allow each property owner to file the required covenant prior to the approval of any subsequent development orders for any of the properties affected by the zoning action.

Wastewater Disposal

The proposed BRCUAD is located within the Miami-Dade Water and Sewer Department (MDWASD), sanitary sewer franchised service areas. Sanitary sewers are available on certain portions of this area.

The wastewater flows are directed via the sewage conveyance system to the MDWASD Wastewater Treatment Plants, which is an interconnected system, and at present it has sufficient capacity to treat current discharge. Inasmuch as there may be that at some point in time one or more sanitary sewer pump stations are on moratorium status, the capacity of the conveyance system would have to be determined on a case by case basis and would depend on the location of any specific property, at any given time, and would also depend on any proposed land use.

Several of the non-residential properties within the proposed BRCUAD do not have access to public sanitary sewers and are either served by a septic tank and drainfield system or would be served by a septic tank. Pursuant to the Code, non-residential properties can be approved for the interim use of a septic tank and drainfield, provided that the following items are satisfied:

1. The proposed development does not exceed the maximum sewage loading allowed by Section 24-43.1(4)(b) of the Code of 1,500 gallons per day per acre.
2. Pursuant to Section 24-43.1(4)(a) of the Code, the property owner submits a properly executed covenant running with the land in favor of Miami-Dade County 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. The covenant shall be submitted to and approved by the Department prior to public hearing. Each non-residential property served by a septic tank would be required to file a covenant prior to the Department approval of this zoning request.

The applicant applied for variances from the aforesaid Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition to allow the zoning change action to proceed and to allow each property owner to file the required covenant prior to the approval of any subsequent development orders for any of the properties affected by the zoning action.

Water Supply

Public water can be made available to the properties in the proposed BRCUAD. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Stormwater Management

A Class VI Permit may be required for the construction of drainage systems in the proposed BRCUAD area.

Drainage restrictions may be applicable, since the site is located within the Alexander Orr Wellfield protection area.

An Environmental Resources Permit from the South Florida Water Management District may be required for the construction and operation of the any surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

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 plans shall 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.

Pollution Remediation

There are records of current contamination assessment/remediation sites within the boundaries of the proposed BRCUAD. The Environmental Monitoring and Restoration Division of the DERM will require review of development and construction plans as they relate to environmental conditions of the properties for projects that fall within a documented contaminated site.

Wetlands

The proposed BRCUAD does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetlands 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.

Tree Preservation

The project corridor may contain specimen-sized trees (trunk diameter 18 inches or greater) along the right of way of SW 40th Street. Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. Since the project is located within a road designated as part of the State Highway System, a County permit is not required for the removal/relocation of tree resources along the right of ways. FDOT is encouraged to coordinate with the Tree Permitting Program of DERM (305-372-6574) prior to any removal/relocation of tree resources.

Please be advised that tree resources subject to the Tree Preservation and Protection provisions of the Code that are located within the sites abutting the corridor will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

Enforcement History

There are ninety two (92) closed enforcement records and fourteen (14) open enforcement cases records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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: Nathan Kogon, Department of Regulatory and Economic Resources