

Memorandum



Date: May 21, 2015

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", written over the printed name in the "From:" field.

Subject: C-12 #Z2015000012
Miami-Dade County Human Services
11025 SW 84 Street
DBC from GU to RU-4L; and Special Exception to permit a charter
school
(GU) (8.9 Acres)
31-54-40

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 subject to the following conditions.

Conditions for Approval

- 1) Preserve specimen trees labeled 3, 4, 5, 46 and 61 in their current location and preserve and relocate specimen trees labeled 20, 38 and 65 within the subject property as depicted in revised landscape plan entitled "SEED School of Miami", prepared by James Santiago, dated May 4, 2015, stamped received on May 4, 2015 pursuant to Section 24-49.2(II)(2) of the Code of Miami Dade County. The applicant shall modify construction building permit plans, if necessary, to prevent any improper cutting or pruning and to prevent any damage to the specimen trees,
- 2) Execute a specimen tree covenant to preserve these specimen trees being preserved in their present locations
- 3) Obtain a Miami-Dade County Tree Removal/Relocation permit prior to the removal and/or relocation of any trees on the subject site
- 4) Submit a DERM approved endangered species survey and as a condition of any demolition/development permits for this project because of the potential presence of protected bat species in the structures on-site.

Natural Resources

The applicant is advised that in November 2013, the United States Fish and Wildlife Service listed the Florida bonneted bat as endangered under the Endangered Species Act (ESA). The application site is located within the United States Fish and Wildlife Service consultation area for the federally endangered Florida bonneted bat. The subject parcel provides a combination of factors that is similar to other sites in Miami-Dade County where foraging or roosting by the Florida bonneted bat has been documented. Additionally, it is DERM's understanding that data has been collected indicating the presence of the bonneted bat within the subject folio.

The Miami-Dade County Comprehensive Development Master Plan (CDMP) requires preservation of certain specimen trees as well as the roosts and foraging habitats of listed species such as the Florida bonneted bat. Specifically, Policy CON-9B of the Conservation Element of the CDMP states: "All nesting, roosting and feeding habitats used by federal or state designated endangered or threatened species, shall be protected and buffered from surrounding development or activities..." In addition, Policy CON-9C of the CDMP states that "Rookeries and nesting sites used by federal or state designated endangered or threatened species shall not be moved or destroyed."

In response to DERM's previous comments, the applicant submitted a tree permit application with adjusted landscape plans and a threatened and endangered species assessment summary report. DERM notes the assessment summary report is insufficient for DERM to determine compliance with the CDMP. The applicant is advised to continue to consult with USFWS regarding these endangered species issues.

DERM staff has reviewed the revised landscape plan entitled "SEED School of Miami", prepared by James Santiago, dated May 4, 2015, stamped received on May 4, 2015 and has determined that the proposed plan is in accordance with Section 24-49.2 of the County Code. DERM notes that the applicant now proposes to preserve specimen trees on the subject property through a redesign of the site plan. Specimen trees labeled 3, 4, 5, 46 and 61 shall be preserved in their present locations. Specimen trees labeled 20, 38 and 65 shall be relocated and preserved within the subject property.

Based on the above, DERM has no objection to the approval of this application provided that, as a condition of the zoning approval, the applicant is required to: 1) preserve the aforementioned specimen trees pursuant to Section 24-49.2(II)(2) of the Code of Miami Dade County including to modify the construction plans if necessary to prevent any improper cutting or pruning and to prevent any damage to the specimen trees, 2) execute a specimen tree covenant to preserve these specimen trees being preserved in their present locations, 3) obtain a Miami-Dade County Tree Removal/Relocation permit prior to the removal and/or relocation of any trees on the subject site and 4) submit a DERM approved endangered species survey and as a condition of any demolition/development permits for this project because of the potential presence of protected bat species in the structures on-site.

Additionally, in accordance with Chapter 24 of the County Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to redevelopment and the parcel shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of zoning approval.

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area of the Alexander Orr Wellfield. The site is situated within the 100, 210 and Average days travel time contour of the Alexander Orr

Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Section 24-43(5) of the Code requires that no zoning action may occur within the Basic Wellfield Protection Area without the prior written approval of the Director of DERM or designee. The same Code Section further provides that the Director or designee shall issue 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 a properly executed covenant running with the land in favor of Miami-Dade County which provides for this requirement. The plans submitted with this zoning application do not depict any uses that will use, generate, handle, dispose of, discharge or store hazardous materials or hazardous waste on the subject property. Furthermore, the subject property has a properly executed covenant running with the land in favor of Miami-Dade County as required by the Code.

Potable Water

The subject area is located within the Miami-Dade Water and Sewer Department (MDWASD) water franchise service area. A 6-inch water distribution main abuts the property along the North, South, and East side of the property. There is also a 6-inch water main running inside the property from the East. Water Extension permit 2014-WAT-EXT-00054 was issued for the site on April 17, 2014, by the Environmental Permitting Section of RER.

The source for this water supply is the MDWASD's Alexander Orr 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 located within MDWASD's sanitary sewer franchise service area. A 10-inch force main abuts the property along SW 84th Street.

Currently, the corresponding downstream sanitary pump stations 30-0536 or 30-0559, 30-TANDEM and South District Wastewater Treatment Plant are operating in compliance within the requirements set forth in the new USEPA/FDEP Consent Decree (Case: NO. 1:12-cv-24400-FAM, effective December 6, 2013) between the Environmental Protection Agency and Miami Dade County.

Civil drawing for the required sewer main extension will need to be approved by MDWASD and the Environmental Wastewater Permitting Section of DERM prior to approval of final development orders.

Stormwater Management

A DERM Surface Water Management General Permit 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.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 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.

Enforcement History

The subject property has one (1) closed enforcement records for violations of Chapter 24 of the Code. For further information on this case contact the DERM Enforcement Section at (305) 372-6600.

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