

Memorandum

MIAMI-DADE
COUNTY

Date: December 1, 2009

To: Honorable Chairman Dennis C. Moss and Members,
Board of County Commissioners

Agenda Item No. 5(C)

From: George M. Burgess
County Manager



Subject: Class IV Permit Application by Aquarela Homes, Inc., to Impact 18.72 Acres of
Wetlands to Construct a Residential Development

Attached, please find for your consideration an application by Aquarela Homes, Inc. for a Class IV permit. Also attached is the recommendation of the Director of the Department of Environmental Resources Management and a resolution seeking the Board's approval of the aforesaid Class IV permit.



Assistant County Manager

Memorandum

MIAMI-DADE
COUNTY

Date: December 1, 2009

To: George M. Burgess
County Manager

From:  Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class IV Permit Application by Aquarela Homes, Inc., to Impact 18.72 Acres of Wetlands to Construct a Residential Development

Recommendation

I have reviewed the attached application for a Class IV permit by Aquarela Homes, Inc. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, I recommend that the Board of County Commissioners (Board) approve the issuance of a Class IV permit for the reasons set forth below.

Scope

The subject property is located at the northeast corner of SW 344th Street and SW 172nd Avenue in Florida City, within Commission District 9.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class IV permit application involves the proposed dredging and filling of 18.72 acres of wetlands not supporting halophytic (salt tolerant) vegetation for a residential development. The subject property is located at the northeast corner of SW 344 Street and SW 172 Avenue in the City of Florida City. Chapter 24-48 of the Code of Miami-Dade County, which regulates the permitting of environmental resources, requires Board approval for the issuance of Class IV permits to dredge and fill more than 15 acres of wetlands within the Urban Development Boundary (UDB). The proposed project site is within the UDB and adjacent to undeveloped wetlands to the east, an active tree nursery to the north, SW 172 Avenue to the west and the Florida City Canal/SW 344 Street to the south.

The wetlands that will be impacted within the project area have been drained and previously cultivated, so the native wetland community no longer remains. The wetlands within the project area are currently characterized as forested wetlands dominated with invasive exotic vegetation, predominantly Brazilian pepper (*Schinus terebinthifolius*) and Burma reed (*Neyraudia reynaudiana*). Compensatory mitigation for the ecological impacts related to the loss of wetland functions will be accomplished by purchasing 7.0 freshwater herbaceous mitigation credits in the Everglades Mitigation Bank, owned and managed by Florida Power & Light Company. The wetland restoration and enhancement projects conducted within the Everglades Mitigation Bank have enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural grade elevations, and implementing a fire management program.

George M. Burgess
County Manager
Page 2

The proposed project has been designed in accordance with all relevant Miami-Dade County Class IV permit criteria and is consistent with all other Miami-Dade County wetland protection provisions. Please find attached a Project Report from the Department of Environmental Resources Management (DERM) Wetland Resources Section, which sets forth in more detail the reasons this project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by reference hereto.

Attachments

- Attachment A: Class IV Permit Application
Site Plans
- Attachment B: Applicants/Agents Letter
Engineer's Certification Letter
- Attachment C: Zoning Approval Letter
DERM Water Control's Cut & Fill Approval
Mitigation Acceptance Letter
- Attachment D: Adjacent Property Owners List
- Attachment E: Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY
AQUARELA HOMES, INC., FOR A CLASS IV PERMIT TO IMPACT
18.72 ACRES OF WETLANDS TO CONSTRUCT A RESIDENTIAL
DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF SW
344TH STREET AND SW 172ND AVENUE IN SECTION 19, TOWNSHIP
57 SOUTH, RANGE 39 EAST, FLORIDA CITY, MIAMI-DADE
COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by Aquarela Homes, Inc., for a Class IV wetland permit to impact 18.72 acres of wetlands to construct a residential development. Such Public Hearing will be held on the 1st day of December 2009 at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1st Street in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 701 NW 1st Court, Suite 400, Miami, Florida 33136-3912.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Diane Collins, Deputy Clerk), 111 NW 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 701 NW 1st Court, Suite 400, Miami, Florida, 33136.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Diane Collins, Deputy Clerk



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** December 1, 2009
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 5(C)
County Attorney

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (C)
12-1-09

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY
AQUARELA HOMES, INC., FOR A CLASS IV PERMIT
TO IMPACT 18.72 ACRES OF WETLANDS TO
CONSTRUCT A RESIDENTIAL DEVELOPMENT
LOCATED AT THE NORTHEAST CORNER OF SW
344TH STREET AND SW 172ND AVENUE IN SECTION
19, TOWNSHIP 57 SOUTH, RANGE 39 EAST,
FLORIDA CITY, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Aquarela Homes, Inc. for a Class IV permit to impact 18.72 acres of wetlands to construct a residential development within the project site located at the northeast corner of SW 344th Street and SW 172nd Avenue in the City of Florida City, Miami-Dade County, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

ATTACHMENT A

Class IV Permit Application

Site Plans



Class IV Wetland Permit Application

For Official Use Only CORPS Application Number: DEP/SFWMDC Application Number:	Date Received <div style="font-size: 1.2em; text-align: center;">11/3/2009</div>	Application Number <div style="font-size: 1.2em; text-align: center;">FW08-028</div>
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1. Applicant Information:

Name: Aquarela Homes, Inc.

Address: 8000 West 24th Avenue, Bay 1
Hialeah, FL

Zip Code: 33016 Phone # 305-822-0420

Email _____ Fax # _____

2. Applicant's authorized permit agent:

Name: Kenneth MacFarlane, President

Name: MackEn Environmental, Inc.

Address: 9999 NE 2nd Avenue Suite 313
Miami Shores, FL

Zip Code: 33138 Phone 305-758-0560

Email _____ Fax # 305-758-0561

3. Location where proposed activity exists or will occur:

SW 344 Street and SW 172nd Avenue

Street, road, or other descriptive location

Section: 19 Florida City

Township: 57S

Range: 39E Incorporated city or town

16-7919-002-0210, -0220

16-7919-003-0250, -0240, -0230, -0210, -0200, -0220

Folio Number _____

4. Proposed use:

Private Single Dwelling	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Multi-Family Dwelling	<input type="checkbox"/>	Agricultural	<input type="checkbox"/>
Multi-Single Family	<input checked="" type="checkbox"/>	Public	<input type="checkbox"/>
Please explain:		Other	<input type="checkbox"/>

5. Description of Project (Use additional sheets, if necessary)

Total Acreage of Wetlands to be Impacted 18.72

A. Lake Excavation or Dredging:

1. Total wetland acreage to be excavated or dredged NA

2. Cubic yards: Total for Project NA

a. Depth of excavated/dredged area _____

b. Type of material to be excavated/dredged _____

B. Placement of Fill

1. Total wetland acreage to be filled 18.72

a. Cubic yards 60,403

2. Type of material to be used CLEAN FILL

3. Source of fill material to be used LOCAL ROCK PIT

CONTINUED ON NEXT PAGE

5. Description of Project (continued)

C. Agriculture

1. Total wetland area to be cleared and/or plowed NA

2. Total area to be bedded for planting NA

3. Type of agriculture to be conducted (check any that apply):

a. Row Crops

b. Grove

c. Field Nursery

d. Container Nursery

e. Shade House Nursery

f. Other

(please explain) _____

4. If proposed project involves the construction of any drainage, water containment or conveyance facilities (i.e. ditches, diked areas, ponds, swales), please describe the proposed facilities:

NOTE: If the project involves construction of any residential, office, storage facilities or other structures, or if the project involves the placement of a trailer on the property, separate approval from Miami-Dade County Building and Zoning Department (305-375-2500) is required:

6. Date activity is proposed to commence	ASAP
Date activity is proposed to be completed	ASAP

7. Previous permits for this project (or any part thereof) have been:

	Date	State*	Corps*
A. Denied (date)	<input type="text"/>	_____	_____
B. Issued (date)	9/13/2007	ERP #13-03800-P	_____
C. Other (please explain)	_____		

*Differentiate between existing work and proposed work on the drawings.

8. ADDITIONAL ITEMS REQUIRED FOR APPLICATION SUBMITTAL. (Please note that, in addition to the information requested on this application form, there are several other items which must be submitted with your application. See Instruction pamphlet for the additional information required for this application.)

9. AFFIDAVIT OF OWNERSHIP OR CONTROL of the property on which the proposed project is to be undertaken.

I CERTIFY THAT I AM THE RECORD OWNER, LESSEE, OR RECORD EASEMENT HOLDER OF THE PROPERTY DESCRIBED BELOW.

NOTE: Lessees must provide a signed, notarized statement from the property owner indicating that the owner has reviewed the proposed project, including all proposed plans, and has agreed to allow the proposed project to occur on his or her lands.

LEGAL DESCRIPTION OF PROPERTY SITUATED IN MIAMI-DADE COUNTY, FLORIDA
(use additional sheets if necessary)

TRACTS 17, 18, 19 AND 20 OF "REVISED PLAT FLORIDA CITY PARK" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, AT PAGE 48 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA TOGETHER WITH ALL ROADS LYING ADJACENT TO SAID TRACTS CLOSED BY RESOLUTION 95-1.

TOGETHER WITH;
LOTS 29 AND 30 IN BLOCK 20 OF "FLORIDA CITY PARK" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16 AT PAGE 53 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

x *Eduardo Rodriguez*
Signature
Eduardo Rodriguez
Print Name
President, Aquarela Homes, Inc.
Official Title

Sworn and subscribed before me at Miami Dade county, this 3 day of November



Crista Stefanick
COMMISSION # DD880217
EXPIRES: FEB. 13, 2010
WWW.AARONNOTARY.COM

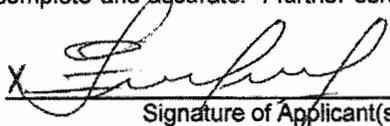
Crista Stefanick
Notary Public

My commission expires: _____

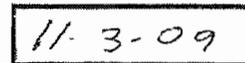
10. APPLICATION IS MADE FOR A PERMIT(S) TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN.

- A. I authorize the agent listed in Item #2 to negotiate modifications or revisions, when necessary, and accept or assent to any requirements on my behalf.
- B. I agree to provide entry to the project site for inspectors with proper identification or documents from Miami-Dade County Department of Environmental Resources Management for the purpose of making preliminary analyses of the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work if a permit is granted.
- C. Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits **before** commencement of construction activities. I also understand that before commencement of this proposed project I must be granted separate permits or authorizations from the U.S. Army Corps of Engineers, the Department of Environmental Protection and the South Florida Water Management District, as necessary.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

X 

Signature of Applicant(s)



Date

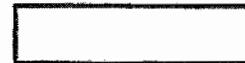
Eduardo Rodriguez

Print Name

President, Aquarela Homes, Inc.

Official Title

Signature of Applicant(s)



Date

Print Name

Print Name

Official Title

Official Title

NOTE: THIS APPLICATION MUST BE SIGNED by the person(s) who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

NOTICE TO PERMIT APPLICANTS

This is a Class IV Permit Application; It is **NOT** A Class IV Permit! You Must Obtain **ALL** Required Local, State, and Federal Authorizations or Permits **BEFORE** Commencing work!!

Revised 6-7-07

Aquarela Homes, Inc.



- Aquarela Homes, Inc. site
- Text
- Street Annotation
- Major Streets
- Parcels
- Canvas
- 33
- 57



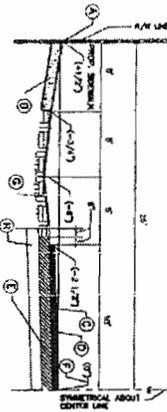
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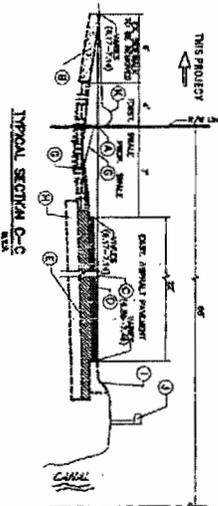
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SCALE: 1 inch = 420.39 Feet

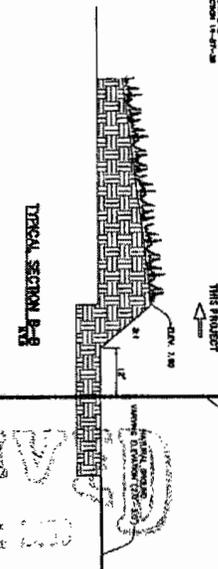
DOLPHIN HOMES FIRST ADDITION



- 1 REINFORCING BARS AT TOP OF SLAB ON GRADE
- 2 CONCRETE SLAB
- 3 REINFORCING BARS AT TOP OF SLAB ON GRADE
- 4 REINFORCING BARS AT TOP OF SLAB ON GRADE
- 5 REINFORCING BARS AT TOP OF SLAB ON GRADE
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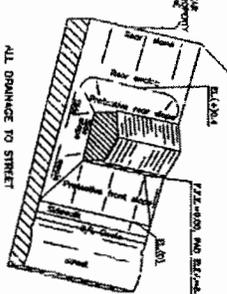
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- 8 REINFORCING BARS AT TOP OF SLAB ON GRADE
- 9 REINFORCING BARS AT TOP OF SLAB ON GRADE
- 10 REINFORCING BARS AT TOP OF SLAB ON GRADE

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE SLAB	100	SQ. YD.	1.20	120.00
2	REINFORCING BARS	100	LB.	0.10	10.00
3	FORMWORK	100	SQ. YD.	0.50	50.00
4	PAVING	100	SQ. YD.	0.80	80.00
5	GRADING	100	SQ. YD.	0.30	30.00
6	FOUNDATION	100	SQ. YD.	0.60	60.00
7	ROOFING	100	SQ. YD.	0.40	40.00
8	MECHANICAL	100	SQ. YD.	0.20	20.00
9	ELECTRICAL	100	SQ. YD.	0.15	15.00
10	LANDSCAPING	100	SQ. YD.	0.10	10.00
11	PAINT	100	SQ. YD.	0.05	5.00
12	FINISH	100	SQ. YD.	0.05	5.00
13	DEMOLITION	100	SQ. YD.	0.05	5.00
14	UTILITIES	100	SQ. YD.	0.05	5.00
15	INSULATION	100	SQ. YD.	0.05	5.00
16	GLAZING	100	SQ. YD.	0.05	5.00
17	MECHANICAL	100	SQ. YD.	0.05	5.00
18	ELECTRICAL	100	SQ. YD.	0.05	5.00
19	LANDSCAPING	100	SQ. YD.	0.05	5.00
20	PAINT	100	SQ. YD.	0.05	5.00
21	FINISH	100	SQ. YD.	0.05	5.00
22	DEMOLITION	100	SQ. YD.	0.05	5.00
23	UTILITIES	100	SQ. YD.	0.05	5.00
24	INSULATION	100	SQ. YD.	0.05	5.00
25	GLAZING	100	SQ. YD.	0.05	5.00
26	MECHANICAL	100	SQ. YD.	0.05	5.00
27	ELECTRICAL	100	SQ. YD.	0.05	5.00
28	LANDSCAPING	100	SQ. YD.	0.05	5.00
29	PAINT	100	SQ. YD.	0.05	5.00
30	FINISH	100	SQ. YD.	0.05	5.00

STRUCTURE TABLE

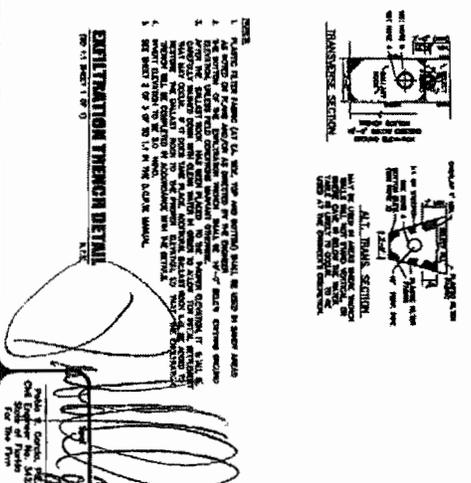


ALL DRAINAGE TO STREET
LOT GRADING
SECTION D-D
N.T.S.

GENERAL NOTES FOR INLETS

1. ALL INLETS SHALL BE 18" DIA. UNLESS OTHERWISE NOTED.
2. ALL INLETS SHALL BE SET AT THE FINISHED GRADE.
3. ALL INLETS SHALL BE SET AT THE FINISHED GRADE.
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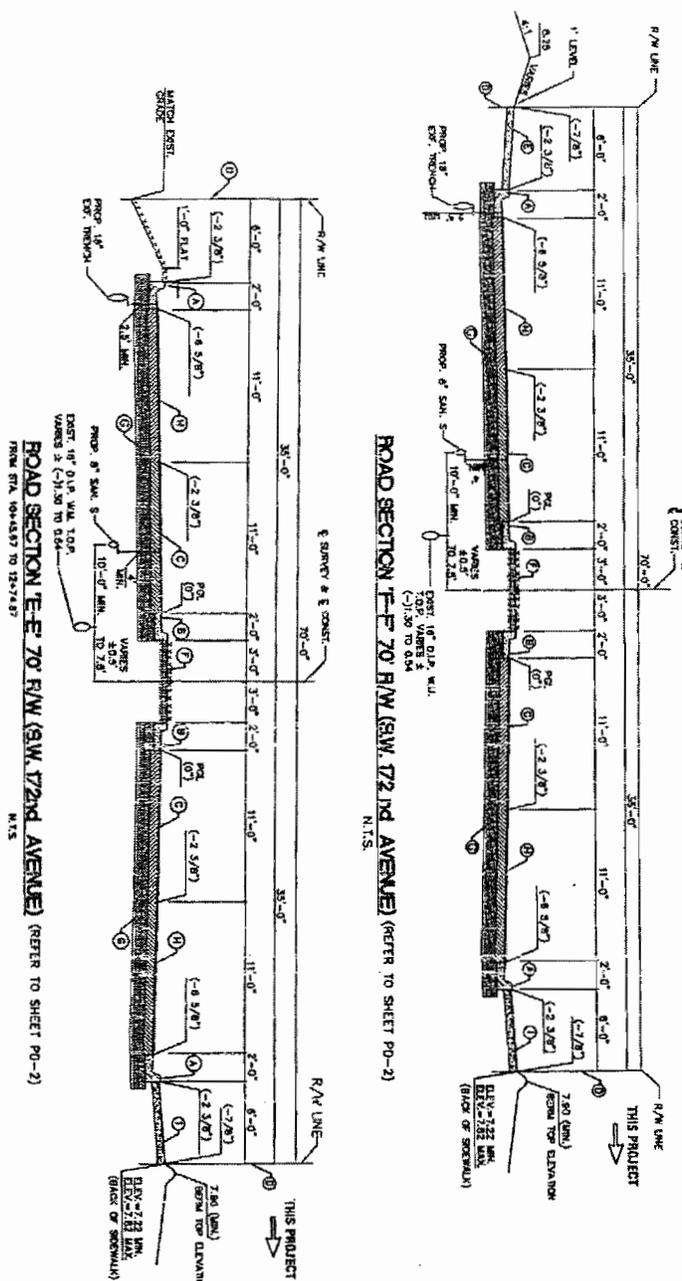
RECEIVED
AUG 24 2005
DERM
Environmental Resource Regulation Division



EXCAVATION TRENCH DETAIL
SECTION
1. ALL TRENCHES SHALL BE 18" WIDE AT THE BOTTOM AND 24" WIDE AT THE TOP.
2. ALL TRENCHES SHALL BE SET AT THE FINISHED GRADE.
3. ALL TRENCHES SHALL BE SET AT THE FINISHED GRADE.
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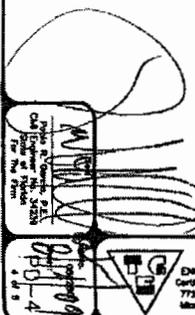
NO.	DATE	BY	APPROVED	REVISION DESCRIPTION
1	07-22-05	G.M.	R.C.	CHANGED PROPOSED ELEVATIONS
2	08-29-05	G.M.	R.C.	CHANGED FINISH FLOOR ELEVATIONS
3	04-07-06	J.B.	J.M.	CITY COMMENTS
4	01-14-06	J.B.	J.M.	REVISION OF CITY COMMENTS

DOLPHIN HOMES FIRST ADDITION



- LEGEND**
- ① 2'-0" CURB NOT BUILT THE "X" (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ② 2'-0" MEDIAN CURB TYPE "C" (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ③ 6" BASE COURSE, FINISHED CHINE MASH (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ④ 12" STABILIZED SANDPAC (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ⑤ 6" CONCRETE SIDEWALK (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ⑥ 12" STABILIZED SANDPAC (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ⑦ ASPHALTIC CONCRETE SURFACE COURSE 7" (BY OTHERS, SEE NOTE ON PAGE 2 OF 5)
 - ⑧ CONCRETE SIDEWALK (BY THIS PROJECT)

RECEIVED
AUG 24 2005
DERM
Environmental Resources Regulation Unit



TRI-COUNTY ENGINEERING, INC. ENGINEERS ARCHITECTS SURVEYORS & MAPPERS Certified: CE-6704, AE-4777, LB-8507 State of Florida 7730 N.W. 146th St. Ft. (305) 823-3737 Miami Lakes, Florida 33016 Fax (305) 823-2172		DOLPHIN HOMES FIRST ADDITION PAVING, GRADING & DRAINAGE PLAN S.W. 344th STREET & S.W. 172nd AVENUE		Date: April, 2005	No.: 01-14-09	BY: J.E. J.M. APRV: J.E. J.M.	REVISION DESCRIPTION 07-22-05 C.M. R.C. CHANGED PROPOSED ELEVATIONS 09-26-05 C.M. R.C. CHANGED FRESH FLOOR ELEVATIONS 04-07-09 J.E. J.M. CITY COMMENTS 01-14-09 J.E. J.M. Supplement of Title, Neighbors Map, Survey
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PORTION OF TRACT 6
(SECTION 30-57-39)

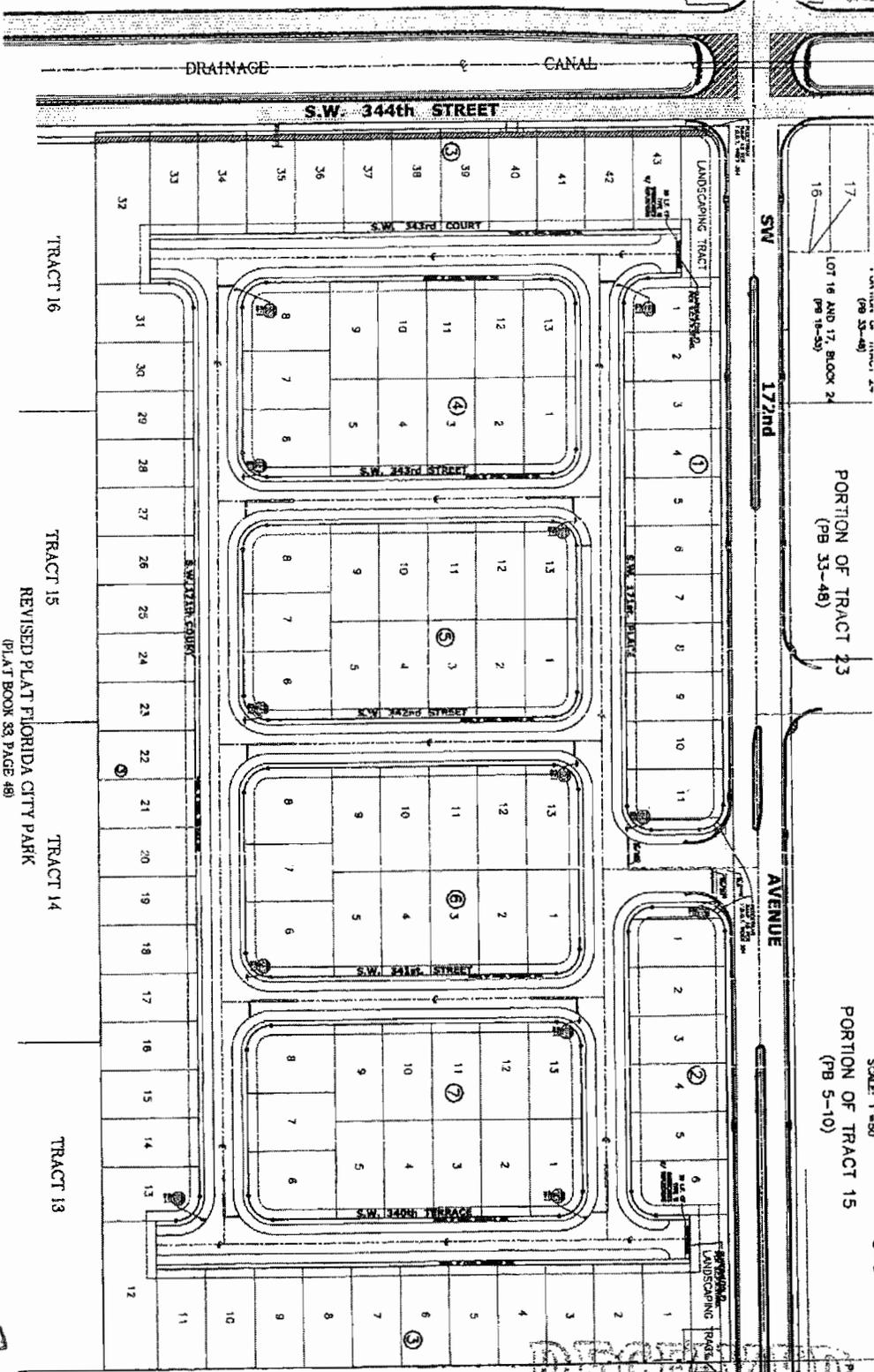
DOLPHIN HOMES FIRST ADDITION

LOT 16 AND 17, BLOCK 24
(PB 19-50)

PORTION OF TRACT 23
(PB 33-48)

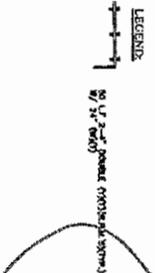
PORTION OF TRACT 15
(PB 5-10)

SCALE: 1"=50'



- TRAFFIC SIGNALS, SIGNS & CONDITIONS.**
1. Engineer shall prepare signing & pavement markings plans on a separate sheet (1"=50' scale minimum), verify field conditions before preparing proposed signing & pavement marking plans.
 2. Contractor shall be responsible for the removal of all pavement markings and signs conflicting with the proposed roadway construction.
 3. Contractor shall be responsible for the installation of all pavement markings and signs as shown in the plans and existing conditions.
 4. Contractor shall be responsible for marking existing pavement markings at the beginning and at the end of the project, and at all intersecting side streets.

5. Contractor shall be responsible for the installation of reflective pavement markers along the entire length of the project.
6. Any signing material, including supports to be removed, shall be delivered by 7:00 AM on 28 Street, Miami, Florida. All signs shall be delivered to the site in an assembly condition. Signs in the plans which are in conflict with street lighting utilities, drainage, pedestrian ramps etc. may be adjusted as directed by the Engineer.
7. Contractor shall be responsible for providing pedestrian ramps with more than 24" existing or proposed (ADA) ramp.



MIAMI LAND AND DEVELOPMENT COMPANY
(PLAT BOOK 5, PAGE 10)
PORTION OF TRACT 7 IN BLOCK 4
(SECTION 19-57-39)

AUG 24 2009

[Signature]
 Date: 8/24/09
 Title: Engineer
 Seal: Professional Engineer No. 12320
 State of Florida

TRI-COUNTY ENGINEERING, INC.
 ENGINEERS ARCHITECTS SURVEYORS & MAPPERS
 7728 N.W. 146th St., Miami Lakes, Florida 33016
 Phone: (305) 823-3737 Fax: (305) 823-3172

NO.	DATE	BY	APPROVED	REVISION DESCRIPTION
1	8/24/09	P. Conde	[Signature]	Final
2		P. Conde	[Signature]	
3		P. Conde	[Signature]	
4		P. Conde	[Signature]	

PD-5
 8 of 3

ATTACHMENT B

Applicants/Agents Letter
Engineer's Certification Letter



MackEn Environmental, Inc.
"Innovative Environmental Solutions"

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

October 27th, 2009

TO:

Miami Dade County DERM
Wetland Resources Section
701 NW 1st Court, 6th Floor
Miami, Florida 33136

Re: Class IV Standard Form Permit Application Number FW 08-028, for the dredging and filling of 18.72 acres of wetlands for a residential development in Section 19, Township 57, Range 39, Miami-Dade County, Florida.

By the attached Class IV Standard Form permit application with supporting documents, I, Mr. Kenneth MacFarlane, am the permit applicant / applicant's authorized agent and hereby request permission to perform the following: dredge and fill 18.72 acres of wetlands for a residential development in Section 19, Township 57, Range 39, Miami-Dade County, Florida. I understand that a Miami-Dade County Class IV Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

Respectfully submitted,

Mr. Kenneth MacFarlane, President, MacKen Environmental, Inc.
Authorized Agent

Tri-County Engineering, Inc.

Engineers • Architects • Surveyors & Mappers
Certificates: EB-6706, AA-2777, LB-6507 State of Florida

ENGINEER LETTER OF CERTIFICATION

Miami-Dade County DERM
Wetland Resources Section
701 NW 1st Court
Miami, Florida 33136

RE: Class IV Standard Form Permit Application Number FW 08-028, for the dredging and filling of 18.72 acres of wetlands for a residential development in Section 19, Township 57, Range 39, Miami-Dade County, Florida

Ladies and Gentlemen:

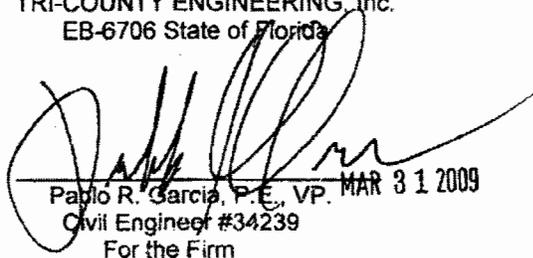
This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

Further, I have been retained by the applicant to provide inspections throughout the construction period and prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely,

TRI-COUNTY ENGINEERING, Inc.
EB-6706 State of Florida


Pablo R. Garcia, P.E., VP. MAR 31 2009
Civil Engineer #34239
For the Firm

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JUL 08 2009

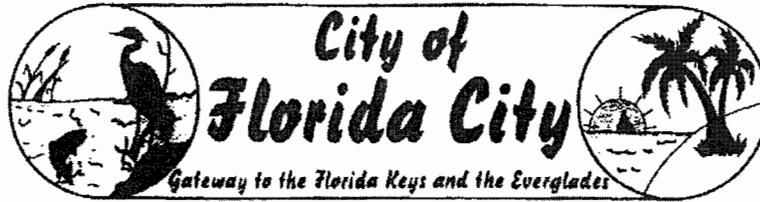
DERM
Environmental Resources Regulation Division

ATTACHMENT C

Zoning Approval Letter

DERM Water Control's Cut & Fill Approval

Mitigation Acceptance Letter



Community Development Department

May 8, 2009

Miami-Dade County DERM
Wetland Resources Section
701 NW 1st Court
Suite 400
Miami, Florida 33136

Re: Class IV Application Number FW08-028 Dolphin Homes for the Dredging and Filling of 18.72 Acres of Wetlands for the Construction of a Residential Development in Section 19, Township 57S, Range 39E, as shown on plans entitled Dolphin Homes, signed and sealed on 10/25/07

To Whom It May Concern:

The proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work.

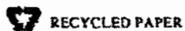
Sincerely,

William Kiriloff
Community Development Director

RECEIVED
JUL 08 2009

DERM
Environmental Resources Regulation Division

P.O. Box 343570 • 404 West Palm Drive • Florida City, Florida 33034-0570 • Telephone (305) 242-8178 • Fax (305) 242-9729



Memorandum



Date: September 11, 2009

To: Kathryn Skindzier, Biologist II
Wetlands Resources Section

From: Rogelio Mata, Engineer II *RM*
Water Control Section

Subject: Aquarela Homes, Inc. (Dolphin Homes First Addition)
Properties located on SW 344th Street and East of NE 6th Avenue
Folio nos. 16-7919-002-0210, -0220; 16-7919-003-0250, -0240, -0230, -0210,
0200 and 0220
FW 08-028 (2008-CLIV-PER-00028)

The Water Control Section has reviewed the paving and drainage plans entitled, "Paving, Grading & Drainage Dolphin Homes First Addition" signed and sealed by Pablo R. Garcia, P.E. and calculations and offers the following comments:

- 1) The subject property located at SW 344th Street and East of NE 6th Avenue, in Section 19-T57S-R39E, is not within an area of Fill Encroachment Requirements; therefore, Cut and Fill approval is not required from the Water Control Section, in connection with this application.
- 2) The water quality treatment and the water quantity design for the required 5-year/1-day storm event will be provided within the proposed stormwater management system. Therefore, the proposed work will not result in adverse environmental impacts to water quality or flood protection.
- 3) An Individual Environmental Resource Permit issued by the South Florida Water Management District, must be obtained before construction of the proposed surface water management system, or final plat approval.

If you should have any questions, please advise.

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SEP 11 2009

DERM
Environmental Resources Regulation Division

24



EVERGLADES
MITIGATION BANK

May 14, 2007

Attn: Eduardo Rodriguez
Aquarela Homes, Inc.
8000 West 84th Avenue #1
Hialeah, FL 33016

**Re: Everglades Mitigation Bank Credit Reservation - Revised:
South Florida Water Management District Application No. 060404-13
U.S. Army Corps of Engineers Permit No. 2004-8665
Miami-Dade Department of Environmental Resources Management Permit
No. FW 03-054
Aquarela Homes Project**

Please be advised that the Everglades Mitigation Bank (the "EMB") has reserved the 7.0 Freshwater Herbaceous mitigation credits necessary to offset the unavoidable wetland impact for the above referenced project. Phase II of the EMB has a signed Mitigation Banking Instrument acknowledged by both FDEP and USACE and sufficient credits are currently available on the EMB ledger to offset the proposed impacts. The EMB acknowledges receiving a deposit for the above referenced credits.

Please contact me at 561-694-6388 for any additional information or questions regarding this matter.

Regards,

Joseph R. Sicbaldi
Asset Management

RECEIVED
JUN 06 2008

DERM
Environmental Resources Regulation Division



25

ATTACHMENT D

Adjacent Property Owner's List

BONITA POINTE ASSOCIATES
2121 PONCE DE LEON BLVD, PH # 2
CORAL GABLES, FL. 33134-5224

JFM DEVELOPMENT CORP.
3450 W. 84 ST., #201
HIALEAH, FL. 33018-4924

TOPTREZ, LLC
15500 NEW BARN ROAD, STE. 104
MIAMI LAKES, FL. 33014-217

ROYAL HOME VILLAS, LLC
9650 SW 107 AVENUE, STE. 107
MIAMI, FL. 33176-2759

CAJA DE A AHORROS DE GALICIA
CAIXA GALICIA COMPANY
1111 BRICKEL AVENUE, STE. 2100
MIAMI, FL. 33131

70 ACRES FLORIDA CITY, LLC
12951 SW 124 STREET, #2tb
MIAMI, FL. 33186-6404

FLORIDA CITY FARMS, LLC
12951 SW 124 ST. #2TB
MIAMI, FL. 33186-6404

AMERICAN FIN CORP INTL. INC
269 GIRALDA AVE. #203
CORAL GABLES, FL. 33134

DERM
Environmentally Endangered Lands
Program
701 NW 1st Court, Ste. 400
Miami, FL. 33136

ATTACHMENT E

Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW 08-028

Aquarela Homes, Inc

October 9, 2009

Staff's recommendation of approval for the above-referenced project is based upon the applicable evaluation factors set forth in Section 24-48.3, Code of Miami-Dade County. The following is a summary evaluation of the proposed project with respect to each applicable evaluation factor:

1. Potential Adverse Environmental Impact – The proposed project will result in an adverse environmental impact to 18.72 acres of wetlands. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project.
2. Potential Cumulative Adverse Environmental Impact –The proposed project will result in minimal cumulative adverse environmental impacts. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project within the subject property.
3. Hydrology - The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of storm water.
4. Water Quality – The proposed project, as designed, is not reasonably expected to adversely affect applicable Miami-Dade County water quality standards.
5. Wellfields – The proposed project is not located within a wellfield protection area.
6. Water Supply – The proposed project is not reasonably expected to adversely affect the water supply.
7. Aquifer Recharge – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. Aesthetics - The proposed project is designed to be aesthetically compatible with the surrounding area.
9. Navigation – Not applicable.
10. Public Health - The proposed project is not reasonably expected to adversely affect the public health.
11. Historic Values – The proposed project is not reasonably expected to adversely affect historic values.
12. Archaeological Values – There is no known archaeological site located within the boundaries of this application.
13. Air Quality – The proposed project is not reasonably expected to adversely affect air quality.

14. Marine and Wildlife Habitats - The proposed project will result in the dredging and filling of 18.72 acres of wetlands. The wetlands that will be impacted within the project area have previously been farmed and have been allowed to revegetate. The disturbed wetlands are dominated with dense invasive exotic plant species, predominantly Brazilian-Pepper (*Schinus terebinthifolius*) and Burma reed (*Neyraudia reynaudiana*). The project site does not contain favorable habitat for endangered or threatened wildlife species or species of special concern. The potential use of the site by such species is minimal. Compensatory mitigation for the ecological impacts related to the loss of wetland functions will be accomplished by purchasing 7.0 freshwater herbaceous mitigation credits in the Everglades Mitigation Bank, owned and managed by Florida Power & Light Company. The wetland restoration and enhancement projects conducted within the Everglades Mitigation Bank has enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural wetland grade, and the implementation of a fire management program.
15. Wetland Soils Suitable for Habitat - The proposed project will result in the permanent removal of wetland soils. However, the mitigation, as set forth in Number 14, will result in the enhancement of existing wetland habitat and soils by restoring appropriate wetland elevations and removing exotics, thereby promoting re-vegetation with native wetland plant species and soil-vegetative interactions.
16. Floral Values - The proposed project will impact a mixture of invasive exotic wetland plants and native wetland hardwood species. However, the mitigation, as set forth in Number 14 above, will provide for the restoration of native wetland vegetation appropriate for promoting the natural ecosystem.
17. Faunal Values - The proposed project will disturb native wildlife habitat. However, the mitigation, as set forth in Number 14 above, will provide for high quality habitat for native fauna.
18. Rare, Threatened and/or Endangered Species - The proposed project is not reasonably expected to result in adverse impacts to rare, threatened or endangered species, or species of special concern.
19. Natural Flood Damage Protection - The water management features of the project have been reviewed by DERM's Water Control Section and are in compliance with DERM's criteria for development in this area. (see attachment C).

20. Wetland Values – The proposed project will result in the dredging and filling of 18.72 acres of wetlands. The project site was historically in agricultural cultivation, however, the agricultural operation has been left fallow for over 50 years. Wetland hydrology has been altered by remnant agricultural ditches and berms. In addition to the berms, surrounding developments, drainage canals, and roadways have further altered the on-site wetlands, isolating them from the adjacent historic slough system. As a result of these disturbances the wetlands within the project area are currently characterized as forested wetlands dominated with invasive exotic vegetation, mostly Brazilian pepper (*Schinus terebinthifolius*) and Burma reed (*Neyraudia reynaudiana*). However, the mitigation, as set forth in Number 14 above, will compensate for the loss of wetland values associated with the proposed project.
21. Land Use Classification –The City of Florida City Community Development Department has determined the proposed usage does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)
22. Recreation – The proposed project does not conflict with the recreation elements of the Miami-Dade County Comprehensive Development Master Plan and/or the Biscayne Bay Management Plan.
23. Other Environmental Values Affecting the Public Interest – There are no other known environmental factors that will affect the public interest.
24. Standard Construction Procedures and Practices and Design and Performance Standards - The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
 - a. Miami-Dade County Public Works Manual
 - b. Chapter 33B of the Code of Miami-Dade County
25. Comprehensive Environmental Impact Statement (CEIS) - In the opinion of the Director, the proposed mitigation plan will compensate for the loss of wetland values associated with the proposed project. As such, a CEIS was not required by DERM to evaluate the proposed project.
26. Conformance with All Applicable Federal and State Laws and Regulations – The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
 - a. United States Clean Water Act (US Army Corps of Engineers and US Environmental Protection Agency)
 - b. Federal Endangered Species Act (US Fish & Wildlife Service)
 - c. Florida Department of Environmental Protection Regulations

- d. Chapter 24 of the Code of Miami-Dade County
- e. Rules of the South Florida Water Management District
- f. Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District

27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP) – In the opinion of DERM, the proposed land use is consistent with the CDMP. Specifically, the proposed project complies with the following CDMP Elements and Policies:

LAND USE ELEMENT:

Objective 1 – Growth management - The proposed project is generally consistent with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage Element.

Objective 3/Policies 3B, 3C - Protection of natural resources and systems. - The proposed project is consistent with all applicable environmental regulations, as well as all other elements of the CDMP. The proposed project is compatible with surrounding land uses and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT:

Objective 2/Policy 2A – Protection of ground and surface water resources – The proposed project adheres to all relevant storm water management criteria.

Objective 3/Policies 3A, 3B, 3D - Wellfield protection areas. - The proposed project is not located within a Wellfield protection area. The project, as designed, is not reasonably expected to adversely affect the water quality reaching the Florida City Wellfield.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within the above referenced area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential, or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria - The water management features of the proposed project have been reviewed by DERM's Water Control Section and are in compliance with DERM's criteria for development in this area.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. – Not applicable.

Objective 6/Policy 6D - Suitable fill material for the support of development. – The proposed project will not cause premature urban encroachment. The proposed project must use suitable fill material in order to meet the requirements of Chapter 24 of the Code of Miami-Dade County.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – The wetlands associated with this project are not high quality. The loss of wetland values associated with the proposed project will be mitigated as set forth in Number 14 above.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. - The proposed project is not reasonably expected to affect any rare, threatened, or endangered species.

28. Conformance with Chapter 33B, Code of Miami-Dade County (East Everglades Zoning Overlay Ordinance) – The proposed project is not within the East Everglades Zoning overlay area.
29. Conformance with Miami-Dade County Ordinance 81-19 (Biscayne Bay Management Plan) – The proposed project is not within the area of the Biscayne Bay Management Plan.
30. Conformance with Manatee Protection Plan – Not applicable.
31. Consistency with Miami-Dade County Criteria for Lake Excavation – Not applicable.
32. Municipality Recommendation - The City of Florida City Planning and Zoning Department has determined the proposed usage does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)
33. Coastal Resources Management Line – Not Applicable.
34. Maximum Protection of a Wetland's Hydrological and Biological Functions Through Adherence to the Following Fill Limitations: -

- i) Placement of the minimum fill necessary to provide for the land usage alternative which results in the least adverse environmental impact and the least cumulative adverse environmental impact – The proposed project uses the minimum amount of fill necessary to provide for the proposed land usage alternative.
- ii) Placement of temporary fill pads and fill roads for the purpose of conducting rock mining. - Not applicable.

The proposed project was also evaluated for compliance with the minimum required standards contained in Section 24-48.3 (2), (3), and (4) of the Code of Miami-Dade County. The following is a summary of the proposed project's compliance with said standards:

24-48.3 (2) Dredging and/or Filling for Class I Permit – Not applicable.

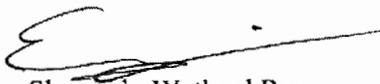
24-48.3 (3) Docks and Piers for Mooring Purposes - Not applicable.

24-48.3 (4) Clean Fill in Wetlands - The proposed project involves the placement of clean fill material only as defined in Section 24-5 of the Code of Miami-Dade County.

24-48.3 (6) Basin Fill Criteria – The proposed project complies with criteria for the total volume of fill material placed on a project. Specifically, the drainage plans and calculations for the subject project demonstrate the project meets the water quality and water quantity for stormwater. The project is located outside of the Cut and Fill Basins.

SUMMARY

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS IV PERMIT BE APPROVED.



Evan Skornick, Wetland Resources Section Manager
Environmental Resources Regulation Division



Kathryn Skindzier, Biologist II
Wetland Resources Section