

# KITS

1-6-2010 Version # 1



COMMUNITY ZONING APPEALS BOARD 15  
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)  
10710 SW 211 Street, Miami  
Thursday, February 11, 2010 at 7:00 p.m.

## CURRENT

1. 10-2-CZ15-1 WASTE MGMT INC OF FL (WMIF) 09-91 18-57-40 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF THURSDAY, FEBRUARY 11, 2010

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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**NOTICE**

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THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.  
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Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**1. WASTE MGMT INC OF FL (WMIF)**  
**(Applicant)**

**10-2-CZ15-1 (09-091)**  
**Area 15/District 9**  
**Hearing Date: 02/11/10**

Property Owner (if different from applicant) **ATLAS HOMESTEAD, INC & J.R. CAPITAL CORP.**

Is there an option to purchase  /lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1991	Dennis Rog	- Unusual Use to permit a landfill. - Non-Use Variance of zoning regulations & setbacks.	ZAB	Approved w/Conds.
1992	Dennis Rog ET AL	- Unusual Use to permit the expansion of an existing landfill. - Modification of condition 2 of resolution.	ZAB	Approved w/Conds.
1994	Cesar Hurtado ET AL	- Modification of conditions 2 & 6 of resolution.	ZAB	Approved w/Conds.
1995	Royal Crown Catering Inc.	- Unusual Use to permit watchman's quarters. - Modification of conditions of resolution.	ZAB	Approved w/Conds.
2005	Atlas Homestead, Inc.	- Modification of conditions of resolution.	C15	Approved w/Conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

**APPLICANT:** Waste Management, Inc. of Florida

**PH:** Z09-091(10-02-CZ15-1)

**SECTION:** 18-57-40

**DATE:** February 11, 2010

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 1

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution 4-ZAB-180-91, passed and adopted by the Zoning Appeals Board and last modified by Condition #2 of Resolution CZAB15-17-05, passed and adopted by the Community Zoning Appeals Board #15, reading as follows:

FROM: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Atlas-Homestead, Inc. C & D Landfill and M.R. F. Facility," as prepared by Globex Engineering & Development consisting of 1 sheet dated, signed 1/19/04, sheet #2 dated 3/19/04 and plans entitled, "Atlas-Homestead, Inc. C & D Landfill and M.R. F. Facility," as prepared by P. B. S. & J., consisting of Sheet LA-1R dated 11/22/04, Sheets LA-2 through LA-6 dated signed and sealed 10/23/03 and a "Sketch of Survey," as prepared by Craven-Thompson and Associates, Inc., dated received 11/23/04 and consisting 1 sheet."

TO: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Delta Homestead C & D Facility and Delta Recycling Homestead," as prepared by Globex Engineering & Development consisting of 1 sheet, dated stamped received 9/9/09."

- (2) MODIFICATION of Condition #7 of Resolution 4-ZAB-425-92, passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB15-17-05, passed and adopted by the Community Zoning Appeals Board #15, reading as follows:

FROM: "7. That the time for completion of the project be as follows: the closure of the landfill shall be July 1, 2010, and completion of the activities of the Materials Recycling Facility (MRF) shall be December 31, 2013."

TO: "7. That the time for completion of the project be as follows: the closure of the landfill shall be July 1, 2014, and completion of the activities of the Materials Recycling Facility (MRF) shall be December 31, 2023."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing two existing scale houses and relocation of a watchman's quarters; to extend the closure date of an existing landfill, and to extend the completion date of the activities of the materials recycling facility for a previously approved landfill.

- o **SUMMARY OF REQUESTS:** Approval of the requests will allow the applicant to modify conditions of previously approved Resolutions to allow the applicant to submit revised plans showing two existing scale houses, relocation of a watchman's quarters, and to extend the closure date of an existing landfill and the completion date of the activities of the materials recycling facility for a previously approved landfill.
- o **LOCATION:** Lying east of S.W. 117 Avenue between S.W. 320 Street and S. W. 328 Street, Miami-Dade County, Florida.
- o **SIZE:** 55.36 Acres

**B. ZONING HEARINGS HISTORY:**

In 1991, pursuant to Resolution 4-ZAB-180-91, the Zoning Appeals Board (ZAB) granted an unusual use that permitted a landfill for the disposal of clean construction debris on the subject site. A request was also granted that allowed the use of a semi-van trailer for storage purposes. In 1992, pursuant to Resolution 4-ZAB-425-92, the ZAB allowed the expansion of the existing landfill for the disposal of clean construction debris and allowed a modification of the 1991 Resolution to submit new plans showing the aforementioned expansion onto additional property. In 1994, pursuant to Resolution 5-ZAB-338-94, the ZAB granted a modification of the 1992 Resolution that allowed the applicant to submit new plans that showed further filling of the property. In 1995, the ZAB granted an unusual use that permitted the use of a trailer as a watchman's quarters. Modifications of the 1992 and 1994 Resolutions were also granted that allowed the applicant to submit revised plans showing the scale house and the watchman's trailer and extended the completion date from December 2, 1995 to December 2, 2002. Subsequently, in September 2005, pursuant to Resolution #CZAB15-17-05, conditions #2 and #7 of the 1995 Resolution and condition #6 of the 1994 Resolution were modified to permit the applicant to submit revised plans showing the elimination of landscaping on top of the previously approved berms along the edges of the property that do not front on existing streets, an extension of time for the closure of the landfill, and an extension of time for the completion of the landfill.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately .68 miles southeast of and **outside the Urban Development Boundary (UDB)** for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

### **Uses and Zoning Not Specifically Depicted on the LUP Map.**

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree which has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

### **Solid Waste Sub-element**

**Objective 2:** The County will implement procedures to ensure that existing solid waste facility deficiencies are corrected and that adequate solid waste facility capacity will be available to meet future needs.

**Policy 4(F):** To facilitate recycling and the proper disposal of solid waste by the general public, the County's Neighborhood Trash and Recycling Centers for receiving trash and recyclables should be conveniently located throughout the unincorporated area. Such facilities should be located within a five-mile distance of residential areas within the UDB and, where feasible, concentrations of exurban populations. Such sites are preferably located in industrial areas convenient to residential areas but may be located in any Land Use Plan map category, convenient to residential users, except Environmental Protection areas consistent

with the Land Use Element. When located in the immediate proximity of residential neighborhoods, sites for such facilities should include sufficient additional area to buffer the residential area from impacts.

**Policy 5(A):** Miami-Dade County shall seek to achieve a balanced program of solid waste disposal which will include recycling, resources recovery, and landfilling.

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<b><u>Subject Property:</u></b>	
AU; landfill (materials recycling facility)	Agriculture
<b><u>Surrounding Properties:</u></b>	
NORTH: AU; row crops	Agriculture
SOUTH: AU; vacant	Open Land
EAST: AU; vacant	Agriculture
WEST: AU; row crops	Agriculture

The subject parcel is located on the east side of SW 117 Avenue, north of SW 328 Street approximately .68 miles outside the Urban Development Boundary (UDB). The site is currently used as a landfill and is surrounded on two sides by plant nurseries. The area is characterized by large vacant parcels of land and plant nurseries.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan provided.)
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>Acceptable</b>
Buffering:	<b>Acceptable</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>Acceptable</b>
Visibility/Visual Screening:	<b>Acceptable</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(7) Generalized Modification Standards.** The Board shall hear applications to **modify or eliminate** any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals

Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this property for **agriculture** use. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. However, Objective 2 of the Solid Waste Subelement of the CDMP states that, the County should allow for the implementation of procedures to ensure that adequate solid waste facility capacities will be available to meet future needs. In addition, the CDMP states that all existing uses are consistent with the CDMP, and as such, the existing landfill is **consistent** with the CDMP. The continuation and expansion of this facility will allow the County to meet policy 5(A) of the Solid Waste Subelement. Said policy states that the County shall seek to achieve a balanced program of solid waste disposal which will include recycling, resources recovery, and landfilling.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** to this application and has indicated that it will not generate any new additional daily peak hour trips. The Miami-Dade Fire Rescue Department (**MDFR**) also has **no objections** to this application and indicates that the estimated average travel response time is **6:24** minutes.

The standards under Section 33-311(A)(7) Generalized Modification Standards, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of a previously approved condition which has been imposed by any final decision adopted by Resolution would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, would not tend to provoke a nuisance, would not be incompatible with the area when considering the necessity for and reasonableness of the modification or elimination in relation to the present and future development of the area. When requests #1 and #2 are analyzed under Section 33-311(A)(7), staff opines that the approval of these requested

modifications would not, based on memoranda from the Public Works Department, MDFRD and DERM, generate excessive traffic and would not be contrary to the public interest. Approval of these requests will allow the applicant to modify conditions of previously approved Resolutions to allow the applicant to submit revised plans showing 2 existing scale houses and relocation of a watchman's quarters, and to extend the closure date of an existing landfill and the completion date of the activities of the materials recycling facility for a previously approved landfill. Staff opines that the additional time requested for the operation of the facility based on the slowdown of the construction industry and the new recycling contract with Miami-Dade County, is reasonable and is **compatible** with the area when considering the necessity for and reasonableness of the modification or elimination in relation to the present and future development of the area. Additionally, staff opines that the relocation of the previously approved buildings on the 55.36. acre site is not likely to have a negative visual impact on the surrounding agricultural and vacant properties. When considering the necessity for and the reasonableness of the proposed modifications on the subject property, staff is of the opinion that these modifications will not have an unfavorable effect on the area and will not be contrary to the public interest. Staff notes that the previously approved plan and the proposed site plan are similar except for the scale houses. However, the submitted plans indicate an existing row of canopy trees and a hedge, along the north property line which staff opines will provide an adequate visual buffer to the abutting property to the north. Additionally, as previously mentioned, the proposal is **consistent** with the CDMP and is **compatible** with the existing uses in the area. As such, staff further opines that approval of request #1 and #2 would be in keeping with the spirit of the area and, therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (Generalized Modification Standards).

**I. RECOMMENDATION:**

Approval with conditions.

**J. CONDITION:**

1. That all conditions of Resolution #CZAB15-17-05 remain in full force and effect except as herein modified.

**DATE INSPECTED:** 12/10/09  
**DATE TYPED:** 12/10/09  
**DATE REVISED:** 12/11/09; 01/15/10  
**DATE FINALIZED:** 01/15/10  
MCL; GR;NN; AA; CH



Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

NDW  
GR

# Memorandum



**Date:** September 17, 2009  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

**Subject:** C-15 #Z2009000091-1<sup>st</sup> Revision  
Waste Management Inc., of Florida d/b/a Delta Homestead C&D Facility  
11695 S.W. 328<sup>th</sup> Street  
Modification of a Previous Resolution to Extend the Completion Date of  
an Existing Landfill  
(AU) (55.36 Acres)  
18-57-40

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

#### Natural Forest Communities

The subject properties lie west of an EEL (Environmentally Endangered Lands) property. EEL properties are subject to EEL Ordinance for preservation and management consistent with the purposes set forth in Chapter 24-50 of the Code. This EEL property contains jurisdictional wetlands as defined by Chapter 24-5 of the Code. Therefore, any development on the subject properties must avoid adverse impacts to the adjacent wetlands.

#### Tree Preservation

The subject properties contain tree resources and contain jurisdictional wetlands. Section 24-49 of the Code provides for the preservation and protection of tree resources. Any non wetland tree resources on site will require a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

#### Wetlands

The subject properties are located within the Southwest Biscayne Bay Basin, and are a jurisdictional wetland area as defined by Section 24-5 of the Code. However, this application is part of a Class IV

Wetland Permit FW 93-043 issued to Homestead Landfill and Recycling Management Co., for the filling of 51 acres of jurisdictional wetlands at this location. The permit expired on December 23, 1995.

DERM has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on these sites. Any additional work in jurisdictional wetlands will require a new Class IV Wetland Permit.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Pollution Regulation and Permitting

Based on DERM records, which indicate an average disposal amount of approximately 7,700 tons per month for this year and the Annual Landfill Life Report dated March 3, 2009, prepared by Globex Engineering and Development for the referenced facility, the remaining landfill life including the appropriate time for closure of the facility, will be approximately four (4) years. Therefore, DERM has no objection to the proposed time extension request for the referenced landfill.

Closure of the Material Recovery Facility operation shall coincide with the expiration date in 2015, as stipulated in Contract No. 545B with the Department of Solid Waste Management. Please contact the Pollution Regulation and Enforcement Division at (305) 372-6806 if you have any further questions.

#### Pollution Remediation

DERM has reviewed the information regarding the above referenced site and found that there are records of current solid waste contamination assessment/remediation issues on the property (Waste Management Inc., of Florida, 11695 S.W. 328 St., SW-1158/F- 11699). This property is an active landfill operation with an ongoing monitoring program.

There are no abutting properties with records of current contamination assessment/remediation issues. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

#### Enforcement History

DERM has reviewed the record system and has found 2 closed and one open enforcement record for the subject property. The following is a summary of these cases:

##### **Closed Cases:**

##### **Homestead Landfill and Recycling:**

On August 16, 1994, DERM issued a Notice of Violation (NOV) for operating the subject facility without the required industrial waste permits and also for discharges of oil and grease to the ground from a diesel tank. In March 1995, DERM issued a Final Notice Prior to Court Action for non compliance with the NOV. A Contamination Assessment Plan (CAP) was submitted to DERM on April 17, 1995 and it was approved on May 17, 1995 by DERM. On August 10, 1995 a Contamination Assessment Report/No Further Action Plan (CAR/NFA) was submitted and it was approved by DERM on September 29, 1996 and the case was closed.

##### **Homestead Landfill Recycling Management (SW-1158):**

On November 8, 1995, DERM issued Uniform Civil Violation Notice (UCVN) #073300 to the facility for failure to submit test results for site monitoring as per conditions of the DERM operating permit. After further review of the records, the Department voided the UCVN on January 30, 1996.

**Open Cases:**

**Atlas Homestead, Inc. /Homestead Landfill Recycling Management Company  
(SW-1158/11699):-**

On March 21, 1997, DERM issued a Notice of Violation (NOV) to Atlas Homestead, Inc. and Homestead Landfill & Recycling Management Company for concentrations of ammonia-nitrogen in the groundwater in violation of Chapter 24, Miami-Dade County Environmental Protection Ordinance standards. Additionally, the NOV was issued for operating a Construction Demolition Recycling facility without the required Dade-County and State of Florida Department of Environmental Protection (FDEP) permits. On April 3, 2001, a second NOV was issued to the Atlas Environmental, Inc. facility for elevated ammonia concentrations and numerous violations of the facility's State and County Solid Waste Facility Operating Permit, including overfilling the landfill with Construction and Demolition (C/D) debris. A third NOV was subsequently issued by DERM on March 13, 2002 for improper disposal of solid waste occurring at the subject site. The third NOV required for a Corrective Action Plan (CAP) to be submitted to DERM within thirty (30) days.

On July 3, 2002, DERM executed a Consent Agreement with the facility requiring submittal of the CAP and ordering the facility to operate in accordance with their FDEP permit. The FDEP permit was issued on July 3, 2002. On September 9, 2002, the CAP was approved for the site and removal of C/D from the unpermitted area was approved and to be performed in phases.

On February 12, 2009, the facility's 2009 FDEP permit was issued; the facility was determined to be operating in compliance and awaiting FDEP approval of Financial Assurance on June 10, 2009. On June 4, 2009, the Monitoring Report for the site was reviewed by DERM and the facility was found to be operating in compliance with Monitoring and Operation Report requirements. Finally on June 9, 2009, the Quarterly Status Report Monitoring/Ground Water Monitoring Plan Report (QSRM/GWMMPR) was required for submittal to DERM by July 31, 2009.

**Concurrency Review Summary**

DERM has conducted a concurrency review 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 DERM's written approval, as required by the Code.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: WASTE MGMT INC OF FL (WMIF)

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

25-JUN-09

# Memorandum



**Date:** 13-JUL-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2009000091

### Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

### Service Impact/Demand

Development for the above Z2009000091  
 located at THE SOUTHEAST CORNER OF S.W. 320 STREET & S.W. 117 AVENUE, MIAMI-DADE COUNTY,  
 FLORIDA.  
 in Police Grid 2650 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 6:24 minutes

### Existing services

The Fire station responding to an alarm in the proposed development will be:  
 Station 66 - Village of Homestead - 3100 SE 8 Street  
 ALS Engine, Squad

### Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:  
 None.

### Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue  
 Department Planning Section at 786-331-4540.

DATE: 02-FEB-10  
REVISION 2

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

WASTE MGMT INC OF FL (WMIF)

LYING EAST OF SW 117 AVENUE,  
BETWEEN SW 320 STREET & 328  
STREET, MIAMI-DADE COUNTY,  
FLORIDA.

---

APPLICANT

---

ADDRESS

Z2009000091

---

HEARING NUMBER

**HISTORY:**

CURRENT ENFORCEMENT HISTORY: 02/02/2010

Folio #3070180010160

Case#: 201001000735

02/02/2010 √ Enforcement history inspection conducted √ no violations observed.

Case Status: Closed

Folio #3070180010151

Case # 20100100736

02/02/2010 √ Enforcement History inspection conducted √ no violations observed.

Case Status: Closed

3070180010150

Case# 20100100737 -Enforcement History inspection conducted √ no violations observed.

Case Status: Closed

3070180010141

Case #20100100738 - Enforcement History inspection conducted √ no violations observed.

Case Status: Closed

3070180010140

Case #20100100739 - Enforcement History inspection conducted √ no violations observed.

Case Status: Closed

3070180010131

Case #201001000740 - Enforcement History inspection conducted √ no violations observed.

Case Status: Closed

3070180010130

Case #20101000741 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Open Cases:

No open cases

Closed Cases:

Folio #3070180010160

Case # 200901005732 2

06/24/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Case #200901008065

09/18/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Folio #3070180010151

Case # 200901005734

06/24/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Case # 200901008066

09/18/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Folio #3070180010150

Case # 200901005739

06/24/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Case # 200901008067

09/18/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Folio #3070180010141

Case # 200901005741

06/24/2009 - Enforcement History inspection conducted 2 no violations observed.

Case Status: Closed

Case # 200901008068  
09/18/2009 - Enforcement History inspection conducted & no violations observed.  
Case Status: Closed

Folio #3070180010131  
Case #200901005743  
06/24/2009 - Enforcement History inspection conducted & no violations observed.  
Case Status: Closed

Case # 200901008071  
09/18/2009 - Enforcement History inspection conducted & no violations observed.  
Case Status: Closed

Folio # 3070180010130  
Case # 200901005746  
06/24/2009 - Enforcement History inspection conducted & no violations observed.  
Case Status: Closed

Case # 200901008072  
09/18/2009 - Enforcement History inspection conducted & no violations observed.  
Case Status: Closed

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

**REPORTER NAME:**



entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Interest \_\_\_\_\_

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JUN 16 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY AK

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

WASTE MANAGEMENT INC. OF FLORIDA

Signature: [Signature] (Applicant) BY: TIMOTHY B. HAWKINS, V. P.

Sworn to and subscribed before me this 4<sup>TH</sup> day of MAY, 2009. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)



SUSAN CHRISTA JOHNSON  
MY COMMISSION # DD 477049  
EXPIRES: January 29, 2010  
Bonded Thru Budget Notary Services

My commission expires: \_\_\_\_\_

Seal

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

DISCLOSURE OF INTEREST\*

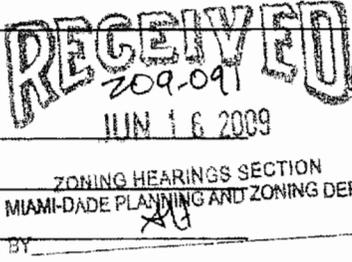
If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: ATLAS-HOMESTEAD, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>PLEASE SEE ATTACHED INFORMATION FROM FLORIDA SECRETARY OF STATE</u>	
<u>J.R. CAPITAL CORP. IS THE SOLE STOCKHOLDER OF ATLAS-HOMESTEAD, INC.</u>	
<u>THE STOCKHOLDERS OF J.R. CAPITAL CORP. ARE: JACK CASAGRANDE 45%,</u>	
<u>PATRICK MARZANO 25% , DOMINICK MARZANO 25% , THOMAS ROBERTS 5%</u>	

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
	
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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JUN 16 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

Date of contract: \_\_\_\_\_ BY AK

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

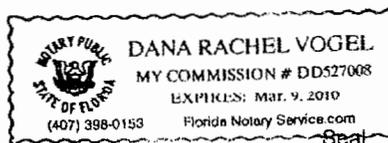
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

ATLAS HOMESTEAD, INC.

Signature: [Signature]  
MICHAEL MARZANO (Applicant)

Sworn to and subscribed before me this 29 day of April, 2009. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

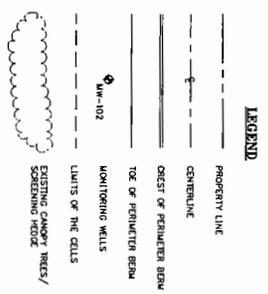
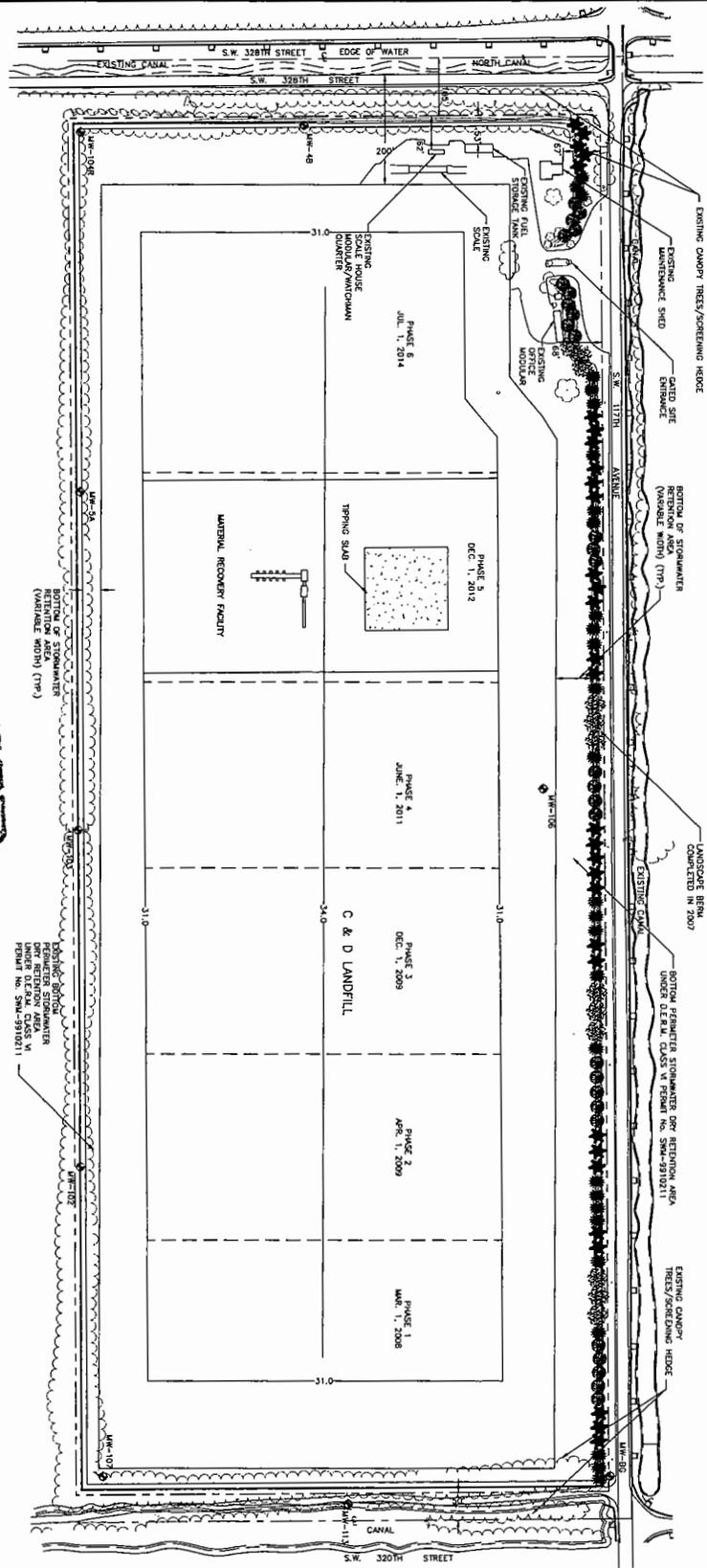
[Signature]  
(Notary Public)



My commission expires: \_\_\_\_\_

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.





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 Z09-01  
 SEP 09 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*

**TREES**

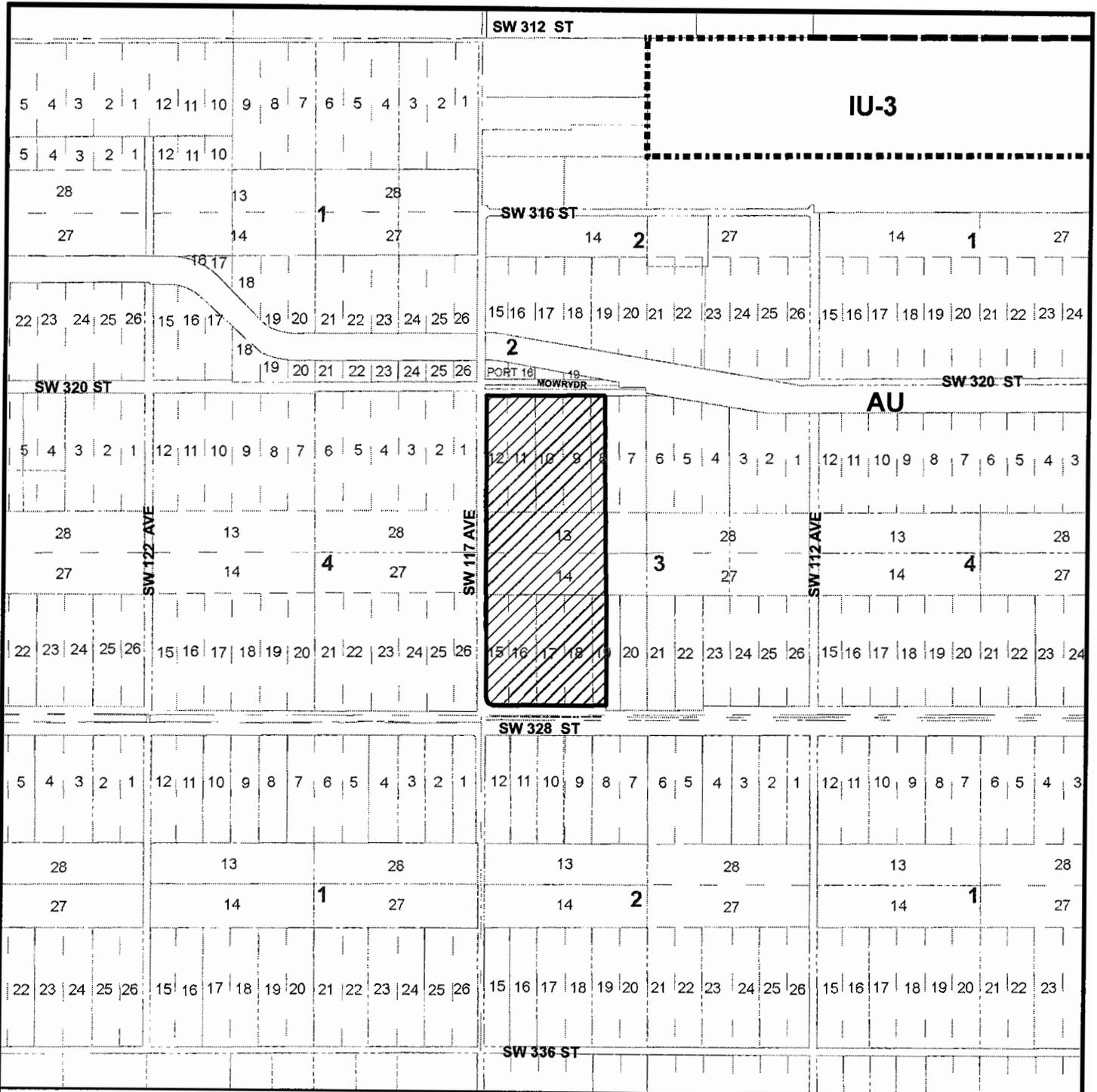
SYMBOL	SCIENTIFIC NAME	COMMON NAME
●	COCCOLONA DIVERSIFOLIA	PIEDMONT PLUM
○	ODONDIS VIRGINIANA	LIVE OAK
★	BURSERA SIMARUBA	QUBAO LIMBO
☼	SMILAXIA LINDLEYI	LANDCANY

**GLOBAL**  
 CONSULTANTS  
 1000 S.W. 11th Avenue, Suite 1000  
 Miami, FL 33135  
 Phone: 305.371.1111  
 Fax: 305.371.1112  
 Email: info@globalconsultants.com

REV.	DATE	DESCRIPTION	DRN BY	APP BY
001	SEP 21 2009	PROJECT NO. 2285		
002	SEP 21 2009	SCALE: AS SHOWN		
003	SEP 21 2009	PROJECT: DELTA HOMESTEAD CAD FACILITY		
004	SEP 21 2009	PROJECT: DELTA HOMESTEAD CAD FACILITY		
005	SEP 21 2009	SHEET TITLE: REVISSED SITE PLAN		

SHEET 1 OF 1  
 DRAWING NO. 1

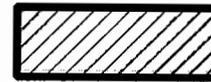
NOTES:  
 1. DELTA RECYCLING HOMESTEAD TO OPERATE UNTIL DECEMBER 31, 2013.



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**09-091**

Section: 18 Township: 57 Range: 40  
 Applicant: WASTE MGMT INC. OF FL. (WMIF)  
 Zoning Board: C15  
 Commission District: 09  
 Drafter ID: KEELING  
 Scale: NTS  
 ----- Zoning

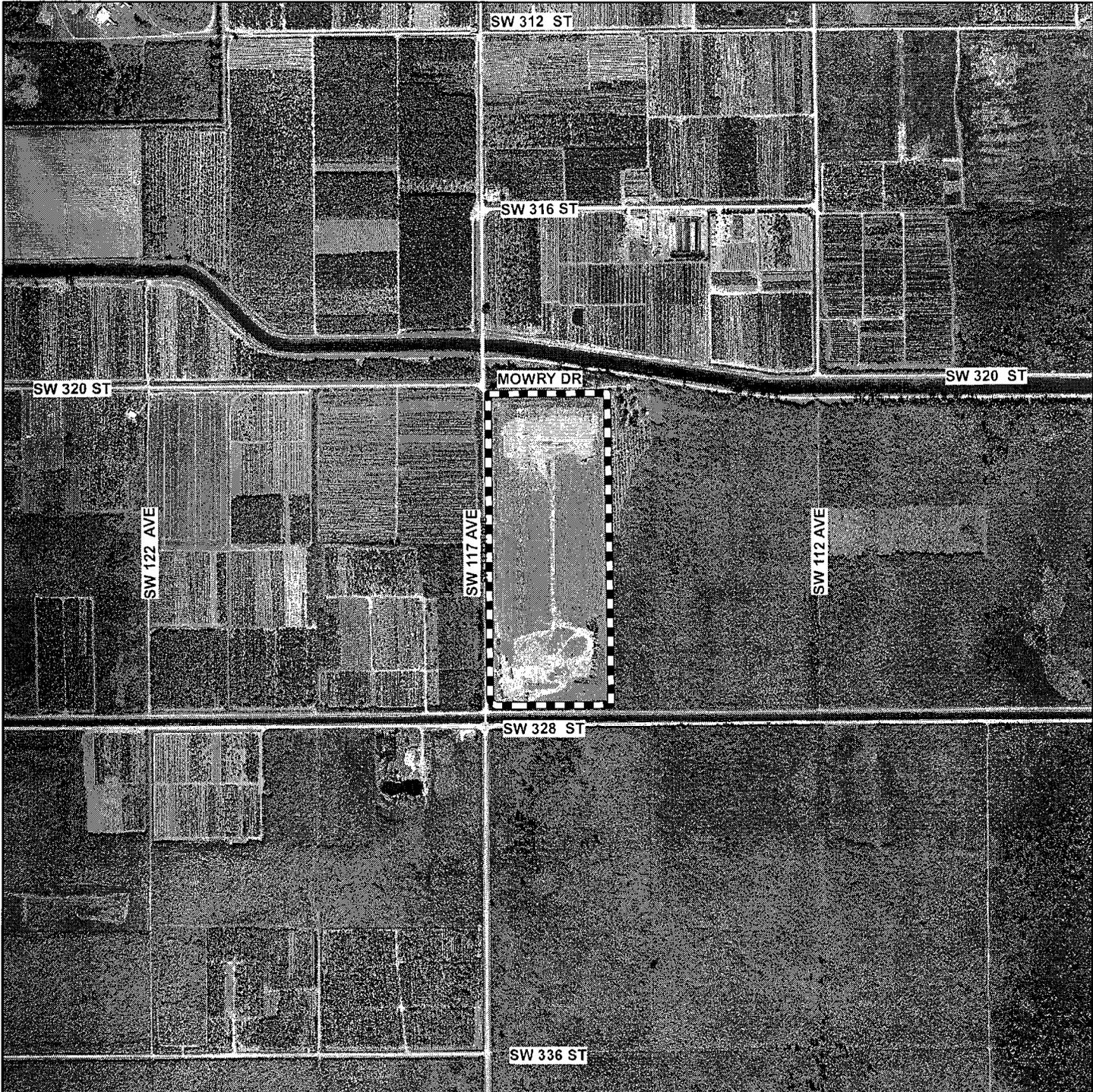


**SUBJECT PROPERTY**



SKETCH CREATED ON: 07/08/09

REVISION	DATE	BY
		22



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Section: 18 Township: 57 Range: 40  
 Applicant: WASTE MGMT INC. OF FL. (WMIF)  
 Zoning Board: C15  
 Commission District: 09  
 Drafter ID: KEELING  
 Scale: NTS  
 ----- Zoning

Process Number  
**09-091**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 07/08/09

REVISION	DATE	BY