

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Amended  
Agenda Item No. 5(AA)  
05-08-07

RESOLUTION NO. R-540-07

RESOLUTION RELATING TO AN APPLICATION BY FELIX ISRAEL RODRIGUEZ FOR A CLASS IV PERMIT TO IMPACT 29.18 ACRES OF WETLANDS FOR AGRICULTURAL PURPOSES BETWEEN NW 117 AND NW 122 AVENUES AND BETWEEN NW 154 AND NW 155 STREETS IN SECTION 13, TOWNSHIP 52 SOUTH, RANGE 39 EAST, 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,

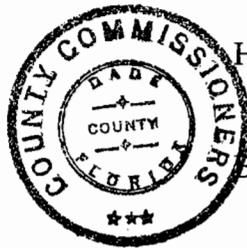
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County hereby approves the application by Felix Israel Rodriguez for a Class IV permit to impact 29.18 acres of wetlands for agricultural purposes, 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 Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of May, 2007. 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: **KAY SULLIVAN**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "PT" or similar initials.

Peter S. Tell

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** May 8, 2007

**To:** Honorable Chairman Bruno A. Barreiro and Members,  
Board of County Commissioners

Amended  
Agenda Item No. 5(AA)

**From:** George M. Ruggesa  
County Manager

**Subject:** Class IV Permit Application by Felix Israel Rodriguez to Impact 29.18 Acres of Wetlands  
for an Agricultural Operation

R-540-07

Attached, please find for your consideration an application by Felix Israel Rodriguez 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



**Date:** May 8, 2007

**To:** George M. Burgess  
County Manager

**From:** Carlos Espinosa, P.E., Director  
Environmental Resources Management

**Subject:** Class IV Permit Application by Felix Israel Rodriguez to Impact 29.18 Acres of Wetlands for an Agricultural Operation

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## **Recommendation**

I have reviewed the application for a Class IV Permit by Felix Israel Rodriguez. 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 approve the issuance of a Class IV Permit for the reasons set forth below.

## **Scope**

The subject property is located between NW 117 and NW 122 Avenues and between NW 154 and NW 155 Streets, which is within County Commission District 12.

## **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 29.18 acres of wetlands not supporting halophytic vegetation for an agricultural operation. The subject property is located between NW 117 and NW 122 Avenues and between NW 154 and NW 155 Streets in Section 13, Township 52 South, Range 39 East, Miami-Dade County, Florida. On December 21, 2005, DERM cited the property owner, Mr. Felix Israel Rodriguez, with a violation of Chapter 24, Miami-Dade County Code, for performing work in wetlands without obtaining a proper permit. On May 16, 2006, a consent agreement was executed between Miami-Dade County and Mr. Rodriguez, imposing a \$10,000 penalty and requiring that Mr. Rodriguez either restore the wetlands or obtain a Class IV permit. Mr. Rodriguez is making payments on the penalty and is applying for this permit pursuant to the consent agreement. The proposed project site is surrounded by active agricultural operations.

The project site consists of previously disturbed herbaceous wetlands with sparse levels of sapling *Melaleuca*, an invasive exotic plant species. The disturbed nature of the wetlands is a result of legal long-term cattle grazing activities. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by providing \$518,805.38 in mitigation funds to the Everglades National Park (ENP) for the purpose of restoring 17.50 acres of wetlands within the Hole-in-the-Donut Regional Offsite Mitigation Area managed by the Department of the Interior. The Hole-in-the-Donut enhances property in the ENP by removing exotic vegetation, restoring filled areas to natural wetland grade, and allowing the area to revegetate with native wetland plant species.

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), 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, Affidavit of Ownership, 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 Owner's List
- Attachment E: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY  
FELIX ISRAEL RODRIGUEZ TO IMPACT 29.18 ACRES  
OF WETLANDS FOR AGRICULTURAL PURPOSES  
BETWEEN NW 117 AND NW 122 AVENUES AND  
BETWEEN NW 154 AND NW 155 STREETS IN SECTION  
13, TOWNSHIP 52 SOUTH, RANGE 39 EAST, 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 Felix Israel Rodriguez to impact 29.18 acres of wetlands for agricultural purposes. Such Public Hearing will be held on the 8th day of May 2007, at 9:30 am, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center 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 1<sup>st</sup> Court, Miami, Florida, 33136.

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 (Kay Sullivan, Deputy Clerk), 111 N.W. 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 1<sup>st</sup> Court, 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: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk

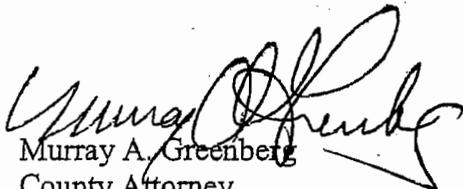


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** May 8, 2007

**FROM:**   
Murray A. Greenberg  
County Attorney

**SUBJECT:** Amended  
Agenda Item No. 5(AA)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

ATTACHMENT A

Class IV Permit Application Form

Affidavit Of Ownership

Site Plans



RECEIVED  
MAR - 2 2007  
DERM Regulation Division

### Class IV Wetland Permit Application

For Official Use Only CORPS Application Number: DER Application Number:	Date Received <u>3.22.2007</u>	Application Number <u>FW 06-097</u>
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**1. Applicant Information:**

Name: Felix Israel Rodriguez  
 Address: 315 Atlantic Island  
Sunny Isle, FL  
 Zip Code: 33160  
 Phone #: (305) 322-8914 Fax # (305) 681-8107

**2. Applicant's authorized permit agent:**

Name: URS Corporation  
 Address: 7650 Corporate Center Drive, Ste 401  
Miami, FL  
 Zip Code: 33126  
 Phone #: (305) 884-8900 Fax # (305) 884-2665

**3. Location where proposed activity exists or will occur:**  
 East side of NW 122nd Ave, btwn, NW 154th & NW 156th Sts and continues to NW 117th Ave from NW 154th to 155th Sts, Tracts 56, 57, & 58

Street, road, or other descriptive location

Section: 13 Miami-Dade  
 Township: 52S Incorporated city or town  
 Range: 39E  
30-2913-001-0531 & -0560  
 Folio Number

**4. Proposed use:**

Private Single Dwelling	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Multi-family Dwelling	<input type="checkbox"/>	Agricultural	<input checked="" type="checkbox"/>
Public	<input type="checkbox"/>	Other	<input type="checkbox"/>

Please explain:  
 Maintenance of livestock and a nursery with a perimeter berm and swale

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

Total Acreage of Wetlands to be Impacted 29.18 acres

**A. Lake Excavation or Dredging:**

1. Total wetland acreage to be excavated or dredged \_\_\_\_\_

2. Cubic yards: Total for Project \_\_\_\_\_

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 29.18 acres

a. Cubic yards \_\_\_\_\_

2. Type of material to be used Approved-clean Concrete Rubble

3. Source of fill material to be used Concrete producing plant

CONTINUED ON NEXT PAGE

10



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)

Tract 56, Section 13, Township 52 South, Range 39 East, of Florida Fruit Lands Company's Subdivision, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of Public Records of Miami-Dade County, Florida.

Tract 57, Section 13, Township 52 South, Range 39 East, of FLORIDA FRUIT LANDS COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

Tract 58 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION in Section 13, Township 52 South, Range 39 East, according to the Plat thereof, recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

[Signature]  
Signature  
Felix Israel Rodriguez  
Print Name

OWNER  
Official Title

Sworn and subscribed before me at Miami Dade county, this 23<sup>rd</sup> day of April, 2007

ROSARINA ALONSO  
NOTARY PUBLIC - STATE OF FLORIDA  
COMMISSION # DD266372  
EXPIRES 02/24/2008  
LOANED THROUGH NOTARY

Rosarina A. Alonso  
Notary Public

My commission expires: 02/24/2008

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 stipulations on my behalf.
- B. I agree to provide entry to the project sit 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 Regulation, the Department of Natural Resources, 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.

 Signature of Applicant(s)	17-3-07 Date
Felix Israel Rodriguez Print Name	
Property Owner Official Title	
Signature of Applicant(s)	Date
Print Name	
Official Title	

RECEIVED  
 MAR 22 2007  
 DERM  
 Environmental Resources Regulation Division

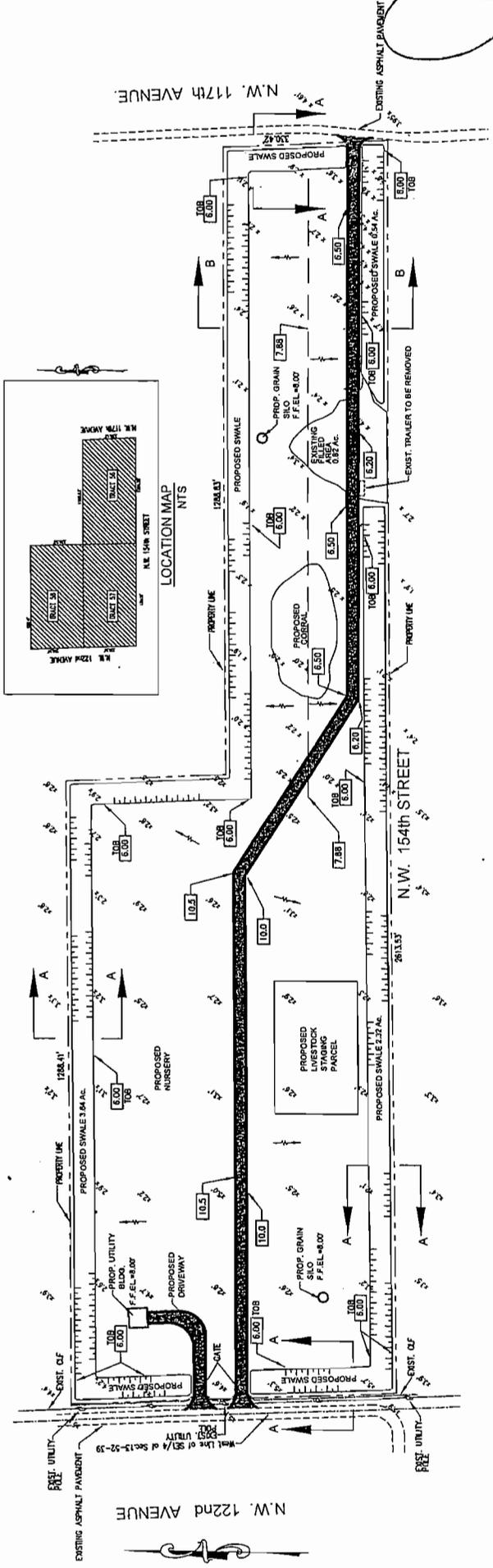
NOTE: THIS APPLICATION MUST BE SIGNED by the person(s) who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

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!!

**For Your Information:** Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been met. For further information contact the Chief of the Bureau of Licenses and Motorboat Registration, Tallahassee, Florida 32303. Telephone Number 904-488-1195.

13



**ENGINEERING NOTES:**

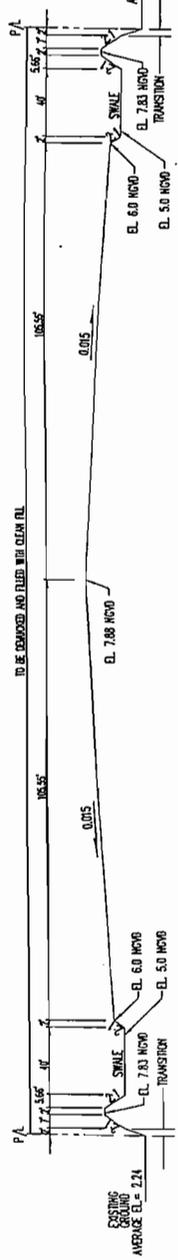
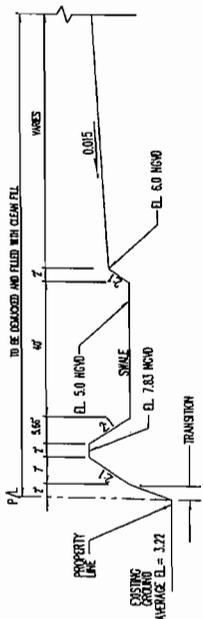
1. PRIOR TO START OF CONSTRUCTION THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES IN THE FIELD. CONTRACTOR SHALL EXERCISE CARE AND CAUTION IN PROTECTING ALL UTILITIES DURING THE COMPLETION OF THIS WORK. IN THE EVENT OF ANY DAMAGE TO ANY UTILITIES THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND ALL COSTS INCURRED DUE TO THE DAMAGE SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. POST-HOLE DAMAGE SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. POST-HOLE (48) HOURS BEFORE DIGGING, CALL SUNSHINE TOLL FREE 1-800-432-4770.
2. ALL WORK SHALL MEET MANA-DAKE COUNTY PUBLIC WORKS DEPT. REGULATIONS AND STANDARDS.
3. ELEVATIONS SHOWN REFER TO NAVD83 (NATIONAL GEODETIC VERTICAL DATUM 1983).
4. ALL DRAIN SURFACES MUST BE CONSTRUCTED ON A 6 OR 8 INCHES DEEP BASE THAT WILL PRODUCE A CLEAR, VULNERABLE TO THINNING AND CRACKING. ALL DRAIN SURFACES SHALL BE CONSTRUCTED AS DETERMINED BY ASTM 1-100, PROVIDE 12" STABILIZED SUB-BASE.
5. BEFORE STARTING ANY FILL OPERATIONS THE CONTRACTOR SHALL FILL, FILL AND COMPACTED FROM TO FINISHED SURFACE. ALL FILL SHALL BE PLACED IN 6" LAYERS AND TO BE DOSED 12" BELOW SURFACE. 1-1/2" FILL SHALL BE LOCALLY ACCESSIBLE AND SATURABLE FOR FILL PURPOSES. THE TOP 12" OF FILL ON CUT UNDER THE PAVEMENT FACE SHALL BE COMPACTED TO 98% OF MAX DENSITY AT APPROXIMATE WITH THE PROPOSED GRAVEL DRIVEWAY. ALL FILL SHALL BE COMPACTED WITH THE PROPOSED GRAVEL DRIVEWAY. ALL FILL SHALL BE COMPACTED WITH THE PROPOSED GRAVEL DRIVEWAY. ALL FILL SHALL BE COMPACTED WITH THE PROPOSED GRAVEL DRIVEWAY.
6. THE RETENTION/ACCUMULATION POND/SWALES ARE INTENDED TO DRAIN AS WELL AS AS SWALES. THE QUALITY OF SOIL AT THE SIDES AND BOTTOM OF THE POND/SWALE SHALL BE MAINTAINED. ALL POND/SWALE PILES UNCOVERED IN THE BOTTOM OF THE RETENTION POND/SWALE MUST BE REMOVED AND BACKFILLED WITH SAND TO A DEPTH OF 2 FEET. THESE SOILS MUST BE MAINTAINED IN OTHER VARIOUS AREAS THAT ARE NOT DEPRESSURED. POND/SWALE MUST BE CLEARED, JUST PRIOR TO SOODING IN ORDER TO REMOVE PILES BUILT UP INCLUDING LOGS/ROCK FILL.
7. TOPOGRAPHIC INFORMATION WAS OBTAINED FROM THE SURVEY PREPARED BY ROYAL POINT, LAND SURVEYORS, INC. DATED 10-31-05.

**NOTES**

1. CONTRACTOR TO PROVIDE EROSION CONTROL ALONG PROPERTY LINE
2. POND/SWALE MUST BE CONSTRUCTED AROUND PROPERTY LINE
3. 1/2" F.F.E. = 0.00 (NAVD)

- LEGEND**
- PROPOSED GRAVEL DRIVEWAY
  - PROPOSED ELEVATIONS
  - EXISTING ELEVATION
  - PROPOSED ROAD LINE
  - PROP. TOP OF BANK
  - PROP. SWALE
  - EXISTING ASPHALT DRIVEWAY
  - PROPOSED FLOW OF RUNOFF

  
 CALL 48 HOURS BEFORE YOU DIG  
 IT'S THE LAW!  
 1-800-432-4770  
 SUNSHINE STATE ONE CALL OF FLORIDA, INC.



ATTACHMENT B

Applicants/Agents Letter

Engineer's Certification Letter

PERMIT APPLICANT/AUTHORIZED AGENT STATEMENT

April 23, 2007

Miami Dade County DERM  
Wetland Resources Section  
701 N.W. 1<sup>st</sup> Court, Suite 400  
Miami, Florida 33136-3912

Re: Class IV Standard Form Permit Application No. FW 06-097 – Filling 29.18 acres of wetlands for agricultural purposes to include 11.52 acres for maintaining livestock, including area of placement of utility building and driveway, 9.0 acres for a container nursery, 6.5 acres of a dry retention swale, and a 2.16-acre berm to be placed around the developed (filled area & swale) site.

By the attached Class IV Wetland Permit application with supporting documents, I, Felix Israel Rodriguez, am the permit applicant and hereby request permission to perform the following: Filling 29.18 acres of wetlands for agricultural purposes to include 11.52 acres for maintaining livestock, including area of placement of utility building and driveway, 9.0 acres for a container nursery, 6.5 acres of a dry retention swale, and a 2.16-acre berm to be placed around the developed (filled area & swale) site. 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,

  
\_\_\_\_\_  
Felix Israel Rodriguez, Permit Applicant

# ROBAYNA

**AND ASSOCIATES INC.**  
ENGINEERS - PLANNERS - SURVEYORS

December 21, 2006 (Revised April 23, 2007)

RECEIVED  
APR 23 2007

Miami-Dade County DERM  
Wetland Resources Section  
33 S.W. 2<sup>nd</sup> Avenue, Suite 400  
Miami, Florida 33130-1540

DERM  
Environmental Resources Regulation Division

RE: Project for Felix Israel Rodriguez Parcel  
NW 154 St. and NW 122 Ave.  
Class IV Standard Form Permit Application No. FW 06-097 –  
Filling 29.18 acres of freshwater wetlands for agricultural purposes to include 11.52 acres for maintaining livestock, including area of placement of utility building and driveway, 9.0 acres for a container nursery, 6.5 acres of a dry retention swale, and a 2.16-acre berm to be placed around the developed (filled area & swale) site.

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 yours,

ROBAYNA AND ASSOCIATES, INC.

Rafael L. Robayna, PE  
President  
PE # 19453 State of Florida

Cf: 06024302 R&A Project # 060243

ATTACHMENT C

Zoning Approval Letter

DERM Water Control's Cut & Fill Approval

Mitigation Acceptance Letter

# Memorandum



**Date:** November 21, 2006

**To:** Siramed Trujillo, ERPS  
Wetland and Forest Resources Section, DERM

**From:** *[Signature]*  
Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**Subject:** Class IV Permit FW 06-097  
Felix Rodriguez

---

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.

If you have any questions regarding this matter, please contact me at extension 2600.

AJT/dah



September 27, 2006

Environmental Resources Management  
Environmental Resources Regulation Division  
Water Control Section  
33 SW 2nd Avenue, 2nd Floor  
Miami, Florida 33130-1540  
T 305-372-6681 F 305-372-6489

miamidade.gov

Marvin Abarca, P.E.  
AB Engineers, Inc.  
6001 N.W. 153 Street  
Suite 122  
Miami Lakes, Florida 33014

Re: Felix I. Rodriguez Property  
Section 13-52-39, Basin B  
Folio No.: 30-2913-001-0531 & 0560  
C&F No. 502

Dear Mr. Abarca:

This office has completed its review of the fill encroachment study dated September 12, 2006 for the referenced project. Pursuant to the information submitted, we have concluded that the proposed surface water management area calculated for cut and fill criteria complies with the Basin B requirements, therefore, approval is granted, subject to the following conditions:

1. The owner of the referenced property, with a total site area of 29.18 acres agrees to reserve 6.5 acres of swale area designated as surface water management.
2. The site, with exception of the water management area, shall be filled to Miami-Dade County Flood Criteria, with a minimum low point set at elevation +6.0 feet NGVD.
3. No encroachment by fill or any use other than intended is allowed in the surface water management area.
4. Provide a berm with minimum elevation of +7.83 feet NGVD (100-year/3-day storm stage) along the property lines with equivalent grading to match the required berm elevation at all roadway entrances.
5. This approval is only for agricultural nursery use, and not for any development of the property. Any future development other than of the approved agricultural nursery use will require a new application and re-approval of the Cut & Fill criteria for the entire property.

If you have any questions, please contact Rogelio Mata at (305) 372-6539.

Sincerely,



J.M. (Manny) Tobon, P.E.  
Chief, Water Control Section

RM:ms

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management**
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer



11 Dupont Circle, NW  
Suite 600  
Washington, D.C. 20036-1224

Phone: 202.238.4200  
Fax: 202.234.3103

April 24, 2006

Felix I. Rodriguez  
315 Atlantic Island  
Miami Beach, FL 33160

Dear Mr. Rodriguez:

Please let this letter serve as receipt for \$286,123.71 for a total of 12.44 mitigation acres as described in the attached letter. The National Park Foundation received the cashier's check on April 1, 2006.

I apologize for the delay in providing this receipt.

Sincerely,

Celeste E. Regan  
Chief Financial Officer

cc: Karen Marie de Guzman at URS Corporation  
Craig Smith (through scan; email)



United States Department of the Interior  
NATIONAL PARK SERVICE

Everglades and Dry Tortugas National Parks  
40001 State Road 9336  
Homestead, Florida 33034



IN REPLY REFER TO:

HID 2007-013  
January 22, 2007

Mr. Felix Rodriguez  
  
315 Atlantic Island  
Miami Beach, FL, 33160

Dear Mr. Rodriguez:

As the manager of the Hole-in-the-Donut Wetland Restoration and Mitigation Banking Program at Everglades National Park, it is my intent to sell 5.06 acres of freshwater herbaceous wetland restoration for mitigation to for the Felix Rodriguez 2006 project, with permit application numbers and property information as follows:

Permit/Application Numbers

Corps:                                SFWMD:                                DERM: FW06-097

Property Information

Folio	S	T	R	Location
30-2913-001-0531	0	0	0	East side of NW 122 Ave, between NW 154 & NW 156 Streets and continues to NW 117 Ave from NW 154 to 155 St.
30-2913-001-0560	0	0	0	East side of NW 122 Ave, between NW 154 & NW 156 Streets and continues to NW 117 Ave from NW 154 to 155 St.

The cost for each restored acre will be \$45984.52, for a total of \$232681.67, payable to the National Park Foundation, Suite 600, 11 Dupont Circle NW, Washington, DC 20036-1224. The Foundation currently adds a \$100.00 transaction fee to the cost listed above. If the aforementioned restoration credits are not purchased within one year of the date of this reservation, the offer to sell is withdrawn and the reserved credits will be released for sale to other buyers.

The Hole-in-the-Donut Wetland Resources Mitigation Bank operates according to permits issued by the Florida Department of Environmental Protection (permit #132416479) and the U.S. Army Corps of Engineers (permit #1993-01691), both of which expire on February 15, 2015. Thank you for supporting the Hole-in-the-Donut wetland restoration project. If the Hole-in-the-Donut Wetland Resources Mitigation Bank can be of assistance to you as a source of wetland mitigation credits in the future, please contact me.

Sincerely,

Craig S. Smith  
Restoration Project Manager

ATTACHMENT D

Adjacent Property Owner's List

BETTY L DUNN  
1101 QUAIL AVENUE  
MIAMI SPRINGS, FL 33166-3135

VECELLIO & GROGAN INC  
101 SANBURY WAY  
WEST PALM BEACH, FL 33411

TRS OF II FUND  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399

ANTONIO JESUS HERNANDEZ  
18600 NW 51 AVENUE  
CAROL CITY, FL 33055

DAHOMY TALAVERA  
6402 SW 185 WAY  
FORT LAUDERDALE, FL 33332

ERNESTO TORIBIO  
100 SW 76 COURT  
MIAMI, FL 33144

EDDY GONZALEZ  
715 W 51 PLACE  
HIALEAH, FL 33012

RAUL A & SUM LLITERAS  
18021 NW 77 COURT  
MIAMI, FL 33015-2803

HETRAM PURAN  
5631 PLUNKETT STREET  
HOLLYWOOD, FL 33023

SIGLER INVEST INC  
10811 NW 18 STREET  
PEMBROKE PINES, FL 33026

SIGLER DEVELOPMENT CORP  
10811 NW 18 STREET  
PEMBROKE PINES, FL 33026

JOSE I SIGLER  
10811 NW 18 STREET  
PEMBROKE PINES, FL 33026

ELIA & FERNANDO FIGUEROA  
% JUAN A FIGUEROA  
2384 SW 27 LANE  
COCONUT GROVE, FL 33133-3110

WILFREDO & SARA RODRIGUEZ  
575 SE 1 STREET  
HIALEAH, FL 33010-5305



FRANCISCO & MARIA AMELIA GONZALEZ  
45 SW 8 AVENUE  
MIAMI, FL 33130-1213

IVAN & MARILYN DIAZ  
15550 NW 122 AVENUE  
MIAMI, FL 33018-1026

ARQUIMIDES & MARISOL DE ARMAS &  
GILBERTO & MARICELIS ARMAS  
12201 NW 154 STREET  
HIALEAH, FL 33018-1025

ARMANDO ENRIQUEZ  
4141 SW 148 PLACE  
MIAMI, FL 33185-4338

LUIS M & MAGALY CASAS  
3601 SW 128 AVENUE  
MIRAMAR, FL 33027

A G PROFESSIONAL SHOTCRETE INC  
6110 WEST 6 AVENUE  
HIALEAH, FL 33012-6527

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ATTACHMENT E

Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW06-097

Felix Rodriguez.

March 30, 2007

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 29.18 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 is not reasonably expected to result in potential 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 stormwater.
4. Water Quality – The proposed project as designed is not reasonably expected to adversely affect water quality.
5. Wellfields – The proposed project is not within a wellfield protection area.
6. Water Supply – The proposed project is not reasonably expected to adversely affect any 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 - No known archaeological site is 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 29.18 acres of herbaceous wetlands disturbed as a result of cattle grazing. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by providing mitigation funds in the amount of \$518,805.38 to Everglades National Park for the purpose of restoring 17.50 acres of wetlands within the Hole-in-the-Donut Regional Off-Site Mitigation Area managed by the Department of the Interior through Everglades National Park.
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 highly degraded herbaceous wetlands. However, the mitigation, as set forth in Number 14 above, will provide for the establishment 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 Endangered Species – The proposed project is not reasonably expected to result in adverse impacts to rare, threatened or endangered species.
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 cut and fill criteria for this area (see attachment C). The proposed project is not reasonably expected to adversely affect natural flood damage protection.
20. Wetland Values – The proposed project will result in an adverse impact to 29.18 acres of wetlands. 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 Miami-Dade County Department of Planning and Zoning 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 is not reasonably expected to adversely affect recreational values.

23. Other Environmental Values Affecting the Public Interest – There are no other known environmental values affecting 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:

Miami-Dade County Public Works Manual  
Biscayne Bay Management Plan (Section 33D-1 through 33D-4)  
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, State, and Local 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
- c) Chapter 24 of the Code of Miami-Dade County
- d) Rules of the South Florida Water Management District
- e) 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 conforms 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 stormwater management criteria.

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection - The proposed project is not within a wellfield protection area.

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 described or 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 cut and fill criteria for 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 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 – Not applicable.
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 area of the proposed agricultural operation, as well as the minimum amount of fill necessary to comply with required cut and fill criteria for the surface water management area.
  - ii) Placement of temporary fill pads and fill roads for the purpose of conducting rockmining. - 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 or Filling for Class I Permit - Not applicable.

24-48.3 (3) - Not applicable.

24-48.3 (4) Clean Fill in Wetlands - The proposed project involves the placement of clean fill material only.

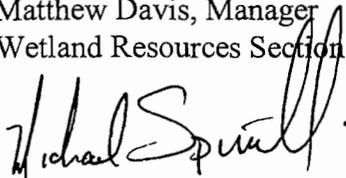
24-48.3 (6) Basin B Fill Criteria - The proposed project complies with criteria for the total volume of fill material placed on a project. Specifically, the applicant has provided calculations showing an engineering alternative to the standard formula that provides for the full on-site retention of stormwater without exceeding established stages for the 100-year, three-day storm and the same has been approved by DERM.

SUMMARY

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



Matthew Davis, Manager  
Wetland Resources Section



Michael Spinelli, Environmental Resources Project Supervisor  
Wetland Resources Section

