





# Official Zoning Agenda

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BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, DECEMBER 13, 2012

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION 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 COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS 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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**1. FLORIDA POWER & LIGHT CO. (12-12-CC-1/12-090)**

**32-57-40  
BCC/District 9**

- (1) UNUSUAL USE to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant.
- (2) UNUSUAL USE to permit parking located in a zone more restrictive than the use it serves.
- (3) NON-USE VARIANCE of zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way; and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.
- (4) NON-USE VARIANCE to permit building heights of 75' (35' maximum permitted).
- (5) NON-USE VARIANCE to permit a fence height of 12' (8' maximum permitted).
- (6) SPECIAL EXCEPTION to permit fences with multiple strands of barbed wire in the GU zone.
- (7) NON-USE VARIANCE to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.
- (8) MODIFICATION of Condition #4 of Resolution Z-56-07 and reading as follows:

FROM: "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities."

TO: "4. Except for Parcel "A", FPL shall not apply for a any water withdrawal from the Biscayne Aquifer as a primary source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7."

The purpose of Request #8 is to allow the applicant to apply for water withdrawals as a backup source for cooling water.

**REQUEST #9 ON PARCELS "A" & "B"**

- (9) MODIFICATION of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07, reading as follows:  
FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application

Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, and plans entitled "New Proposed Unusual Use Boundary"; one sheet dated stamped received 10/30/12 and a second sheet dated stamped received 10/5/12 for a total of 2 sheets, all sheets prepared by Curtis Group."

The purpose of Request #9 is to allow the applicant to submit revised plans showing the new reclaimed water treatment facility and radial collector wells.

The afore-mentioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

LOCATION: Lying East of SW 117 Avenue, between theoretical SW 344 Street and theoretical SW 456 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 9219.30 Acres

Department of Impact Committee  
Recommendation:

Modified approval with conditions of request #1 and #8 with the removal of the reclaimed water treatment facility from the plan, approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility; approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, 5 and #6, as set forth in the Department of Regulatory and Economic Resources' recommendation.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

T H E E N D

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources (RER), within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to the Board of County Commissioners**

**PH: Z11-077 (12-06-CZ05-1)**

**December 13, 2012**

Item No. A

<b>Recommendation Summary</b>	
<b>Commission District</b>	1
<b>Applicant</b>	Miami Gardens Commons, LLC
<b>Summary of Requests</b>	The applicant is seeking a zone change to BU-2 and to permit less classroom space, outdoor recreation space and stacking spaces than required. Additionally, the applicant is seeking to waive the required 5' high masonry wall and permit one (1) tenant two (2) wall signs, where one sign per tenant is permitted.
<b>Location</b>	5901 Miami Gardens Drive, Miami-Dade County, Florida.
<b>Property Size</b>	2.95 acres
<b>Existing Zoning</b>	IU-C
<b>Existing Land Use</b>	Office Building
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311 District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions of requests #1 - #4 and #6; denial without prejudice of request #5, unless withdrawn by the applicant.</b>

This application was deferred from the November 27, 2012 Board of County Commissioners (BCC) meeting to allow the applicant to provide additional traffic analysis information. This application was previously deferred from the October 25, 2012 BCC meeting at the request of the district commissioner.

On June 28, 2012, pursuant to Resolution No. CZAB5-5-12, Community Zoning Appeals Board (CZAB) 5, denied with prejudice the entire application by a vote of 4 to 1. Subsequently, on July 13, 2012, the applicant appealed the CZAB 5 decision to the Board of County Commissioners (BCC) citing that no competent substantial evidence of record existed for CZAB 5 to deny the application.

**REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from IU-C (Controlled Industrial District) to BU-2 (Special Business District).
- (2) NON-USE VARIANCE to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft.).
- (4) NON-USE VARIANCE to permit zero (0) stacking spaces (5 stacking spaces required).

- (5) NON-USE VARIANCE of sign regulations to permit one (1) tenant with two (2) wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** The subject property is an existing 3-story 72,682 sq. ft. multi-tenant office building.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	IU-C; office building	Business and Office
<b>North</b>	RU-4L; multi-family residential	Medium Density Residential (13 to 25 dua)
<b>South</b>	IU-C; commercial	Business and Office
<b>East</b>	IU-C; commercial and storage facility	Business and Office
<b>West</b>	IU-C; storage facility	Business and Office

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an existing office building located at 5901 Miami Gardens Drive. The surrounding area is characterized by commercial and residential uses.

**SUMMARY OF THE IMPACTS:**

Approval of this application will rezone the subject property to BU-2 and increase the visibility of tenants of the existing office building by increasing the number of signs. Additionally, approval would permit a private school with less classroom and outdoor recreational space and zero (0) auto stacking spaces for a private school. As such, the proposed school could result in additional traffic in the surrounding area and the proposed additional signage could result in visual clutter and have a negative visual impact on the surrounding area.

**CDMP ANALYSIS:**

The subject property is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The approval of the requests sought in this application will permit the applicant to rezone the property from IU-C to BU-2, provide less classroom and outdoor space than required for a private school and increase the number of wall signs on the

existing office building. Staff opines that the requested BU-2, Special Business District, is **consistent** with the Business and Office designation of the subject property on the CDMP Land Use Plan map. Additionally, the proposed educational use is consistent with Land Use Element interpretative text for Institutions, Utilities and Communications which states that *neighborhood or community-serving institutional uses, cell towers and utilities including **schools**, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A.* Staff notes that **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. Additionally staff notes that the existing office building will be utilized for the proposed educational use. The existing facility did not require a zoning hearing and was built as a matter of right and subject to the County's building permit process. Staff notes that submitted plans for this application depict the same building elevations, architectural elements, landscaping, buffering and parking areas as were previously approved although the floor plans have been modified to accommodate the proposed 907 students.

Further, the CDMP Land Use Element interpretative text for the Business and Office designation states that *in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities.* Staff notes that memoranda submitted by the Departments of Public Works and Waste Management, the Environment Division of the Regulatory and Economic Resources, Miami-Dade Fire Rescue and Parks, Recreation and Open Spaces do not indicate any negative impact from the requested district boundary change. Therefore, staff opines that the proposed district boundary change and educational use are **consistent** with the Business and Office designation and the Land Use Element interpretative text for Institutions, Utilities and Communications and **compatible** with the surrounding area based on the that Land Use Element Policy LU-4A compatibility criteria.

### **ZONING ANALYSIS:**

On October 24, 21012, the applicant submitted a letter to the department and informed staff that they intend to withdraw request #5 and comply with the County's sign regulations. Additionally, the applicant has offered a condition which includes additional landscaping along the north (rear) property line, in lieu of providing the required 5' high masonry wall where a business lot abuts a residentially zoned (request #6).

When request #1, District Boundary Change from IU-C to BU-2, is analyzed under Section 33-311 of the Code, staff opines that the approval of this request would be **consistent** with the CDMP's LUP map Business and Office designation. The Environmental Division of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the Level of Service (LOS) standards for potable water service, wastewater disposal, or stormwater management. Further, staff opines that said request would not have an unfavorable impact on the environmental and natural resources, or economy nor burden water, sewer solid waste disposal, recreation, education or public transportation facilities as evidenced by memoranda submitted by the Departments of Public Works and

Waste Management; Parks, Recreation and Open Spaces; the Environment Division of Regulatory and Economic Resources; and Miami-Dade Fire Rescue. Additionally, said departments indicate in their memoranda that they do not object to this application. As such, staff opines that the applicant's request for a zone change to BU-2 will not have a negative impact on the surrounding area. Staff notes that the existing office building and uses are allowed in the BU-2 zoning district. **Therefore, staff recommends approval of request #1 under Section 33-311 Standards for District Boundary Change.**

When requests #2, #3 and #4 are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the requests to permit the subject property with less classroom and outdoor recreation space than required and zero (0) stacking spaces would be **compatible** with the area. In staff's opinion, requests #2, #3 and #4 maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Staff notes that the requested non-use variances are for a proposed private school which is allowed by right within the BU-2, Special Business District. The applicant has indicated in the letter of intent that the private school will be a post secondary facility for college aged students. Staff notes that due to the size of the subject property, the proposed private college did not meet the main campus standards for private colleges and universities listed in Section 151.14 of the Zoning Code. Said Section of the Code states that private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established for high schools; therefore, the requested non-use variances are based on the private school standards for a high school educational facility as outlined in Section 151.18. Staff notes that the requests to permit less classroom and outdoor recreation space (requests #2 and #3) are based on the proposed total of 907 students. Staff opines said requests are minimal because the school offers its students convenient class schedules that allow for attendance at anytime during the day or evening. Therefore the number of students on campus will vary and may not reach the requested 907 students at any given time. Further, staff opines that request #4 to permit zero (0) stacking spaces, where five (5) are required will not impact the traffic circulation within the parking lot or negatively impact the adjacent roadways. Additionally, staff opines that modes of transportation utilized vary for college aged students from personal vehicle, mass transit and carpooling. In the event a student is dropped off at the location, the layout of the parking lot is designed with ample space to for other vehicles to maneuver around a stopped vehicle without impacting the circulation throughout the parking lot. **As such, staff recommends approval with conditions of requests #2, #3 and #4 under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards.**

However, when request #5 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of this request would be out of character with the surrounding area. The applicant is requesting to permit two (2) wall signs for one (1) tenant, where only one (1) wall sign per tenant is permitted. In staff's opinion the request is incompatible with the surrounding area. Further, staff notes that in addition to the permitted one (1) wall sign per tenant, tenants of the existing office building are identified on an existing monument sign located along NW 183 Street (Miami Gardens Drive). Said monument sign faces east and west which aids in locating tenants in the existing office building by passersby traveling in either direction. Staff opines that the request is incompatible and would have a negative visual impact on the surrounding area. **As such, staff recommends denial without prejudice of request #5 under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards, unless withdrawn by the applicant.**

When analyzing request #6, to waive zoning regulations requiring a 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that the request is **incompatible**. Staff notes that the BU-2 zoning district requires a 5' high decorative masonry wall when abutting RU zoned properties; however, the existing IU-C zoning district does not have the same requirement. Staff opines that the wall provides a buffer that can mitigate visual and noise impacts from the proposed educational use. However, in lieu of the required 5' high masonry wall, the applicant has proposed to increase the height of the depicted landscape hedge to a minimum of three (3) feet in height at time of planting in lieu of the masonry wall along the north (rear) property line and provide additional plant material if the Director of the Department of Regulatory and Economic Resources determines that additional material is needed to adequately buffer the parking area of the subject property from the abutting residential property to the north. Staff opines that the applicant's landscape proposal in lieu of the required 5' high masonry wall is **compatible**. Further, in staff's opinion, the proposed additional landscaping will mitigate any visual and noise impacts on the abutting property to the north. Therefore, staff recommends that in lieu of the required wall the applicant provide the proposed landscaping. **As such, staff recommends approval with conditions under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards.**

**ACCESS, CIRCULATION AND PARKING:**

The submitted site plan depicts an existing office building with only one (1) ingress/egress point along NW 183 Street (Miami Gardens Drive). There are 247 parking spaces for the proposed private school and existing office uses.

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

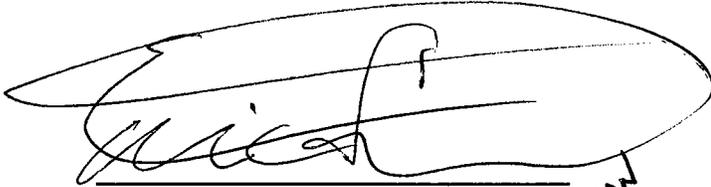
**RECOMMENDATION:** Approval with conditions of requests #1 - #4, and #6; denial without prejudice of request #5, unless withdrawn by the applicant.

**CONDITIONS FOR APPROVAL:** (for requests #1 - #4 and #6 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami Gardens Commons" as prepared by Gutierrez & Lorenzo Architects, dated stamped received, 03/21/2012 consisting of 6 sheets, except as herein modified to show: i) a vehicular driveway connection to the existing access route across the eastern property line; ii) an increase in the height of the depicted landscape hedge to a minimum of three (3) feet in height at time of planting in lieu of the masonry wall along the north (rear) property line, together with additional plant material if the Director of the Department of Regulatory and Economic Resources determines that such material is necessary to provide sufficient opacity to buffer the adjoining property from illumination from headlights; and iii) removal of depicted additional tenant signs to show one sign per tenant.

3. That the use be established and maintained in accordance with the approved plan.
4. That at the time of Certificate of Use issuance and each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the administrator of the school detailing the number of students that are currently enrolled in said facility.
5. That the enrollment of the private school be limited to 907 college students.

ES:MW:NN:CH:AN

A large, stylized handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Eric Silva, AICP, Assistant Director  
Development Services  
Miami-Dade County  
Department of Regulatory and Economic Resources

NDN

# ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC  
11-077

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<b>Business and Office</b>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for <b>Business and Office</b>. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
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# ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC  
11-077

<b>Institutions, Utilities and Communications (Pg. I-53)</b>	<b>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan</b>
<b>Land Use Element Policy LU-4A (Pg. I-11)</b>	<b>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</b>

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>Section 33-311 District Boundary Change</b>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i></li> <li>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></li> <li>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></li> <li>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></li> <li>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></li> </ol>
<b>33-311(A)(4)(b)</b>	<b>Upon appeal or direct application in specific cases, the Board shall hear and grant applications</b>

# ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC  
11-077

<b>Non-Use Variances From Other Than Airport Regulations</b>	<p>for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</p>								
<b>33-151.14. – Private colleges and universities (a)</b>	<p>Main campus requirements. <b>Private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established herein for high school facilities.</b> Above thirty (30) acres, in addition to said minimum standards, said facilities shall be subject to intensive review by the Department and the County Commission utilizing the study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," adopted pursuant to Resolution No. R-633-77.</p>								
<b>33-151.18. - Physical standards(a, c &amp; e)</b>	<p>(a) Outdoor areas. Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.</p> <p style="text-align: center;"><i>Minimum Standards for Outdoor Recreation Playground/Play Areas</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 50%; padding: 5px;">School categories</th> <th style="width: 50%; padding: 5px;">Required area</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Day nursery/kindergarten and preschool and after-school care</td> <td style="padding: 5px;">45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time</td> </tr> <tr> <td style="padding: 5px;">Elementary school (grades 1—6)</td> <td style="padding: 5px;">500 square feet per student for the first 30 students; thereafter, 300 square feet per student</td> </tr> <tr> <td style="padding: 5px;"><b>Junior and senior high school (grades 7—12)</b></td> <td style="padding: 5px;"><b>800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student</b></td> </tr> </tbody> </table> <p>(c) Auto stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.</p> <p>(e) Classroom size. All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:</p> <p>(1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.</p> <p>(2) Elementary (grades 1—6), 30 square feet per pupil.</p> <p>(3) <b>Junior high and senior high (grades 7—12), 25 square feet per pupil.</b></p> <p>(4) Baby-sitting service, 22 square feet of room area per child.</p>	School categories	Required area	Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time	Elementary school (grades 1—6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student	<b>Junior and senior high school (grades 7—12)</b>	<b>800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student</b>
School categories	Required area								
Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time								
Elementary school (grades 1—6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student								
<b>Junior and senior high school (grades 7—12)</b>	<b>800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student</b>								

ZONING ACTION

MEMORANDUM

Harvey Ruvin  
Clerk of the Circuit and County Courts  
Clerk of the Board of County Commissioners  
(305) 375-5126  
(305) 375-2484 FAX  
[www.miami-dadeclerk.com](http://www.miami-dadeclerk.com)



DATE: 11/27/2012 #Z-

ITEM: A.

APPLICANT: MIAMI GARDENS COMMONS, LLC  
(12-6-CZS-1/11-077)

MOTION: DEFERRED TO DEC 13, 2012 WITH NO FURTHER NOTICE.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz				X
Heyman		X		
Jordan	M	X		
Monestime		X		
Moss				X
Sosa				X
Souto	S	X		
Suarez				X
Zapata		X		
Vice Chairwoman Edmonson		X		
<b>TOTAL</b>		9	0	4

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts  
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

[www.miami-dadeclerk.com](http://www.miami-dadeclerk.com)



**DATE:** October 25, 2012

**#Z-**

**ITEM: 1**

**APPLICANT: Miami Gardens Commons, LLC (12-6-CZ5-1/11-077)**

**MOTION:** to defer the foregoing application to the November 27, 2012, BCC Zoning Hearing.

<b>ROLL CALL</b>	<b>M/S</b>	<b>YES</b>	<b>NO</b>	<b>ABSENT</b>
Barreiro				X
Bell		X		
Bovo				X
Diaz	S	X		
Heyman		X		
Jordan				X
Monestime		X		
Moss				X
Sosa	M	X		
Souto		X		
Suarez				X
Vice Chairwoman Edmonson				X
Chairman Martinez		X		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>6</b>

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 5  
MOTION SLIP

#1

APPLICANT'S NAME: **MIAMI GARDENS COMMONS, LLC**

REPRESENTATIVE: John Herin

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-06-CZ5-1 (11-077)	June 28, 2012	CZAB5	5	12

**REC: Approval with conditions of requests #1 - #4 and denial without prejudice of requests #5 and #6.**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_

DEFER:       INDEFINITELY       TO: \_\_\_\_\_       W/LEAVE TO AMEND

DENY:       WITH PREJUDICE       WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS

APPROVE:       PER REQUEST       PER DEPARTMENT       PER D.I.C.

WITH CONDITIONS

TITLE	M/S	NAME	YES	NO	ABSENT
VICE CHAIR WOMAN	<b>S</b>	Joanne CARBANA	<b>X</b>		
COUNCILMAN		Ira J. PAUL	<b>X</b>		
COUNCILMAN	<b>M</b>	Leonardo A. PEREZ	<b>X</b>		
COUNCILMAN		Alexander C. SENDEROFF	<b>X</b>		
CHAIRMAN		Juan A. GARCIA (C.A.)		<b>X</b>	
VOTE:			<b>4</b>	<b>1</b>	

EXHIBITS:  YES     NO

COUNTY ATTORNEY: **JOHN MCINNIS**

**A. MIAMI GARDENS COMMONS, LLC**  
**(Applicant)**

**12-6-CZ5-1 (11-077)**  
**Area 05/District 01**  
**Hearing Date: 12/13/12**

Property Owner (if different from applicant) **Same.**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

None

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.

# Memorandum

**Date:** July 25, 2012

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources 

**Subject:** C-05 #Z2011000077-1<sup>st</sup> Revision  
Miami Gardens Commons, LLC  
5901 Miami Gardens Drive  
District Boundary Change from IU-C to BU-2 and to Waive the  
Required 5' High Masonry Wall where a Business Lot Abuts a  
Residentially Zoned Property from the Rear Property Line  
(IU-C) (2.95 Acres)  
12-52-40

---

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

The proposed District Boundary Zone change from IU-C to BU-2 will not affect the existing stormwater management system. However, any change to the existing stormwater management system will require a modification to the previously approved SFWMD ERP 13-02936-P-02.

### Wetlands

Although the subject property is not located within a designated wetland basin, it does contain jurisdictional wetlands as defined by Section 24-5 of the Code. However, a Class IV Wetland Permit FW02-112 was issued for this property for the clearing and filling of 2.48 acres of jurisdictional wetlands for commercial purposes. The permit expired on June 26, 2009.

Therefore, the Department has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on this site. 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.

### Operating Permits

Section 24-18 of the Code authorizes the Department to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits may be required. Furthermore, approval for best management practices to control any potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district may be required. The Permitting Section of Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

### Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Section 24 of the Code. 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. This Department'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 the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

### Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

### Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDM 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.

C-05 #Z2011000077

Miami Gardens Commons, LLC

Page 3

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MIAMI GARDENS COMMONS, LLC

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 application meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

16-SEP-11

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #11-077

**Miami Gardens Commons, LLC**

**Application:** *Miami Gardens Commons, LLC* is requesting a district boundary change from Industrial District, conditional (IU-C) to Special Business District (BU-2) to allow for the site to accommodate an ITT Technical Institute. The applicant also requests non-use variances to waive requirements to build a wall at the rear of the property line; develop an outdoor recreation/ play area; address "auto stacking" or the dropping off and picking up of children that do not drive or use public transportation; and address a standardized classroom size.

**Size:** The subject property is approximately 2.958 acres.

**Location:** The subject property is located at 5901 Miami Gardens Drive, in Miami-Dade County, Florida.

**Analysis:**

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The placement of an ITT Technical Institute on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

**Section 15-2.3 states** the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

#### 4. Waste Storage/Setout Considerations

**Section 15-4** of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

#### 5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
- b. "T" shaped turnaround 60 feet long by 10 feet wide.
- c. Paved throughway of adequate width (minimum 15 feet).

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY     *m*     AMOUNT OF FEE     2164.73    

RECEIPT # \_\_\_\_\_

DATE HEARD:     6/28/12    

BY CZAB #     5    

**RECEIVED**

11.071  
JUL 13 2012

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY     *m*      
DATE RECEIVED STAMP

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No.     Z20111000077    

Filed in the name of (Applicant)     Miami Gardens Commons, LLC    

Name of Appellant, if other than applicant     c/o John R. Herin, Jr.    

Address/Location of APPELLANT'S property:  
5901 Miami Gardens Drive, Hialeah, Florida 33015

Application, or part of Application being Appealed (Explanation):  
The entire Application. No competent substantial evidence of record existed for Community Council No. 5 to deny the Application.

Appellant (name):     Miami Gardens Commons      
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language)

**APPELLANT MUST SIGN THIS PAGE**

Date: 7<sup>th</sup> day of July, year: 2012

Signed \_\_\_\_\_

John R. Herin, Jr.

Print Name

P.O. Box 2328  
Fort Lauderdale, Florida 33303-9998

Mailing Address

(954) 761-8111

(954) 761-8112

Phone

Fax

**REPRESENTATIVE'S AFFIDAVIT**

If you are filing as representative of an association or other entity, so indicate:

Representing \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_

Subscribed and Sworn to before me on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_

Notary Public

(stamp/seal)

Commission expires:

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Broward

Before me the undersigned authority, personally appeared John R. Herin, Jr.  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

R. Boughey  
Signature

Rita Boughey  
Print Name

Deborah E. Sabido  
Signature

Deborah E. SABIDO  
Print Name

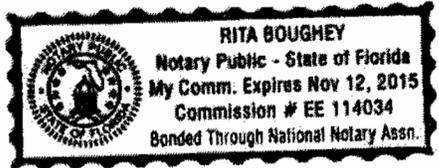
[Signature]  
Appellant's signature  
John R. Herin, Jr.  
Print Name

Sworn to and subscribed before me on the 7 day of July, year 2012.

Appellant is personally know to me or has produced \_\_\_\_\_ as  
identification.

[Signature]  
Notary  
(Stamp/Seal)

Commission Expires:  
[b.forms/affidapl.sam(9/08)]



**RESOLUTION NO. CZAB5-5-12**

*WHEREAS*, **MIAMI GARDENS COMMONS, LLC** applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5autostacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158

sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and should be denied, and

*WHEREAS*, a motion to deny the application with prejudice was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	aye
		Juan A. Garcia	nay

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied with prejudice.

*BE IT FURTHER RESOLVED* that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of

sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) be and the same are hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Regulatory and Economic Resources.

*PASSED AND ADOPTED* this 28<sup>th</sup> day of June, 2012.

Hearing No. 12-06-CZ5-1  
ej

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

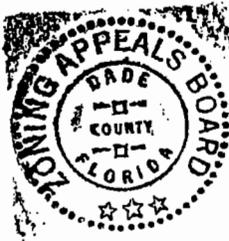
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-5-12 adopted by said Community Zoning Appeals Board at its meeting held on the 28<sup>th</sup> day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6<sup>th</sup> day of July, 2012.

*Earl Jones*

\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade Department of Regulatory and Economic  
Resources

SEAL



**Child Care Check List for  
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: J.T.T. TECHNICAL INSTITUTE

School Address: 5901 MIAMI GARDENS DR. Tax Folio # 30 - 20120100020

1. Is this an expansion to an existing school  Yes  No If yes, indicated the number of students: \_\_\_\_\_ and age and grade ranges originally approved: \_\_\_\_\_
2. Total size of site: \_\_\_\_\_ x \_\_\_\_\_ = 128,862 + 43,560 sq. ft. = 2.96 acres
3. Number of children or students requested: 907 Ages: POST SECONDARY / COLLEGE STUDENTS  
*APPROX.*
4. Number of teachers: 10 Number of administrative & clerical personnel: 30  
*APPROX.*
5. Number of classrooms: 26 Total square footage of classroom area: 17,158.86
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): 44,111.18  
13,361.18 *HALLWAYS*
7. Amount of outdoor recreation/play area in square footage: 1,711.95

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:  
0 VEHICLES
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 128 parking spaces required by §33-124(L) 128
10. Indicate the number of auto stacking spaces: 0 provided 5 required.
11. Proposed height for the structure(s): 51'-0" (3 STORIES) See §33-151.18(g).  
*WALL*
12. Size of identification sign(s): 5 x \_\_\_\_\_ = 1,579 sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: DAILY 6:00 AM TO 11:00 PM
14. Does the subject facility share the site with other facilities?  Yes  No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17?  Yes  No (If yes, describe the residential uses and indicate same on the plans).

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BY \_\_\_\_\_

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

b. Elementary Grades 1-6

30 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x 907 (number of children) = 22,675 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 22,675

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 17,158.86

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x \_\_\_\_\_ (1/2 of children) = \_\_\_\_\_

b. Grades 1-6

500 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_

300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

c. Grades 7-12

800 sq. ft. x 30 (first 30 children) = 24,000 s.f.

300 sq. ft. x 300 (next 300 children) = 90,000 s.f.

150 sq. ft. x 577 (remaining children) = 86,550 s.f.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 200,550 s.f.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 1,711.95 s.f.

TREES: See §33-151.18(g), and the Planning Division (12<sup>th</sup> Floor) for additional requirements.

a. 28 trees are required per net acre. Trees required: 75 Trees provided: 78

b. Ten shrubs are required for each tree required. Shrubs required 750 Shrubs provided 864

c. Grass area for organized sports/play area in square feet: 0

d. Lawn area in square feet (exclusive of organized sports/play area): 25,824.04

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BY \_\_\_\_\_

School Address: 5901 MIAMI GARDENS DR. Zip Code: 33015<sup>4</sup>.

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 15<sup>TH</sup> day of DECEMBER at Miami-Dade County, Florida.

\_\_\_\_\_  
Signature MANUEL GUTIERREZ  
PROJECT ARCHITECT.

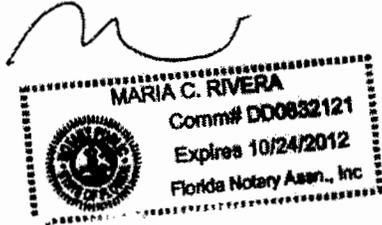
WITNESSES:

*[Handwritten signature]*

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this 19<sup>TH</sup> day of JANUARY, 2012, before me personally appeared MANUEL GUTIERREZ, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:



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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Handwritten signature]*

# Memorandum



**Date:** 27-JUL-11  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Karls Paul-Noel, Interim Director  
Miami-Dade Fire Rescue Department  
**Subject:** Z2011000077

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## Fire Prevention Unit:

APPROVAL  
No objection to site plan date stamped July 6, 2011.

## Service Impact/Demand

Development for the above Z2011000077  
located at 5901 MIAMI GARDENS DR, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0098 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
48,455	square feet	<u>N/A</u> institutional	square feet
<u>Office</u> 24,227	square feet	<u>N/A</u> nursing home/hospitals	square feet
<u>Retail</u>			

Based on this development information, estimated service impact is: 17.85 alarms-annually.  
The estimated average travel time is: 7:15 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
Station 51 - Honey Hill - 4775 NW 199 Street Rescue

## Planned Service Expansions:

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

## Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped July 6, 2011. Substantial changes to the plan will require additional service impact analysis.

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

# Memorandum



**Date:** August 11, 2011  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** *M.I.* Maria I. Nardi, Chief  
Planning and Research Division  
**Subject:** Z2011000077: Miami Gardens Commons, LLC

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**Application Name:** Miami Gardens Commons, LLC

**Project Location:** The site is located at 5901 Miami Gardens Dr., Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from IU-C to BU-2. A non-use variance is requested to waive the requirement for a 5' high concrete masonry wall where the rear property line abuts residential property.

**Impact and demand:** The letter of intent specifies that the purpose of the district boundary change is for retail and office uses in an existing building. Therefore, it is assumed residential uses will not be included as a potential use. Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 04-SEP-12  
REVISION 2

**BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT**

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

MIAMI GARDENS COMMONS, LLC

5901 MIAMI GARDENS DR, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

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**ADDRESS**

---

Z2011000077

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**HEARING NUMBER**

**HISTORY:**

ENFORCEMENT HISTORY; NC; No open cases. BNC: No bss cases opened/closed

Miami Gardens Commons, LLC

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

**REPORTER NAME:**

# Memorandum



**Date:** May 11, 2012

**To:** Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office  
Miami-Dade Sustainability, Planning and Economic Enhancement

**From:** James Byers, Zoning Permitting Division Chief  
Department of Permitting, Environment and Regulatory Affairs

**Subject:** Z2011000077

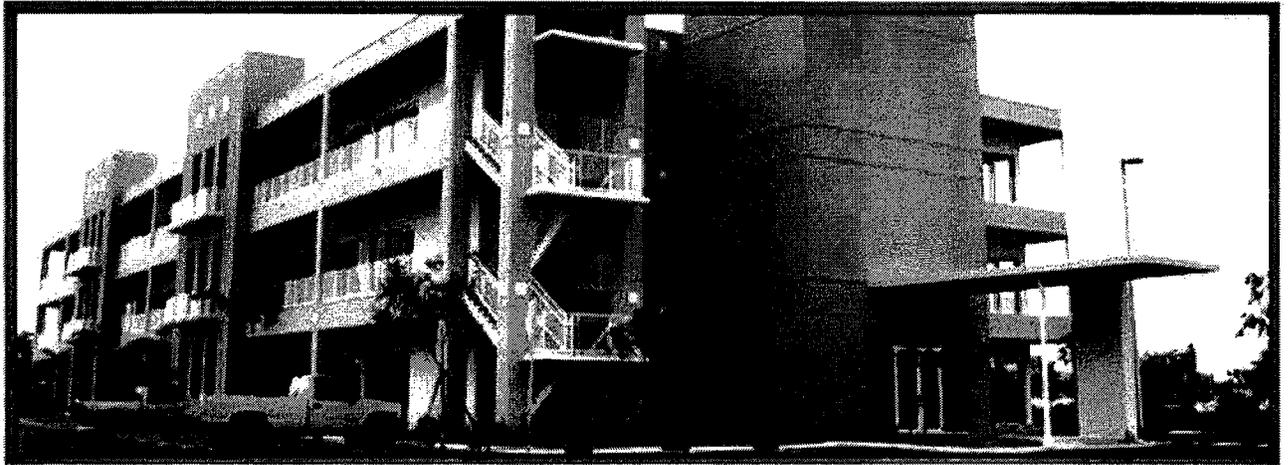
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Zoning Inspector: Frankie Rodriguez  
Inspection date: May 11, 2012  
Location: 5901 N.W. 183 St. (Miami Gardens Dr.)

The subject property has a three story office/retail building which is only occupied by three tenants all of which have been issued their Certificates of Use.

The landscape at the rear (north) property line of the subject property where the applicant is requesting the 5' high masonry wall to be waived as required where a business lot abuts a residentially zoned property is well maintained with green area with shrubs and trees. The abutting residential property has a chain link fence at the share rear property line of the subject property with a 6' well maintained ficus hedge with Queen palm trees.

No unauthorized uses were observed. Most of the vacant units will have to be built out to suit since the interior space is just a shell.



Miami Gardens Commons

5131 Miami Gardens Parkway, Miami, FL

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BY: *[Signature]*

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DISCLOSURE OF INTEREST\*

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MIAMI-DADE COUNTY  
PROCESS # 211-077  
DATE MAR 21 2012  
BY DAH

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned. [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: MIAMI GARDENS COMMUNITY, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Fernando Sanchez</u>	<u>100%</u>
<u>18306 NW 62<sup>nd</sup> Ave #300</u>	
<u>Miracle, FL 33015</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: \_\_\_\_\_

MIAMI-DADE COUNTY  
NARCISSE PRESS AND OFFICE (if applicable)

Percentage of Interest

DATE: MAR 21 2012  
BY: DAH

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

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

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

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

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

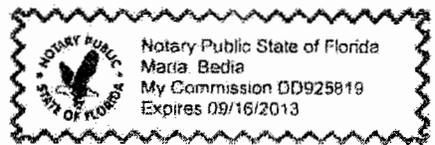
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: \_\_\_\_\_  
(Applicant)

Sworn to and subscribed before me this 24 day of May, 20 11. Affiant is personally know to me or has produced Know to me as identification.

Maria Bedia  
(Notary Public)



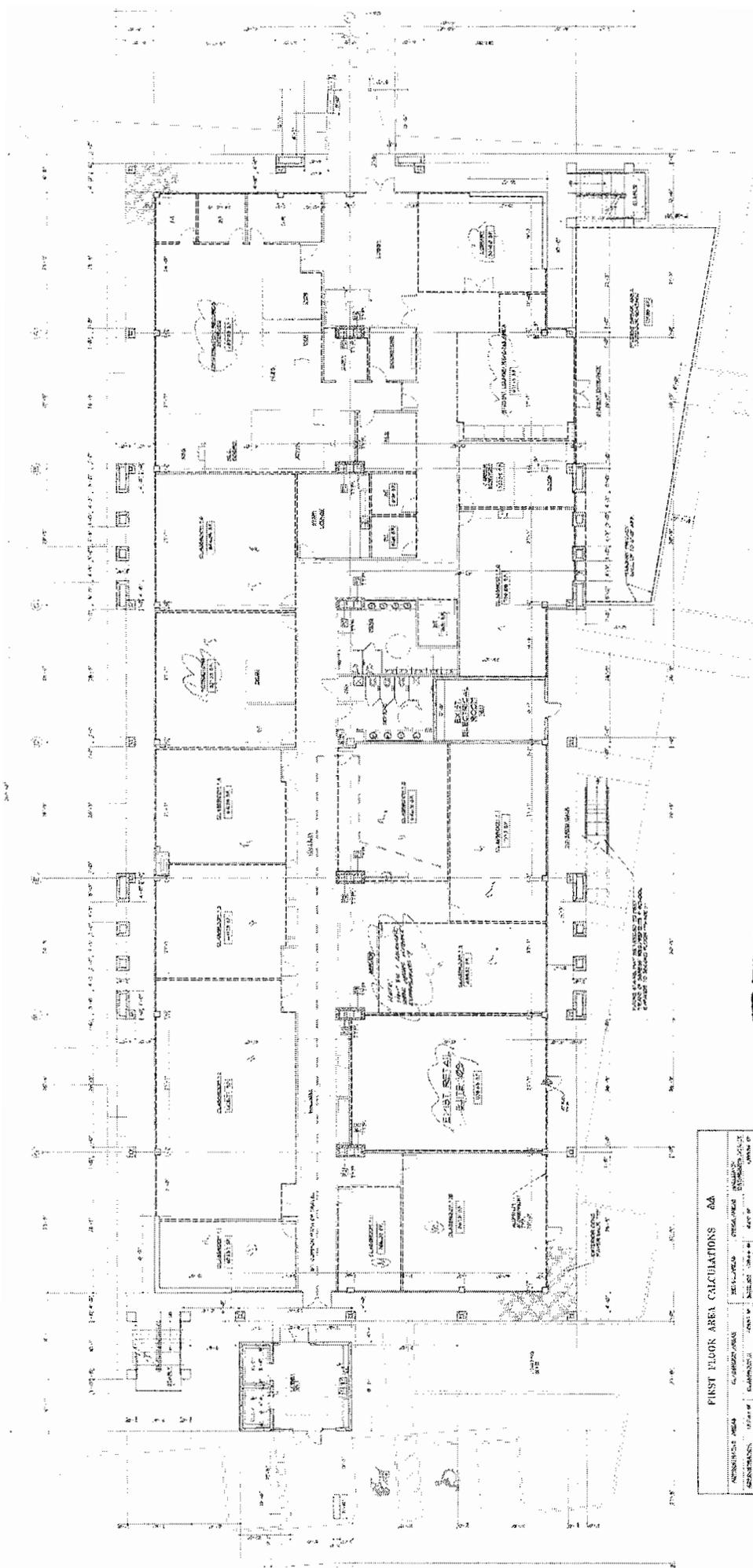
My commission expires: 9/16/13

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.







1ST FLOOR PLAN (PHASE II) A

**FIRE SPRINKLER NOTES**

1. ALL AREAS TO BE SPRINKLERED TO COMPLY WITH ALL CITY ORDINANCES.  
 2. SPRINKLER RISER SHALL BE INSTALLED IN THE MAIN HALLWAY.  
 3. ALL RISERS SHALL BE INSTALLED AND EXTENDING DOWN TO THE MAIN HALLWAY.  
 4. ALL RISERS SHALL BE INSTALLED AND EXTENDING DOWN TO THE MAIN HALLWAY.

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 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

**FIRST FLOOR AREA CALCULATIONS BA**

DESCRIPTION	AREA	PERCENTAGE	REMARKS
CLASSROOMS	10,000	10.00%	
LIBRARY	5,000	5.00%	
OFFICES	3,000	3.00%	
STAIRS	1,000	1.00%	
ELEVATOR	500	0.50%	
MECHANICAL	2,000	2.00%	
RESTROOMS	1,000	1.00%	
STORAGE	1,000	1.00%	
UNASSIGNED	1,000	1.00%	
<b>TOTAL</b>	<b>24,500</b>	<b>24.50%</b>	

DATE: 02/11/07  
 SHEET: A-1.1

PROJECT TITLE: MIAMI GARDEN COMMONS

PROJECT: PRIVATE RESIDENTIAL DEVELOPMENT  
 MIAMI GARDEN COMMONS  
 6901 MIAMI GARDENS DRIVE  
 MIAMI, MIAMI DADE COUNTY, FL.

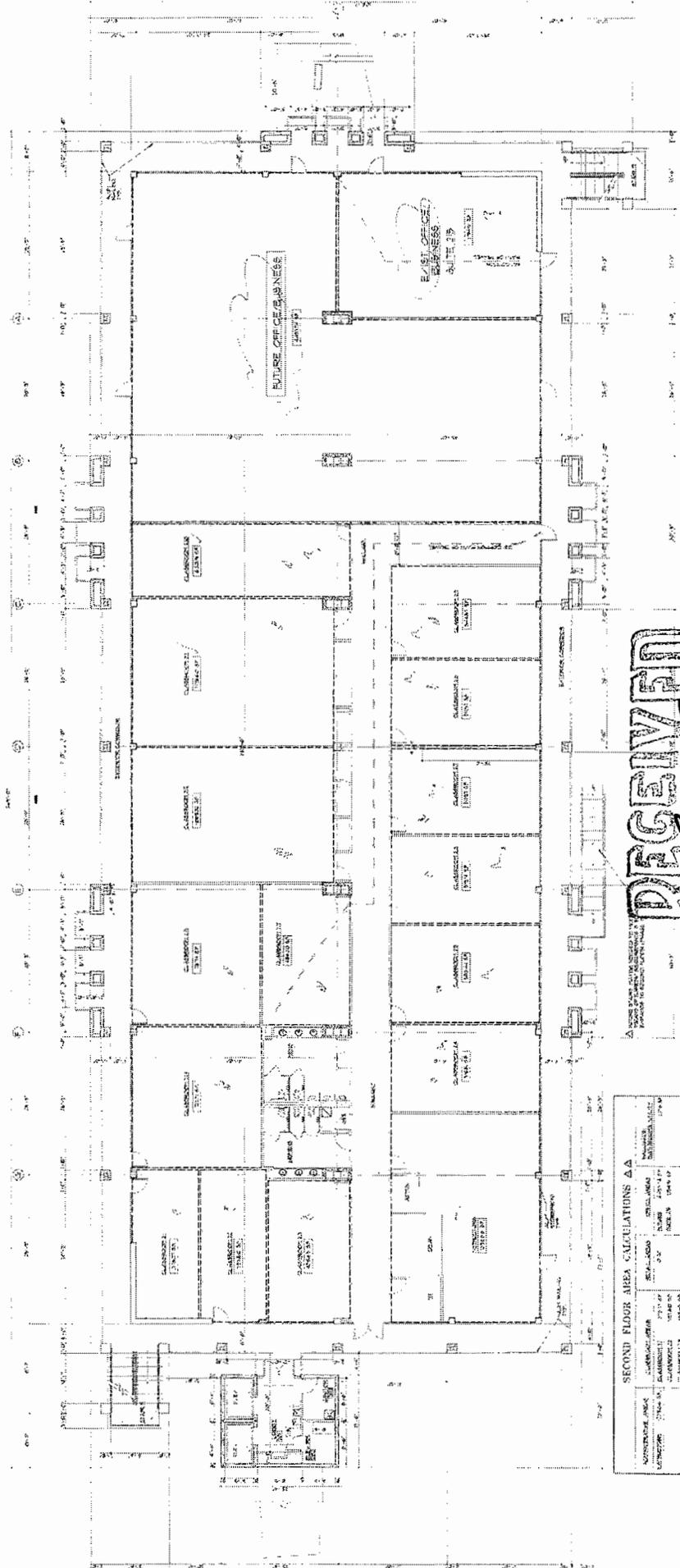
SCALE: 1/8" = 1'-0"

DATE: 02/11/07

GUTIERREZ & LOZANO ARCHITECTS  
 1000 BROADWAY, SUITE 1000  
 MIAMI, FL 33139



H.C. DRINKING FOUNTAIN



2ND FLOOR PLAN (PHASE II) Δ

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 2-11-07  
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ZONING HEAVY U.S. SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY

**SECOND FLOOR AREA CALCULATIONS ΔΔ**

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE	TOTAL AREA (SQ. FT.)
1	CLASSROOMS	10,000	10.00%	10,000
2	CLASSROOMS	10,000	10.00%	20,000
3	CLASSROOMS	10,000	10.00%	30,000
4	CLASSROOMS	10,000	10.00%	40,000
5	CLASSROOMS	10,000	10.00%	50,000
6	CLASSROOMS	10,000	10.00%	60,000
7	CLASSROOMS	10,000	10.00%	70,000
8	CLASSROOMS	10,000	10.00%	80,000
9	CLASSROOMS	10,000	10.00%	90,000
10	CLASSROOMS	10,000	10.00%	100,000
11	CLASSROOMS	10,000	10.00%	110,000
12	CLASSROOMS	10,000	10.00%	120,000
13	CLASSROOMS	10,000	10.00%	130,000
14	CLASSROOMS	10,000	10.00%	140,000
15	CLASSROOMS	10,000	10.00%	150,000
16	CLASSROOMS	10,000	10.00%	160,000
17	CLASSROOMS	10,000	10.00%	170,000
18	CLASSROOMS	10,000	10.00%	180,000
19	CLASSROOMS	10,000	10.00%	190,000
20	CLASSROOMS	10,000	10.00%	200,000
21	CLASSROOMS	10,000	10.00%	210,000
22	CLASSROOMS	10,000	10.00%	220,000
23	CLASSROOMS	10,000	10.00%	230,000
24	CLASSROOMS	10,000	10.00%	240,000
25	CLASSROOMS	10,000	10.00%	250,000
26	CLASSROOMS	10,000	10.00%	260,000
27	CLASSROOMS	10,000	10.00%	270,000
28	CLASSROOMS	10,000	10.00%	280,000
29	CLASSROOMS	10,000	10.00%	290,000
30	CLASSROOMS	10,000	10.00%	300,000
31	CLASSROOMS	10,000	10.00%	310,000
32	CLASSROOMS	10,000	10.00%	320,000
33	CLASSROOMS	10,000	10.00%	330,000
34	CLASSROOMS	10,000	10.00%	340,000
35	CLASSROOMS	10,000	10.00%	350,000
36	CLASSROOMS	10,000	10.00%	360,000
37	CLASSROOMS	10,000	10.00%	370,000
38	CLASSROOMS	10,000	10.00%	380,000
39	CLASSROOMS	10,000	10.00%	390,000
40	CLASSROOMS	10,000	10.00%	400,000
41	CLASSROOMS	10,000	10.00%	410,000
42	CLASSROOMS	10,000	10.00%	420,000
43	CLASSROOMS	10,000	10.00%	430,000
44	CLASSROOMS	10,000	10.00%	440,000
45	CLASSROOMS	10,000	10.00%	450,000
46	CLASSROOMS	10,000	10.00%	460,000
47	CLASSROOMS	10,000	10.00%	470,000
48	CLASSROOMS	10,000	10.00%	480,000
49	CLASSROOMS	10,000	10.00%	490,000
50	CLASSROOMS	10,000	10.00%	500,000
51	CLASSROOMS	10,000	10.00%	510,000
52	CLASSROOMS	10,000	10.00%	520,000
53	CLASSROOMS	10,000	10.00%	530,000
54	CLASSROOMS	10,000	10.00%	540,000
55	CLASSROOMS	10,000	10.00%	550,000
56	CLASSROOMS	10,000	10.00%	560,000
57	CLASSROOMS	10,000	10.00%	570,000
58	CLASSROOMS	10,000	10.00%	580,000
59	CLASSROOMS	10,000	10.00%	590,000
60	CLASSROOMS	10,000	10.00%	600,000
61	CLASSROOMS	10,000	10.00%	610,000
62	CLASSROOMS	10,000	10.00%	620,000
63	CLASSROOMS	10,000	10.00%	630,000
64	CLASSROOMS	10,000	10.00%	640,000
65	CLASSROOMS	10,000	10.00%	650,000
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67	CLASSROOMS	10,000	10.00%	670,000
68	CLASSROOMS	10,000	10.00%	680,000
69	CLASSROOMS	10,000	10.00%	690,000
70	CLASSROOMS	10,000	10.00%	700,000
71	CLASSROOMS	10,000	10.00%	710,000
72	CLASSROOMS	10,000	10.00%	720,000
73	CLASSROOMS	10,000	10.00%	730,000
74	CLASSROOMS	10,000	10.00%	740,000
75	CLASSROOMS	10,000	10.00%	750,000
76	CLASSROOMS	10,000	10.00%	760,000
77	CLASSROOMS	10,000	10.00%	770,000
78	CLASSROOMS	10,000	10.00%	780,000
79	CLASSROOMS	10,000	10.00%	790,000
80	CLASSROOMS	10,000	10.00%	800,000
81	CLASSROOMS	10,000	10.00%	810,000
82	CLASSROOMS	10,000	10.00%	820,000
83	CLASSROOMS	10,000	10.00%	830,000
84	CLASSROOMS	10,000	10.00%	840,000
85	CLASSROOMS	10,000	10.00%	850,000
86	CLASSROOMS	10,000	10.00%	860,000
87	CLASSROOMS	10,000	10.00%	870,000
88	CLASSROOMS	10,000	10.00%	880,000
89	CLASSROOMS	10,000	10.00%	890,000
90	CLASSROOMS	10,000	10.00%	900,000
91	CLASSROOMS	10,000	10.00%	910,000
92	CLASSROOMS	10,000	10.00%	920,000
93	CLASSROOMS	10,000	10.00%	930,000
94	CLASSROOMS	10,000	10.00%	940,000
95	CLASSROOMS	10,000	10.00%	950,000
96	CLASSROOMS	10,000	10.00%	960,000
97	CLASSROOMS	10,000	10.00%	970,000
98	CLASSROOMS	10,000	10.00%	980,000
99	CLASSROOMS	10,000	10.00%	990,000
100	CLASSROOMS	10,000	10.00%	1,000,000

JOB NO. DATE SHEET A-12 OF

SHEET TITLE NO. DRAWING

PREPARED BY: SCHWAB, PROJECTING FACILITY AT MIAMI GARDEN COMMONS 5001 MIAMI GARDENS DRIVE MIAMI, FL.

SCALE: AS SHOWN

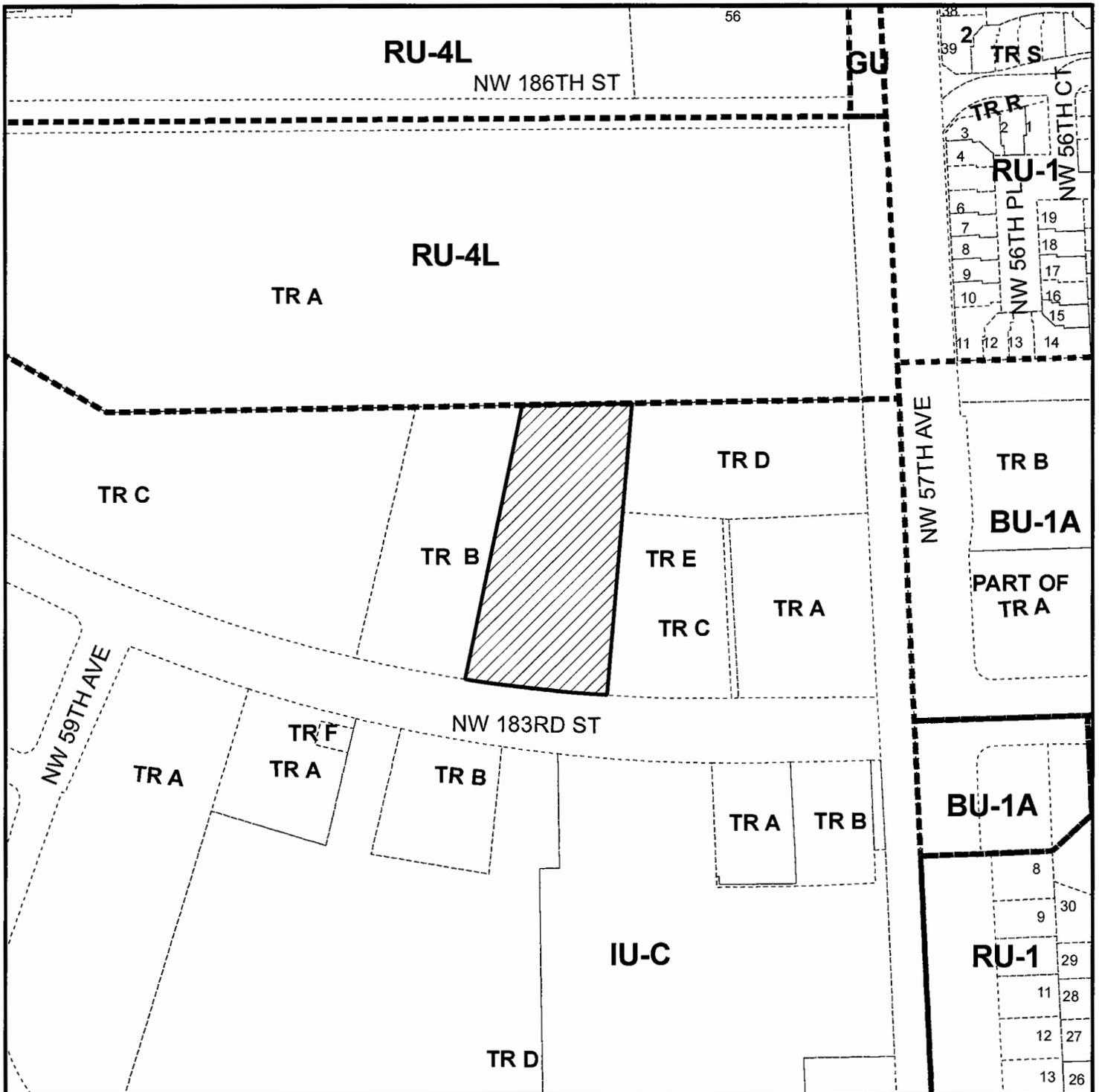
PROJECT: A-12

GUTIERREZ & LOZANO ARCHITECTS









**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2011000077**



Section: 12 Township: 52 Range: 40  
 Applicant: MIAMI GARDENS COMMONS, LLC  
 Zoning Board: C5  
 Commission District: 1  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY
		43



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

Process Number  
**Z2011000077**



Section: 12 Township: 52 Range: 40  
 Applicant: MIAMI GARDENS COMMONS, LLC  
 Zoning Board: C5  
 Commission District: 1  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

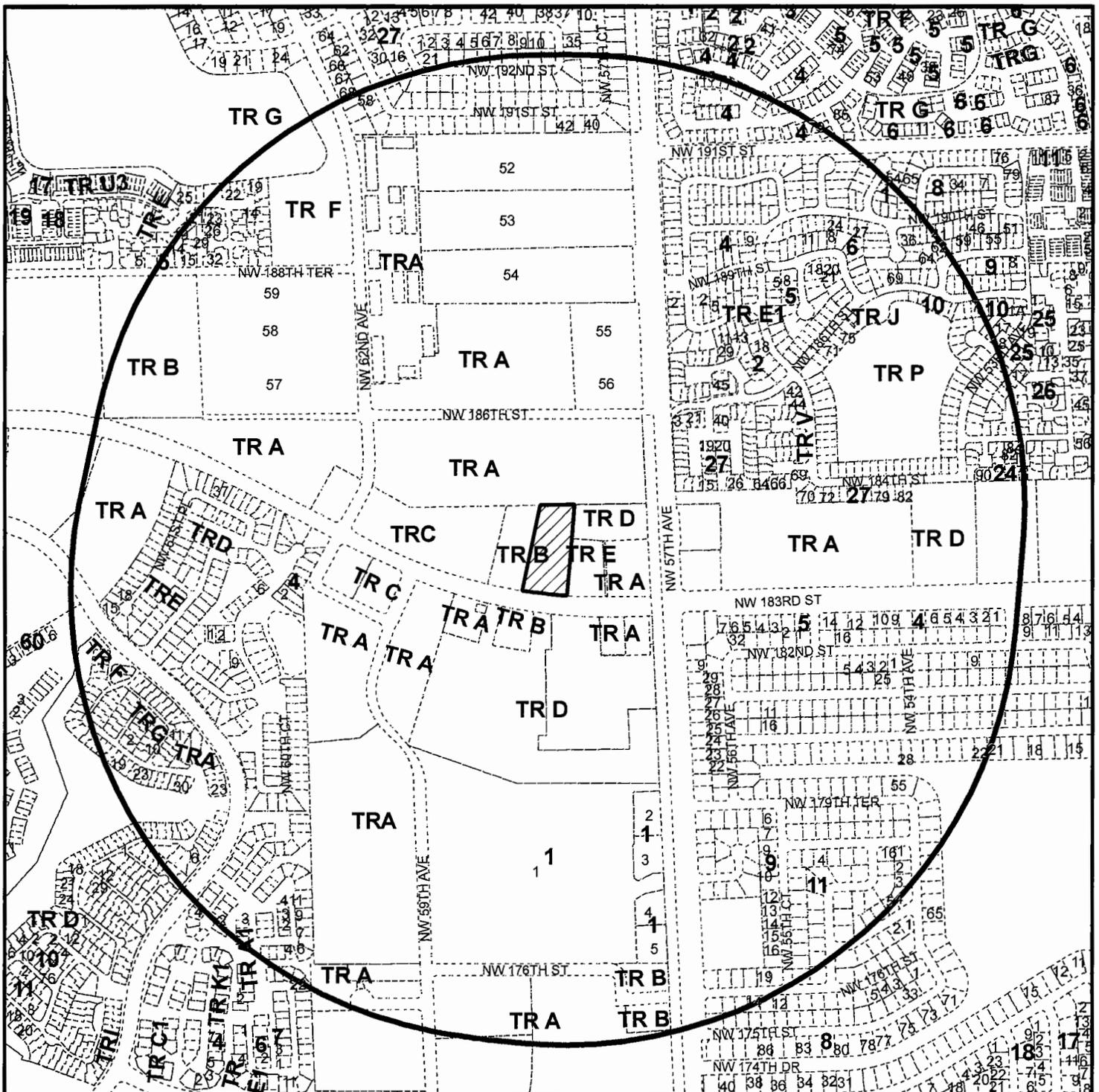
**Legend**

 Subject Property



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY
		44



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2011000077**  
RADIUS: 2640

Section: 12 Township: 52 Range: 40  
Applicant: MIAMI GARDENS COMMONS, LLC  
Zoning Board: C5  
Commission District: 1  
Drafter ID: KEELING STENNETT  
Scale: NTS

**Legend**

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY
		45



# Memorandum



**Date:** December 13, 2012

**To:** The Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

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**APPLICANT:** Florida Power & Light (Z12-090)

**SUMMARY OF REQUESTS:**

The applicant is seeking unusual uses to permit a reclaimed water treatment facility and radial collector well system ancillary to a nuclear electric power plant, and to permit parking in a zone more restrictive than the use it serves. Additionally, there are other requests to modify a condition of a previously approved resolution, and non-use variances to permit buildings and structures with a height of 75 feet, to waive the dedication of certain section line roads and half-section line roads, and to permit fences with a height of 12 feet and barbed wire.

**LOCATION:** Lying east of canal L31E, south of SW 344 Street, west of Biscayne Blvd and north of theoretical SW 362 Street, Miami-Dade County, Florida.

**COMMENTS:**

This application is before the Developmental Impact Committee due to the size of the application. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held on November 28, 2012 and the attached Department memoranda were reviewed and considered by said Committee.

**DIC RECOMMENDATION:**

Modified approval with conditions of request #1 and #8 with the removal of the reclaimed water treatment facility from the plan, approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility; approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, 5 and #6, as set forth in the Department of Regulatory and Economic Resources' recommendation.

APPLICATION NO. Z12-90  
FLORIDA POWER & LIGHT CO

Respectfully Submitted,

DIC Executive Council  
November 28, 2012

William Bryson, Fire Chief  
Miami-Dade Fire Rescue Department Absent

Irma San Roman, Interim Director  
Metropolitan Planning Organization Secretariat Absent

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department  AYE

Antonio Cotarelo, Assistant Director  
Public Works Department  AYE

Jose Gonzalez, P.E., Assistant Director  
Department of Environmental Resources Mgmt  AYE

Bertha M. Goldenberg, Assistant Director  
Miami-Dade Water and Sewer Department  AYE

**Miami-Dade County Department of Regulatory and Economic Resources  
Developmental Impact Committee (DIC)  
Recommendation to the Board of County Commissioners**

PH: Z12-090

DIC Date: November 28, 2012

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	Florida Power & Light Co
<b>Summary of Requests</b>	The applicant is requesting an unusual use to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant and parking in a zone more restrictive than the use it serves. Additionally, the applicant is requesting to waive the required dedication on portions of section and half-section line rights-of-way, to permit building and fence heights taller than permitted, to permit barbed wire and to permit required landscaping to be installed offsite. Further, the applicant is requesting to modify conditions of previously approved resolutions.
<b>Location</b>	East of SW 117 Avenue, lying between theoretical SW 344 Street and theoretical SW 456 Street, Miami-Dade County, FL
<b>Property Size</b>	±9,219.30 acres
<b>Existing Zoning</b>	AU, Agriculture & GU, Interim
<b>Existing Land Use</b>	Nuclear power plant, cooling canals, barge slip, and vacant land
<b>2015-2025 CDMP Land Use Designation</b>	Environmental Protection Environmental Protection Subareas E & F Institutions, Utilities & Communications <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Reclaimed water treatment facility (a portion of request #1) and associated requests #4, #5 & #6 are <b>inconsistent</b> with interpretative text, goals, objectives and policies of the CDMP  Radial collector well system (a portion of request #1), requests #2, #3, #7, #8 (with removal of the reclaimed water treatment facility) and #9 are <b>consistent</b> with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations Section 33-311(A)(7) Generalized Modification Standards Section 33-303.1(D)(7) Developmental Impact Committee <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Modified approval with conditions of request #1 and #8 (approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility); approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, #5 and #6.</b>

**REQUESTS:**

Requests #1- #8 on Parcel "A"

- (1) UNUSUAL USE to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant.

11/28/2012

- (2) UNUSUAL USE to permit parking in a zone more restrictive than the use it serves.
- (3) NON-USE VARIANCE of zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.
- (4) NON-USE VARIANCE to permit building heights of 75' (35' maximum permitted).
- (5) NON-USE VARIANCE to permit a fence height of 12' (8' maximum permitted).
- (6) SPECIAL EXCEPTION to permit fences with multiple strands of barbed wire in the GU zone (barbed wire not permitted in the GU zone).
- (7) NON-USE VARIANCE to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.
- (8) MODIFICATION of Condition #4 of Resolution Z-56-07, only as it applies to the subject property and reading as follows:

FROM: "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities."

TO: "4. Except for Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7."

The purpose of Request #8 is to allow the applicant to apply for water withdrawals as a backup source for cooling water.

Request #9 on Parcels "A" & "B"

- (9) MODIFICATION of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07, only as it applies to the subject property and reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application, Application Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group, and plans entitled "New Proposed Unusual Use Boundary", 1 sheet dated stamped received 10/30/12, and a second sheet dated stamped received 10/05/12 for a total of 2 sheets, all sheets prepared by the Curtis Group."

The purpose of Request #9 is to allow the applicant to submit revised plans showing the new reclaimed water treatment facility and radial collector wells.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

**PROJECT HISTORY & DESCRIPTION:**

In 1964, pursuant to Resolution No. 2-ZAB-345-64, portions of the subject property were granted an unusual use to permit an electric power plant, including accessory facilities and for canal excavations. Further, in 1971, pursuant to Resolution No. 4-ZAB-559-71, portions of the subject property were granted an unusual use to permit 32 canal excavations for a water canal cooling system. Pursuant to Resolution No. CZAB-15-11-99 the applicant was granted approval to modify Condition #1 of Resolution No. 4-ZAB-559-71 in order to submit revised plans that showed the removal of or already removed spoil banks. Additionally, pursuant to Resolution No. Z-56-07, the applicant was granted an unusual use to permit a nuclear power plant and ancillary structures and equipment. Resolution No. Z-56-07 also modified Condition #1 of Resolution 4-ZAB-559-71, which allowed the applicant to submit revised plans that depicted the expansion of the existing nuclear power plant. Additionally, the applicant requested to waive dedicated rights-of-ways, subdivision regulations requiring parcels to have frontage and access from a public street with access from private drives; to permit buildings of 5 stories with maximum heights of 350', fences and walls with no height limit and with barbed wire, and required landscaping to be planted off-site. The new nuclear facility approved pursuant to Resolution No. Z-56-07 is known as Turkey Point Units 6 & 7.

The applicant is requesting an unusual use to permit a reclaimed water treatment facility and radial collector well system ancillary to the previously approved nuclear power plant, Turkey Point Units 6 & 7; as well as, an unusual use to permit parking in a zone more restrictive than the use it serves (requests #1 & #2). Additionally, the applicant seeks to modify conditions of a previously approved resolution in order to submit revised plans that depict the proposed reclaimed water treatment facility and radial collector well system to allow withdrawals from the Biscayne Aquifer, but not as the primary source for cooling water for the facility approved pursuant to Resolution No. Z-56-07 (requests #8 & #9).

The proposed treatment plant and above ground portion of the well system will be located on approximately 385 acres in the northern portion of Turkey Point. Further, the applicant is requesting non-use variances for building and fence heights, to permit barbed wire, to waive right-of-way dedications and to permit offsite planting of the required landscaping (requests #3 through #7). Requests #1 through #7 of this application pertain to Parcel "A" only and requests #8 and #9 apply to Parcels "A" and "B".

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	AU-&, GU; Nuclear Power Plant, barge slip, cooling canals, vacant land	Environmental Protection Subarea E Environmental Protection Subarea F Institutions, Utilities & Communications
<b>North</b>	AU & GU; vacant land	Open Land Environmental Protection
<b>South</b>	GU; vacant land	Environmental Protection
<b>East</b>	IU-3 & GU; Nuclear Power Plant and Biscayne National Park	Environmental Protection Environmentally Protected Park
<b>West</b>	AU & GU; vacant land	Environmental Protection

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an existing nuclear power plant facility located outside of the Urban Development Boundary, east of SW 117 Avenue, between theoretical SW 344 Street and theoretical SW 456 Street. The surrounding area is characterized by mangroves and wetlands.

**SUMMARY OF THE IMPACTS:**

The applicant is requesting an unusual use to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant and to permit parking in a zone more restrictive than the use it serves. Additionally, the applicant seeks non-use variances to permit building heights of 75', fence height of 12' ; to waive dedicated rights-of-ways and landscape regulations to permit required landscaping to be planted off-site. Further, the applicant is requesting a special exception to permit fences with multiple strands of barbed wire in the GU zoning district Approval would allow the applicant to build facilities that are ancillary to the previously approved Turkey Point Units 6 & 7; however, the proposed locations for the reclaimed water treatment facility would adversely impact high quality wetlands, mangroves and endangered species.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) ANALYSIS:**

The subject property has three separate land use designations:1) **Environmental Protection Subarea E (Southeast Wetlands)**, 2) **Environmental Protection Subarea F (Coastal Wetlands and Hammocks)** and 3) **Institutions, Utilities and Communications** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map.

While the entire subject property has three CDMP LUP map designations, staff notes that the proposed location of the reclaimed water treatment facility and radial collector well system is within the **Environmental Protection Subarea F**. The area designated for Institutions, Utilities and Communications includes the existing and proposed electrical generating units. Below is a description of all land use categories related to the subject application. (Quoted CDMP language is in italics)

**Environmental Protection** designated lands applies to those areas in the County most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems

*of County, regional, State or national importance. These lands are characteristically high-quality marshes, swamps and wet prairies, and are not suited for urban or agricultural development. However, some high-quality uplands such as tropical hammocks and pinelands on the State Conservation And Recreation Lands (CARL) and Miami-Dade County Environmentally Endangered Lands (EEL) acquisition lists are also included. Most of the CARL projects are designated on the future Land Use Plan (LUP) Map, but some are not because of their small size. EEL projects that are acquired and are large enough to be depicted at the Plan Map scale are also designated on the Future Land Use Plan Map. It is the policy of this Plan that all land areas identified on the State CARL, Miami-Dade County EEL, and South Florida Water Management Save Our Rivers (SOR) acquisition lists shall have equally high priority for public acquisition as those land areas designated Environmental Protection on the Future LUP Map. Uses permitted within these areas must be compatible with the area's environment and the objectives of the Comprehensive Everglades Restoration Plan, and shall not adversely affect the long-term viability, form or function of these ecosystems. Residential development in this area shall be limited to a maximum density of one unit per five acres, and in some parts of this area lower densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems. densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems.*

*Because of the importance of maintaining the natural form and function of these areas, many of these areas have been slated for purchase by State or federal agencies. Miami-Dade County will encourage the acquisition of these areas by public or private institutions that will manage these areas toward this objective. However, so long as these lands remain in private ownership, some compatible use of this land will be permitted by Miami-Dade County consistent with the goals, objectives and policies of this Plan and the objectives of the Comprehensive Everglades Restoration Plan. All proposed uses will be reviewed on a case-by-case basis for compliance with environmental regulations and consistency with this Plan and the Comprehensive Everglades Restoration Plan. The following provides an indication of the uses and residential densities that may be considered for approval subject to conformity with the pertinent goals, objectives and policies of this Plan. The precise boundary of the entire Environmental Protection area is depicted on the LUP map. The map titled "Environmental Protection Subareas" (Figure 7) and the following text indicate the boundaries between subareas of the Environmental Protection Area.*

**Environmental Protection Subarea E** *is bounded on the west by US Highway 1 on the north by Open Land Subarea 5, on the east by Levee 31E and on the south by a hypothetical line extending between the point at which Card Sound Road meets Levee 31E, and the intersection of US Highway 1 and Canal-111. The area is low lying, poorly drained, flood prone, and is characterized predominantly by high-quality wetland communities. Accordingly, any land use or site alteration proposal will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies for conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.*

Additionally, the **Environmental Protection Subarea F** *includes all coastal wetlands designated as Environmental Protection Area on the LUP map, which are not within the authorized boundaries of Biscayne or Everglades National Parks. These areas are low-lying, flood prone and characterized predominantly by coastal wetland communities. Accordingly, all land use or site alteration proposals will be carefully evaluated on a case-by-case basis by*

*federal, State, regional, and County agencies. Further, necessary electrical generation and transmission facilities are also permitted in this area. However, the approval of any new use, and the replacement or expansion of any existing use will be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of this plan, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.*

The CDMP Land Use Element interpretive text for **Institutions, Utilities and Communications** states that *the plan map illustrates, for information purposes, only the location of major institutional uses, communication facilities and utilities of metropolitan significance. Depicted are such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations. The full range of institutions, communications and utilities may be allowed under this land use category. Further, electric power transmission line corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising.*

**Request #1: Unusual Use to permit a reclaimed water treatment facility.**

**Related requests #4& #5 : Non-Use Variances to permit building heights of 75' (35' maximum permitted), to permit a fence height of 12' (8' maximum permitted); Special Exception to permit fences with multiple strands of barbed wire in the GU zone (barbed wire not permitted in the GU zone).**

***CDMP Analysis – Request #1- Unusual Use for a reclaimed water treatment facility and related non-use variances requests #4 & #5 and special exception request #6***

Staff notes that Condition #5 of Resolution No. Z-56-07, states in part that FPL shall utilize reclaimed or reuse water to the maximum extent possible in accordance with the requirements of the Miami-Dade Water and Sewer Department (MDWASD) and the South Florida Water Management District. Further, staff notes that the FPL has proposed two locations within the Turkey Point Facility for siting of the reclaimed water treatment facility; however, both proposed locations are located within the designated Mangrove Protection Areas as defined by the CDMP Coastal Management Element Policy CM-1A. These proposed sites are also mangrove wetlands within the CDMP designated Environmental Protection Subarea F. Exhibit 1 contains photos of the two locations proposed for the reclaimed water treatment facility. The CDMP Coastal Management Element Policy CM-1A states in part that these areas shall not be altered, dredged, or filled except for projects that are:

- (1) necessary to prevent or eliminate a threat to public health, safety or welfare;*
- (2) water dependent;*
- (3) required for natural system restoration and enhancement; or*
- (4) clearly in the public interest; and where no reasonable upland alternative exists.*

*In such cases, the trimming or alteration shall be kept to the minimum, and done in a manner, which preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.* FPL's analysis does not adequately demonstrate that the proposed Reclaimed Water Treatment Facility locations meet these exceptions.

Additionally, the locations are entirely within the federally sponsored Biscayne Bay Advance Identification study designated the proposed location as "Generally Unsuitable for Fill" in recognition of the high quality ecological value of wetlands. The alternate proposed location was outside the study area boundary and was not evaluated as part of the 1994 study. However, other than containing a previously filled area of approximately 6 acres, the remaining wetlands in the alternative site are of similar high quality. The wetlands surrounding and included within the reclaimed water treatment facility plant locations are within a designated Mangrove Protection Area, as defined by the CDMP Coastal Management Element Policy CM-1A

According to the CDMP, the reclaimed water treatment facility cannot be permitted as proposed in a Mangrove Protection Area unless FPL demonstrates to the County that it is in the public interest and that no reasonable upland alternative sites exist that could accommodate the reclaimed water treatment facility. The memorandum from RER-DERM states that FPL has not adequately demonstrated that there are no reasonable alternatives to the sites proposed in the Mangrove Protection Areas. FPL has not demonstrated that the proposed reclaimed water treatment facility could not be located outside the designated Mangrove Protection Areas at an upland site or even an altered, lower quality wetland site that would minimize or avoid impacts to high quality wetlands and threatened/endangered species habitat.

Further, the RER-DERM memorandum indicates that the proposed locations are composed of high quality wetlands that have very few exotic plants or other characteristics which would indicate degradation, and these wetlands provide important high quality habitat for numerous water-dependent species, including threatened or endangered species. Unlike the previously approved nuclear units, which are proposed to be located in degraded wetlands within the outer berms of a state approved industrial wastewater facility, the proposed reclaimed treatment facility would destroy high quality wetlands and mangroves. Staff opines that the filling of these mangrove wetlands would reduce and adversely affect habitat used by threatened or endangered species by the elimination of more than 39 acres of wetlands and other surface water habitat. As a result, the proposed locations of this facility are **inconsistent** with the CDMP Coastal Management Element Objective CM-1 and Policy CM-1A.

Although FPL has provided an evaluation of six potential sites, including the four sites within the subject Turkey Point property, they have not satisfied the mangrove wetland alteration exceptions of CDMP Policy CM-1A. Exhibits 2 and 3 show the sites evaluated. FPL's limited analysis of two sites outside of Turkey Point within the nine mile corridor between the South Miami-Dade Wastewater Treatment Facility and Turkey Point does not demonstrate that no reasonable upland alternative exists outside of these high quality wetlands and endangered species habitat would be destroyed by the locations shown on the proposed site plan. FPL's evaluation represents that the two sites outside of Turkey Point were not selected because they did not support effective and efficient operations; would require additional security personnel; a CDMP amendment because the sites are Agriculture on the LUP map; not compatible with the FPL commercial agreements; greater land use impacts; increased construction costs; additional pipeline costs; and a greater number of private property owners impacted.

Of the sites that FPL is not proposing, Site #1 shown on these maps does contain some non-tidal wetlands and mangroves but it is disturbed and has mostly exotic species such as Brazilian Pepper. Site #2 is owned by FPL and was used for agriculture. Both of these sites as well as other parcels within the area between the South District Wastewater Treatment Plant and the Turkey Point facility do not contain high quality wetlands and are not designated for environmental protection on the CDMP Land Use Plan map. Site #5 is a linear parcel of degraded wetlands, located just west of the site for Turkey Point Units 6 & 7. Similarly, Site #6 is in an area with degraded wetlands and located just north of the Turkey Point Units 6 & 7 site. Sites #5 and #6, while located within an area designated as environmental protection, as previously mentioned, both contain degraded wetlands and are in close proximity to Turkey Point Units 6 & 7.

As shown on the CDMP Land Use Plan there are approximately 3,281 acres of land designated Open Land between the South Miami-Dade Wastewater Treatment Plan and Turkey Point. The two sites FPL evaluated outside of Turkey Point total 104 acres and are not within the Open Land area. As noted in the CDMP text below for Open Land Subarea 5, utility facilities may be considered as a use in this area. FPL did not provide any evaluation information for parcels in Open Land Subarea 5.

***Open Land Subarea 5 (South Miami-Dade).*** *This Open Land subarea lies south and east of Homestead and Florida City. It is bounded on the north and west by the Agriculture area, and on the south and east by Environmental Protection areas. Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. Uses that could compromise groundwater quality shall not occur within three miles of Biscayne Bay.*

The CDMP includes requirements for protection of wetlands areas as outlined in the Conservation, Recharge and Drainage Element Objective CON-7 which states in part that the County shall protect and preserve the biological and hydrological functions of the Future Wetlands identified in the Land Use Element; and Policy CON7-A which states in part the degradation or destruction of wetlands shall be limited and habitats critical to endangered or threatened species shall not be destroyed.

The memorandum submitted by the RER-DERM further indicates that the proposed reclaim water facility locations are located in mangrove wetlands and subject to mitigation requirements of the Miami-Dade County Code including, but not limited to Section 24-48.4. The proposed locations of the reclaimed water treatment facility are not consistent with the applicable mitigation requirements including the requirement that proposed projects must maximize the preservation of existing natural resources. Additionally, when determining mitigation, the following methods, in the order of priority in which they should be utilized, are required but have not been met by this proposal:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

- (5) Compensating for the impact by replacing or providing substitute resources or environments.

For all of the reasons stated above, staff opines that the proposed locations for the reclaimed water treatment facility and the associated non-use variances are **inconsistent** with the CDMP Coastal Management Element Objective CM-1, Policy CM-1A, Land Use Element interpretative text, Environmental Protection land use designation and the Environmental Protection Subarea F land use designations; Land Use Objective LU-3, Conservation, Aquifer Recharge and Drainage Element Objective CON-7, Policy CON-7A, and Section 24.48.4 of the Miami-Dade County Code of Ordinances.

***Zoning Analysis – Request #1- Unusual Use for a Reclaimed Water Treatment Facility and related non-use variances requests #4& #5 and special exception request #6***

When request #1 is analyzed under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that, as proposed, the reclaimed water treatment facility would be **incompatible** with the surrounding area. Staff opines that the two proposed locations pose a threat to the environment as they are located within a Mangrove Protection Area. This area includes to endangered and threatened species habitat. Staff notes that RER-DERM indicates an **objection** to the two FPL proposed locations for the reclaimed water treatment facility due to the threat to the environment. Additionally, as previously mentioned, the two sites proposed by FPL for the reclaimed water treatment facility and related requests #4, #5 and #6 are **inconsistent** with the Land Use Element interpretative text, Environmental Protection land use designation and the Environmental Protection Subarea E and F land use designations; Land Use Objective LU-3, and Conservation, Aquifer Recharge and Drainage Element Objective CON-7and Policy CON-7A.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **Public Works and Waste Management Department (PWWM) – Traffic Division** has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that the two proposed locations for the reclaimed water treatment facility are **incompatible** with the surrounding area because of the threat to environment and the location within a Mangrove Protection Area. **As such, staff recommends denial of request #1 as it pertains to the reclaimed water treatment facility under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

When requests #4 and #5 are analyzed under Section 33-311 (A)(4)(b), Non-Use Variance Standards, staff opines that approval of the requests are contingent upon approval of request #1 as it relates to the proposed reclaimed water treatment facility. As previously discussed, the two proposed locations for the reclaimed water treatment facility are recommended for denial because they pose a threat to the environment and therefore the associated variances should also be denied. Staff notes that the site plan submitted with this application indicates that the non-use variances for building (request #4) and fence heights (request #5) are limited to the reclaimed water treatment facility. Therefore the approval of requests #4 and #5 is contingent upon the approval of request #1 as it relates to the reclaimed water treatment facility. As discussed in the CDMP analysis for the reclaimed water treatment facility (request #1), the two proposed locations of the reclaimed water treatment facility are within a Mangrove Protection Area and are **inconsistent** with several objectives and policies of the CDMP. Further, staff

opines that the two proposed locations for the reclaimed water treatment facility are detrimental to the surrounding area and **incompatible** because they pose a threat to the environment. Staff opines that the associated non-use variances will also impact the Mangrove Protection Area if approved. **Therefore, staff recommends denial of requests #4 and #5 under 33-311(A)(4)(b), Non-Use Variance Standards.**

When analyzing request #6 under Section 33-311(A)(3) Standards for Special Exceptions, Unusual Uses and New Uses, staff opines approval of this request is contingent upon approval of request #1 as it relates to the proposed reclaimed water treatment facility. Staff notes that the two proposed locations for the reclaimed water treatment facility are recommended for denial because they pose a threat to the environment and therefore associated requests should be denied. The requested fences with barbed wire is limited to the area around the reclaimed water treatment facility and therefore should be denied because staff recommends denial of the reclaimed water treatment facility. As previously discussed the two proposed locations are located within a Mangrove Protection Area, **inconsistent** with the CDMP and **incompatible** with the surrounding area because of the threat to the environment. As previously mentioned **RER-DERM** has indicated an **objection** to the reclaimed water treatment facility and associated requests.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **Public Works and Waste Management Department (PWWM)** – Traffic Division has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that because staff recommends denial of the proposed locations for the reclaimed water treatment facility, request #6 should also be denied for the reasons stated above. **As such, staff recommends denial of request #6 for fences with barbed wire in the GU zoning district under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

**Request #1: Unusual Use to permit a radial collector well system.**

**Related Request #9: Modification of Condition #4 of Resolution No. Z-56-07**

***CDMP Analysis – Request #1- Unusual Use for a radial collector well system and related request #9 – modification of Condition #4 of Resolution No. Z-56-07***

Staff notes that Condition #5 of Resolution No. Z-56-07 states that FPL shall utilize reclaimed or reuse water to the maximum extent possible. It further states that should MDWASD be unable to provide sufficient quantity or quality or consistency in water delivery required by FPL for its cooling system, alternative sources may be proposed to satisfy such deficiencies.

The proposed radial collector well field is located within the management boundaries of the Biscayne Bay Management Plan and within an Aquatic Park and Conservation area created by the Miami-Dade County Board of Commissioners in 1974. The well laterals would extend under Biscayne Bay into an area adjacent to Biscayne National Park. The well laterals would be located on public lands within a State of Florida designated Aquatic Preserve and would be specifically designed to draw water through the bay bottom in this area. The bay bottom in this area contains sensitive benthic resources including seagrass beds. Sensitive wetlands area also located nearby, including mangrove wetlands within the National Park.

The radial collector well field is proposed to be located under Biscayne Bay adjacent to Biscayne National Park. The near shore portions of southern Biscayne Bay as well as coastal and adjacent freshwater wetland areas throughout south Miami-Dade including wetlands to the north, west and south of Turkey Point Power Plant and Cooling Canal system are proposed for restoration through the Biscayne Bay Coastal Wetlands Project of the Comprehensive Everglades Restoration Plan (CERP). This restoration project will replace lost overland fresh water flow and partially compensate for the reduction in groundwater seepage by redistributing, through a spreader system, available surface water entering the area from regional canals. The goal of this CERP project is to improve the ecological health of Biscayne Bay (including freshwater wetlands, tidal creeks and near-shore habitat) by adjusting the quantity, quality, timing, and distribution of freshwater entering Biscayne Bay and Biscayne National Park. Redistribution of freshwater flow and the expansion and restoration of wetlands will help to restore or enhance freshwater wetlands, tidal wetlands, and near shore bay habitat. Improving salinity distribution near the shoreline with sustained lower than seawater salinities in tidal wetlands can help to reestablish productive nursery habitat for shrimp and shellfish, including oyster reef communities.

The requested radial collector well system would withdraw water from the Biscayne Aquifer for cooling water for Turkey Point Units 6 & 7. Staff notes that the request is inconsistent with Condition #4 of Resolution No. Z-56-07, which prohibits applications for withdrawals from the Biscayne Aquifer. However, the applicant is requesting to revise Condition #4 in order to allow the applicant to apply for withdrawals from the Biscayne Aquifer, though not as a primary source of cooling water.

The proposed location for the radial collector well system is off the Turkey Point peninsula in an area designated as Environmental Protection Subarea F. According to the applicant the radial collector well system will consist of four central caissons and up to 12 laterals will project from each of the caissons horizontally at a distance of up to 900 feet beneath Biscayne Bay and be installed to a depth of approximately 25 to 40 feet below the Bay bottom. Further, portions of the radial collector well may extend beyond the FPL property boundary onto sovereign submerged lands in the Biscayne Bay Aquatic Preserve. The laterals will not extend beneath Biscayne National Park.

The CDMP Water, Sewer and Solid Waste Element Policy WS-6-B states that *Miami-Dade County shall take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and possible future expansion. Such steps may include, but shall not be limited to, the renewal of withdrawal permits and the extension of the County's wellfield protection measures.* Further, Water, Sewer and Solid Waste Element Policy WS-1F states in part, *Miami-Dade County shall use all practical means to assure that land in the vicinity of water and wastewater treatment facilities is developed for a use that is compatible with the operation of said facilities. The County shall discourage changes to the Land Use Plan map or land development regulations, which would permit land uses that are incompatible with the continued operation or planned expansion of these facilities.* Staff notes FPL has represented that the requested radial collector well system will withdraw from the Biscayne Aquifer only in the event that the quantity and quality of water from the MDWASD is not be sufficient. The applicant has indicated that in the event withdrawals are required, they will be limited to 90 days within a 12 month period. Staff opines that based on the limited use and the monitoring conditions that will limit the impact of the radial collector well system on Biscayne Bay, approval will be consistent with Policy WS-6B.

Additionally, the CDMP interpretative text for Environmental Protection Subarea F indicates that compatible and necessary utility facilities may be considered. These facilities must be consistent with the adopted goals, objectives and policies of the CDMP, conform with all prevailing environmental regulations and be compatible with objectives of the Comprehensive Everglades Restoration Plan. Further, the CDMP Water, Sewer, and Solid Waste Element Policy WS-1E states that *all legal and reasonable means to assure that any land use, which requires a variance from water, sewer, or environmental protection regulation of Miami-Dade County, is in conformance with the Land Use Plan map.* Staff opines that compliance with the monitoring conditions contained herein will make the facility consistent with the requirements of the interpretative text for the Environmental Protection Subarea F and Policy WS-1E.

The CDMP Intergovernmental Coordination Element Objectives ICE-4 and ICE-5, and Policies ICE-4D and ICE-5C, provide for cooperation between the County and other local, state and federal agencies with regard to the management, planning, zoning, permitting and capital improvement processes to manage and restore environmentally sensitive lands. Staff opines that due to the location of the proposed radial collector well system, coordination between the South Florida Water Management District (SFWMD), the National Park Service and the Environmental Resources Management Division of the Department of Regulatory and Economic Resources will be needed. Staff notes that the National Park Service in a letter dated July 25, 2012 (see attached), indicates concern regarding the location of the radial collector well system due to the close proximity to Biscayne National Park.

***Zoning Analysis – Request #1- Unusual Use for a radial collector well system and related modification request #9***

When request #1 is analyzed under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and **New Uses**, staff is of the opinion that, the proposed radial collector well system would be **compatible** with the surrounding area for the reasons stated below. The memorandum submitted by RER-DERM indicates that the radial collector system has the potential to adversely impact water resources related to CERP restoration areas. In addition, impacts to mangrove wetlands located outside of the CERP project construction footprints are anticipated for construction of the pipeline necessary to connect the proposed radial collector well field to the proposed power plants in the area adjacent to the outer dike of the cooling canal system. Therefore as a condition of approval a wetland mitigation is required and a mitigation plan acceptable to County must be provided that is consistent with the requirements of Section 24-48.4 of the Code.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **PWWM – Traffic Division** has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that the proposed radial collector well system is **compatible** with the surrounding area subject to the conditions contained herein. Additionally, staff notes that approval of request #9 is contingent upon approval of request #1 as it pertains to the radial collector well system. **As such, staff recommends approval with conditions of request #1 as it pertains to the radial collector well system under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

When request #9, to permit the modification of a condition of a previously approved resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the surrounding area for the reasons stated below. Approval of the request would allow the applicant to apply for water withdrawals from the Biscayne Aquifer as a source of cooling water for the previously approved facilities. The applicant has indicated it will restrict withdrawals from the radial collector well system based upon the State of Florida's Department of Environmental Protection (DEP) Conditions of Certification established for FPL's West County Energy Center, which allows withdrawals for up to 90 days per calendar year as a temporary backup water supply source. Staff notes that FPL's West County Energy Center is located in Palm Beach County. Staff opines approval of request #9 should be conditioned to limit applications for withdrawals from the Biscayne Aquifer.

The memorandum submitted by the **RER-DERM** recommends as a condition of approval of the radial collector well system (a part of request #1) that FPL develop and implement a monitoring plan to fully evaluate operation of the proposed radial collector system. Operation of the radial collector well system shall be consistent with requirements of Chapter 24 of the Miami-Dade County Code and consistent with the adopted goals, objectives, and policies of the CDMP, and that FPL shall take necessary action to correct and adequately abate any adverse environmental impacts, including any adverse impacts to water resources associated with operation of the radial collector well system. Staff opines that when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned the requested modification of Condition #4 of Resolution No. Z-56-07 would be **compatible** with the surrounding area based on by the memoranda submitted by the reviewing Departments. Staff recommends that as a condition of approval withdrawals from the Biscayne Aquifer be limited to up to 90 days per calendar year as a temporary backup water supply source only. **As such, staff recommends approval with conditions of request #9 under Section 33-311(A)(7) Generalized Modification Standards.**

**Request #2: Unusual Use to permit parking in a zone more restrictive than the use it serves.**

#### ***CDMP Analysis***

Staff notes that the proposed parking is to be located in an area designated as Environmental Protection Subarea F on the CDMP LUP map. The CDMP interpretative text for Environmental Protection Subarea F indicates that compatible and necessary utility facilities may be considered and also the approval of any new use and the replacement or expansion of any existing use, these facilities must be consistent with the adopted goals, objectives and policies of the CDMP and conform with all prevailing environmental regulations. Staff notes that the parking will be used to serve the previously approved power plant facilities including administrative and training buildings. Staff opines the location of the parking in the GU District is **consistent** with the Environmental Protection Subarea F designation because it will be used to serve the previously approved power plant is also located in the Environmental Protection Subarea F.

#### ***Zoning Analysis***

When analyzing request #2, to permit parking in zone more restrictive than it serves, under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that, the proposed location for the parking would be **compatible** with the surrounding area for the reasons stated below. Staff notes that the parking in the GU, Interim District will serve Turkey Point Units 6 & 7 facilities including administration and training

buildings, which are located in the IU-3, Unlimited Industrial District. The applicant has indicated that the proposed parking area is the most feasible to service the above mentioned buildings.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **PWWM – Traffic Division** has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. **RER-DERM** does not object to this request. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that the request to permit parking a zone more restrictive than the use it serves is compatible with the surrounding area because it is internal to the site, provides a centralized area for employees, and does not impact the surrounding area. **As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

### **Request #3: Non-Use Variance to permit the waiver of required road dedications**

#### ***CDMP Analysis***

Although the Traffic Circulation Subelement Policy TC-2A states that *the County shall continue to maintain and enforce the minimum right-of-way requirements as established in the Public Works Manual and in Chapter 33, Zoning, Code of Miami-Dade County, to ensure Countywide continuity of the thoroughfare system*; however, the PWWMMD has indicated no objection to the request in the memorandum submitted for this application. Further, the CDMP Traffic Circulation Subelement Policy TC-2D provides for the interruption of the half section-line road system when it would destroy the integrity of a neighborhood or development. Additionally, Policy TC-2D states that *the County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected*. Staff notes that the right-of-ways that are being requested to be vacated are internal to the site and if dedicated the County would need to maintain the right-of ways. Further, Traffic Subelement Objective TC-6 states that *the County shall plan and develop a transportation system that preserves environmentally sensitive areas, conserves energy and natural resources and promotes community aesthetic values*. Staff also notes that Traffic Subelement Policy TC-6B states that *land access interchanges shall not be placed or constructed in a manner that would provide access to environmental protection areas or other areas to be conserved in order to prevent undue pressure for development of such areas*. RER-DERM indicates in its memorandum that access to environmental protection areas of the County are required in many cases for land management activities on preservation lands, including as necessary for meeting the goals and objectives of the Miami-Dade County Environmentally Endangered Lands Program.

As such, staff opines that approval of the request to vacate portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street is **consistent** with the CDMP Land Use Plan map designation for the Traffic Circulation Subelement Policies TC-2D.

### ***Zoning Analysis***

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not be detrimental to the surrounding area. Staff is of the opinion that the approval of the request will not have a negative impact on the surrounding roadways in the immediate area because the requested waivers of dedication will impact roads that are internal to the 9,200-acre subject site. Further, staff notes that pursuant to Resolution No. Z-56-07, the applicant was previously approved to waive other required roadway dedications within the subject property. Staff notes that the applicant's letter of intent indicates that the use of the theoretical roadways would be limited to FPL employees.

As such, approval of the request would be **compatible** with the surrounding area. Additionally, staff recommends as a condition of approval that applicant provide an unobstructed utility easement to the Miami-Dade Water and Sewer Department to accommodate the portion of the potable water pipeline corridor for the Turkey Point facility that is currently planned to be routed along SW 360 Street from SW 117 Avenue to the FPL facility. A section of this corridor will be located within the requested waiver of dedication requirements for the section line road along SW 360 Street between SW 97 and SW 87 Avenues.

Staff also recommends as a condition of approval for this request that FPL provide an easement along SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. **As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

**Request #7: Non-Use Variance to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.**

### ***CDMP Analysis***

The CDMP does not address waiving the landscape regulations to permit required landscaping to be planted offsite.

### ***Zoning Analysis***

When request #7 to permit required landscaping offsite is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Further, staff notes that the applicant was granted approval of a similar request pursuant to Resolution #Z-57-06. Staff opines that due to the location and use of the proposed and previously approved facilities, the required landscaping planted on site could be in conflict with safety and security needs of the facilities and therefore recommends approval with conditions of request #7.

All landscape material that will not be planted at the subject property shall be planted at offsite locations approved by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by Miami-Dade County RER-DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks

Recreation and Open Spaces Department, the remaining half shall be planted at a Miami-Dade County RER-DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department for approval. All materials shall be planted within the timeframes specified by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department.

**Request #8 (site plan): Modification of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07**

***CDMP Analysis***

Request #8 is for the modification of a previously approved plan, and said plan must be consistent with the CDMP goals, objectives and policies. However, as previously discussed, staff opines that approval of request #1 as it relates to the reclaimed water treatment facility and the related requests #4, #5 and #6 for building and fence heights with multiple strands of barbed wire are recommended for denial because the requests are inconsistent the Land Use Element interpretative text and multiple objectives and policies of the CDMP. Therefore request #8 should be approved on a modified basis to show the removal of the reclaimed water treatment facility.

***Zoning Analysis***

When request #8, to permit the modification of a condition of a previously approved resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the surrounding area for the reasons stated below. Staff notes that the proposed modification of Condition #1 of Resolution No. Z-56-07 will not result in excessive traffic as evidenced by the memorandum from the **PWWM – Traffic Division**, which states this request does not generate any additional daily peak hour vehicle trips. The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

The memorandum submitted by the RER-DERM indicates that as proposed the reclaimed water treatment facility (a part of request #1) and the associated non-use variance requests #4 through #6 should be denied because they are inconsistent with the CDMP; however, the memorandum indicates all other requests should be approved. Staff notes that the unusual use request for the reclaimed water treatment facility is recommended for denial therefore the applicant has to remove said facility to comply with the CDMP and Chapter 24 mitigation requirements. Further, staff opines that when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned the requested modification of the site plan with the reclaimed water treatment facility removed would be **compatible** with the surrounding area based on by the memoranda submitted by the reviewing Departments. **As such, staff recommends modified approval with conditions of request #8 to show the removal of the proposed reclaimed water treatment facility under Section 33-311(A)(7) Generalized Modification Standards.**

**ACCESS, CIRCULATION AND PARKING:** The parking for the previously approved nuclear power plant, administration and training buildings will be located to the west of existing of existing facilities. The parking lot will contain 2,500 parking spaces.

## **NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

### ***Aviation***

The Miami-Dade Aviation Department does not object to the use provided there are no conflicts with applicable local, state, and federal aviation regulations including the Code of Miami-Dade County, Chapter 33, Airport Zoning.

### ***Regulatory and Economic Resources (Division of Environmental Resources Management)***

The Division of Environmental Resources Management (DERM) has reviewed the subject zoning request for ancillary facilities associated with Turkey Point Units 6 & 7 and recommends denial of the portion of request #1 related to the unusual use for a reclaimed water treatment facility and denial of associated requests #4, #5, and #6 for the proposed reclaimed water treatment facility for building and structures with a height of 75 feet, and fences with a height of 12 feet and barbed wire, respectively. ERM recommends approval with specific conditions for the following requests: request #1 for the unusual use for the radial collector well system, request #2 for the unusual use for the parking area, request #9 to modify Condition 4 of Zoning Resolution No. Z-56-07, request #3 non-use variance to permit waiver of dedication requirements for section line roads and half-section roads, and request #7 non-use variance to permit landscaping to be planted offsite.

### ***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFR) has no objections to this application.

### ***Parks, Recreation and Open Spaces***

The Miami-Dade Parks, Recreation and Open Spaces Department does not object to this application. Its memorandum states that the application does not generate any additional residential population and therefore the CDMP Open Space Spatial Standards do not apply.

### ***Miami-Dade Police Department***

The Miami-Dade Police Department (MDPD) has no objections to this application. Its memorandum indicates that the current staffing allows for an average emergency response time of eight minutes or less. The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

### ***Public Works and Waste Management Department (Traffic Division) –***

The Traffic Division of the Public Works and Waste Management Department, does not object to this application.

### ***Public Works and Waste Management Department (Waste Management Division)***

The Miami-Dade County Department of Public Works and Waste Management - Waste Management Division does not object to this application. The memorandum submitted for this hearing application indicates that the latest concurrency status determination issued on September 12, 2011, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Regulatory and Economic Resources, is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits as needed from the Florida Department of Environmental Protection.

***Miami-Dade Water and Sewer Department***

The Miami-Dade County Water and Sewer Department (MDWASD) has no objection to this application. Their memorandum indicates the following:

**Water:** The potable water for this application will be provided by the MDWASD. The potable water pipeline corridor for this application has been identified in FPL's Site Certification Application for Turkey Point Units 6 & 7. The pipeline corridor currently identified will commence at SW 288 Street along SW 137 Avenue south to SW 328 Street, then east along SW 328 Street to SW 117 Avenue, then south along SW 117 Avenue to SW 360 Street, then east along SW 360 Street to the FPL Turkey Point Units 6 & 7.

A portion of the potable water pipeline corridor for the Turkey Point facility is currently planned to be routed along SW 360 Street from SW 117 Avenue to the FPL facility. As such, a section of this corridor will be located within the requested waiver of dedication requirements for the section line road along SW 360 Street between SW 97 and SW 87 Avenues. Please note that an unobstructed utility easement will be required to be provided to MDWASD for any MDWASD infrastructure located within the waiver of dedication requirements.

**Sewer:** The sanitary sewer treatment and disposal will be provided by FPL on-site treatment plant for wastewater service.

**Reclaimed Water:** The primary source of cooling water for Units 6 & 7 will be reclaimed water from MDWASD. On July 20, 2010, FPL and MDWASD entered into a Joint Participation Agreement for the supply of up to 90 MGD of reclaimed water to be utilized as the primary cooling water for Turkey Point Units 6 & 7. The South District Wastewater Treatment Plant will be the source for the reclaimed water to be used at the Turkey Point Facility. The South District Wastewater Treatment Plant is located east of SW 97 Avenue and south of SW 233 Street and is approximately 9 miles from Turkey Point.

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of Miami-Dade County Code.

***Miami-Dade Transit Department***

The Miami-Dade Transit Department (MDT) has no objections to this application. Its memorandum indicates that because the subject site lies outside of the Urban Development Boundary, mass transit concurrency standards do not apply.

***Miami-Dade County Public Schools***

Not applicable - No residential development is proposed.

**OTHER:** Not applicable.

**RECOMMENDATION:** Modified approval with conditions of request #1 and #8 with the removal of the reclaimed water treatment facility from the plan, approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility; approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, 5 and #6.

**CONDITIONS FOR APPROVAL:**

1. That all the conditions of Resolution No. 4-ZAB-559-71 and Z-56-07 remain in full force and effect, except as herein modified.
2. That an unobstructed utility easement to the Miami-Dade Water and Sewer Department be provided along SW 360 Street from SW 117 Avenue to the Turkey Point facility.

**Radial Collector Well Conditions:**

Except for Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7.

3. Prior to completion of the first radial collector well, FPL shall submit a Radial Collector Well Field Monitoring Plan to Miami-Dade County RER-DERM for review and approval. FPL shall modify the Radial Collector Well Monitoring Plan as required for approval by Miami-Dade County RER-DERM so that the monitoring plan provides information reasonably necessary for the County's evaluation of the project's compliance with requirements of Chapter 24 of the Code of Miami-Dade County and conditions of the unusual use approval. FPL shall implement the plan as approved. The purpose of the Radial Collector Well Monitoring Plan is to confirm that no adverse impacts occur to the Biscayne Aquifer and to ecological or water resources in the surrounding wetlands and bay areas resulting from the operation of the Radial Collector Well system. The Radial Collector Well Monitoring Plan shall include an initial start-up testing component for the first completed caisson and radial well collector array and a subsequent full scale testing component after completion of the entire well field, as well as a long term monitoring component for evaluating operation of the full scale Radial Collector Well system.
4. The Radial Collector Well Monitoring Plan shall also include timelines and a reporting component, and shall include Monthly Operating Reports. FPL shall collect and analyze hydrologic and water quality data generated from the Radial Collector Well Monitoring Plan each time the radial collector well field is operated as a backup source of cooling water and shall provide both the monitoring data (in electronic format), and a report analyzing the data to Miami-Dade County RER-DERM within 120 days after the event monitoring has ceased. If the monitoring indicates adverse impacts to either ecological or water resources, FPL shall be required to take action to correct and adequately abate such impacts. Corrective action shall be approved by Miami-Dade County RER-DERM prior to implementation. If the monitoring indicates nuisance conditions pursuant to 24-27 of the Miami-Dade County Code, well field pumping shall cease.
5. Initial start-up testing of the first completed well shall consist of a minimum of 72 hours pumping at the average expected single caisson pumping rate for full Radial Collector

Wellfield operations and shall include hydrologic and water quality monitoring before, during and after pumping until full recovery of the surrounding area is demonstrated. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this initial 72 hour pump testing is : 1) to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model.

6. Subsequent to the 72 hour pumping test, initial full scale testing of the first completed well shall consist of a 30 day pumping period at the average expected single caisson pumping rate for full Radial Collector Wellfield operations. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this 30 day pump testing is to: 1) to generate sufficient hydrologic and water quality data to confirm that one well operating at full capacity would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas resulting from the operation of the well field and to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to inform the design or further refinement in design of the long term component of the Radial Collector Well monitoring based on the data generated from the initial start-up testing phase and 3) to verify the amount of time necessary for full recovery of the aquifer and surrounding water bodies after this initial test and 4) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model. The long term monitoring component shall generate sufficient hydrologic and water quality data necessary to evaluate and confirm that full scale operation of the Radial Collector Well would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas and to confirm aquifer characteristics and modeling predictions submitted in the application as they relate to the causal effects on these water resources, and to provide actual data at a scale sufficient to verify output of the model required as part of Zoning Resolution Z-56-07.
7. FPL shall analyze Radial Collector Well Monitoring Plan data using appropriate groundwater hydraulic techniques. FPL shall use the data from the initial start up testing and configure the existing groundwater model (originally calibrated parameters and boundary conditions) to simulate the full scale radial collector well operation using recorded pumping rates and lateral distributions generated from the initial start-up testing. The modeled steady-state drawdowns shall be compared to observed steady state drawdowns to confirm the accuracy of the original model. If necessary, the model will then be recalibrated (by parameter and boundary condition adjustment) to approximate drawdowns observed during the full scale test. The recalibrated model will then be run to confirm the conclusions of the original model.
8. Consistent with FPL's representations, the radial collector well field shall only be operated as a backup source of cooling water for units 6 and 7. Use of the well field as a primary source is specifically prohibited. Use of the well field when reclaimed water of sufficient quality and quantity is available from Miami-Dade County is also prohibited except as described by the conditions of approval contained herein. Use of the radial collector well field as a backup source of cooling water is contingent upon continued demonstration that operation of the radial collector well field at full capacity does not result in adverse

environmental impacts to local, state or federal water resources, including wetlands, and that local or state water quality standards are not exceeded.

9. After the Radial Collector Well system is fully operational and following initial start-up monitoring and testing, further operation of the Radial Collector Well for routine maintenance or testing purposes shall only be during the wet season (June- October) to the extent practicable, unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.
10. In order to reduce avoidable stresses on the aquifer and surrounding surface waters, Radial Collector Well pump operations associated with routine maintenance shall be staggered so that only one radial caisson array is in operation at a time (except during the initial, pre-operational full scale testing) unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.
11. Consistent with FPL's representations, the maximum number of days the Radial Collector Wells may be operated for cooling water purposes in any consecutive twelve (12) month period shall not exceed ninety (90) days unless approved by Miami-Dade County RER-DERM.
12. Notwithstanding any other condition associated with this zoning approval and pursuant to Section 24-27 of the Miami-Dade County Code, FPL shall not cause, or allow to be caused, any nuisance as defined in Section 24-5 and/or 24-28 by operation of the radial collector well field.
13. FPL shall monitor the quality and quantity of the reuse/reclaimed water provided by Miami-Dade County. FPL shall maintain documentation including but not limited to laboratory analysis and any other monitoring data. If monitoring indicates that the quality or the quantity of the reclaimed water has decreased to the point where it no longer meets the thresholds defined in paragraph 3.3.2 of the Joint Participation Agreement signed by both Miami-Dade County and FPL (R-813-10) or successor agreements, FPL shall provide notification to Miami-Dade County WASD within 24 hours of such a determination. FPL shall maintain all records relating to this monitoring for review by Miami-Dade County and provide such records within 30 days upon request. Use of an alternative or secondary source of cooling water is prohibited while reclaimed water is available in sufficient quantity and quality as defined in Paragraph 3.3.2 of the aforementioned Joint Participation Agreement or successor agreements. FPL shall cease use of the alternate source of cooling water and return to the primary reclaimed water source as soon as possible after reclaimed water meeting the specifications cited in Paragraph 3.3.2 of the Joint Participation Agreement or successor agreements is available.
14. FPL shall submit Monthly Operating Reports to Miami-Dade County RER-DERM with monitoring requirements specific to the well field operations (i.e. idle, maintenance, and actual operation). Submittal of a Monthly Operating Report shall be required whether or not the wells have been operated in any particular month. Each Monthly Operating Report shall provide monthly groundwater data, including volume extracted and water quality data. The

water quality parameters to be included in the Monthly Operating Reports shall be approved by Miami-Dade County RER-DERM prior to operation of the well field.

15. Construction of the radial collector wells, including but not limited to dewatering activities, shall not result in violation of the water quality standards set forth in Section 24-42(4) of the Code of Miami-Dade County. Construction activities, including but not limited to de-watering, shall be in compliance with applicable water quality standards and such project activities shall not cause a nuisance or sanitary nuisance as defined pursuant to Miami-Dade County Code Sections 24-27 and 24-28. All dewatering associated with the construction of the radial collector wells shall be directed to the cooling canals or to approved deep injection wells unless otherwise approved by Miami-Dade County RER-DERM; discharges of any kind to wetlands or Biscayne Bay are prohibited without prior written approval from Miami-Dade County RER-DERM.

**Non-Use Variance request 3, Waive dedication requirements for section line roads:**

16. FPL shall provide Miami-Dade County with an easement along section line road right of way on the SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction earthwork and clearing is prohibited unless the subject easement has been approved and accepted by Miami-Dade County.

**Non-Use Variance request 7, To Permit Landscaping to be planted offsite:**

17. All landscape material that will not be planted at the subject property shall be planted at off-site locations approved by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by Miami-Dade County RER-DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks Recreation and Open Spaces Department, the remaining half shall be planted at a Miami-Dade County RER-DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department for approval. All materials shall be planted within the timeframes specified by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department.

**General Conditions applicable to requests #1 through #8:**

18. For all work approved under this application that involves impacts to wetlands, FPL shall submit a mitigation plan that is fully consistent with the CDMP and Miami-Dade County Code, including but not limited to the avoidance, minimization and preservation requirements of Section 24-48.4 Miami-Dade County Code. As a component of this mitigation plan, FPL shall also include provision for submittal of a restrictive covenant or an equivalent legal instrument to protect and maintain the wetlands areas to be preserved, and said legal instrument must be consistent with the Miami-Dade County's preservation requirements for mitigation. FPL shall submit an approvable mitigation plan to Miami-Dade County RER-DERM within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction

earthwork and clearing is prohibited unless the mitigation plan has been approved by Miami-Dade County RER-DERM. All mitigation shall be implemented consistent with the Miami-Dade County approved plan.

19. FPL shall prepare and submit to Miami-Dade County RER-DERM, within ninety (90) days of BCC approval, an earthwork and materials disposal plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by RER-DERM for compliance with Chapter 24 as interpreted by RER-DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24 and to obtain approval. The plan will include at a minimum the various types of earthwork, methods for testing/characterization of disposal materials, identification of any potential on-site and off-site disposal sites, and a description of all best management practices to be used to prevent spoil materials stored at the proposed disposal sites from eroding and adversely impacting adjacent wetland areas or surface waters or disrupting habitat utilized by federal or state designated threatened or endangered plant or animal species. Any spoil material proposed to be stored in the vicinity of sensitive ecological areas such as wetlands or surface waters must be demonstrated to the satisfaction of Miami-Dade County RER-DERM, through appropriated sampling methodology and laboratory analysis, to be free of any contaminants that can adversely impact these sensitive areas. Work shall not commence until the required plan has been approved by Miami-Dade County RER-DERM.
20. Only clean fill, free from contamination shall be used for construction pursuant to the applicable sections of Chapter 24, Miami-Dade County Code for all work approved under this application.
21. FPL shall prepare a management plan for all federal and state listed, threatened, or endangered species that could be directly or indirectly impacted by the work authorized under this zoning request. Miami-Dade County RER-DERM will review the plan for consistency with substantive requirements of applicable statutes and regulations and FPL will revise the plan in a timely manner to obtain RER-DERM approval. All work including preconstruction earthwork and clearing is prohibited unless the management plan has been approved by RER-DERM. The plan shall demonstrate that FPL will preserve, to the maximum extent possible, habitat that supports federal or state designated endangered or threatened species. Pursuant to Policy CON-9B of the Miami-Dade CDMP, all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities, where necessary. Pursuant to Policy CON-9C of the Miami-Dade CDMP, rookeries and nesting sites used by federal or State designated endangered or threatened species shall not be moved or destroyed. The management plan shall include a comprehensive inventory of all threatened or endangered flora and fauna and identify all habitat that supports these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect threatened or endangered species habitat. Permanent measures of this plan shall include, but not limited to, use of design features such as permanent physical barriers, visual buffers, and the establishment of development setbacks necessary to prevent both direct and indirect impacts to adjacent threatened or endangered species habitat. These design features, visual buffers, and setbacks shall be sufficient to prevent disruption of sensitive behaviors such as breeding, nesting and foraging within the adjacent habitat.

22. Prior to any construction related to the zoning requests in this application, FPL shall remove all prohibited plant species as defined pursuant to CDMP CON-8I and Miami-Dade Code Section 24-49.9 as may be amended from time to time, in accordance with applicable requirements of the Miami-Dade Code and CDMP. FPL shall maintain these areas to prevent growth or accumulation of all prohibited species, including all non-native grasses, weeds, and undergrowth consistent with the requirements of the CDMP, Section 24-49.9 and Section 19-14(A) Miami-Dade County Code for all work approved under this application. Furthermore, prohibited plant species shall not be sold, propagated, planted, imported or transported.

ES:MW:NN:JV:AN



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Eric Silva, AICP, Assistant Director  
Development Services  
Miami-Dade County  
Department of Regulatory and Economic Resources

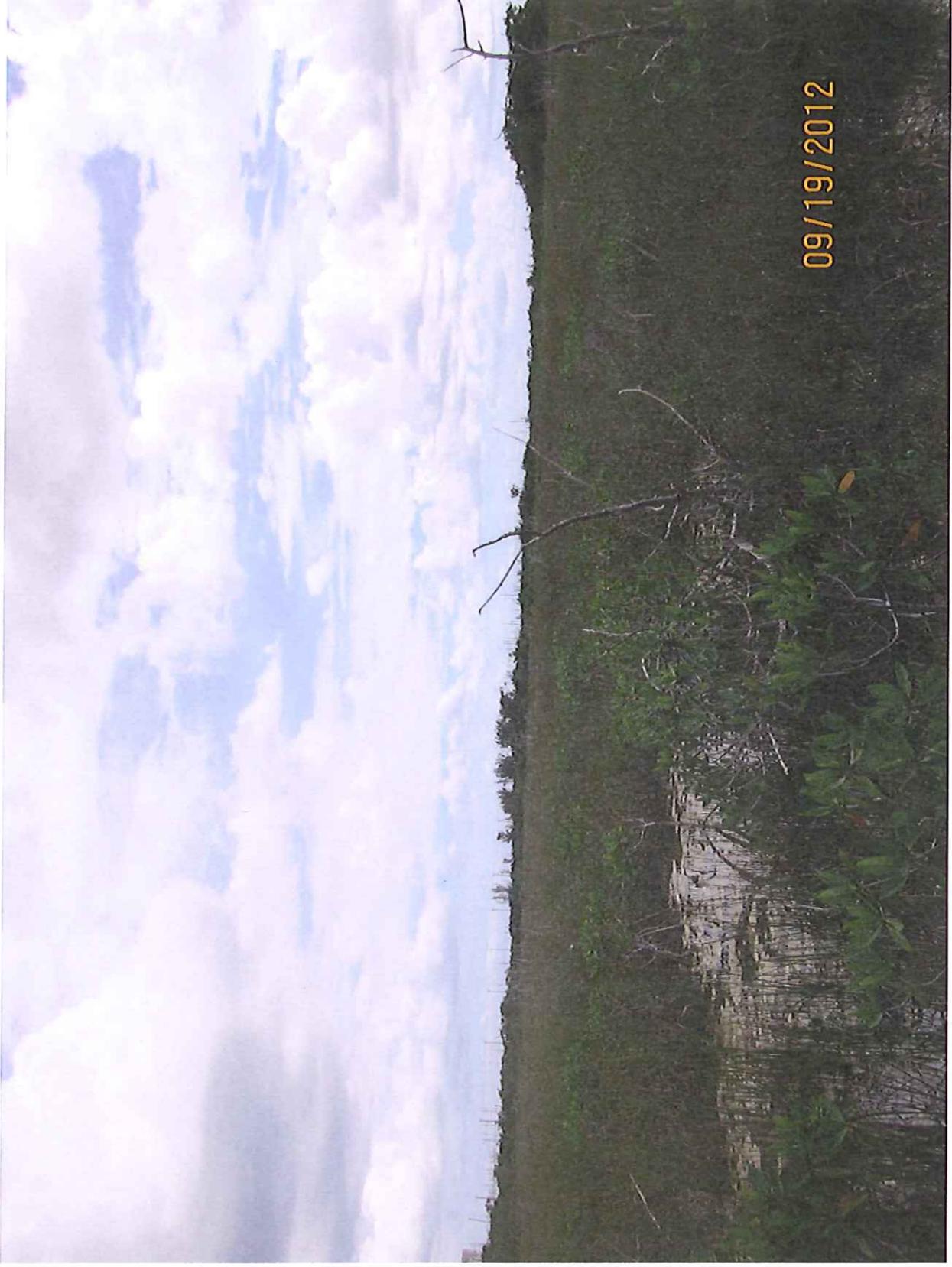
# EXHIBIT 1



FPL Proposed Reclaimed Water Treatment Facility Location – View to the north/northwest boundary of the proposed footprint.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the southwest across the footprint of the proposed area.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View of dwarf mangrove located with the footprint of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the south/southeast towards the southern boundary of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the southwest across the southern boundary of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the southwest across the footprint of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012

FPL Proposed Reclaimed Water Treatment Facility  
Location – View of Apple Snail eggs on sawgrass blades.



L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View of thick periphyton mat and standing water.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View looking north along the southern boundary.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View looking north along the southern boundary.



FPL Proposed Reclaimed Water Treatment Facility Location – View looking north along the southern boundary.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking north.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking west.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking west.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking northwest.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- Bahama Trema - Florida State Listed species, growing on edge of the fill pad

DERM Site Inspection of the FPL RWTF

L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- Bahamas Trema – Florida State Listed species growing on edge of the fill pad

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012

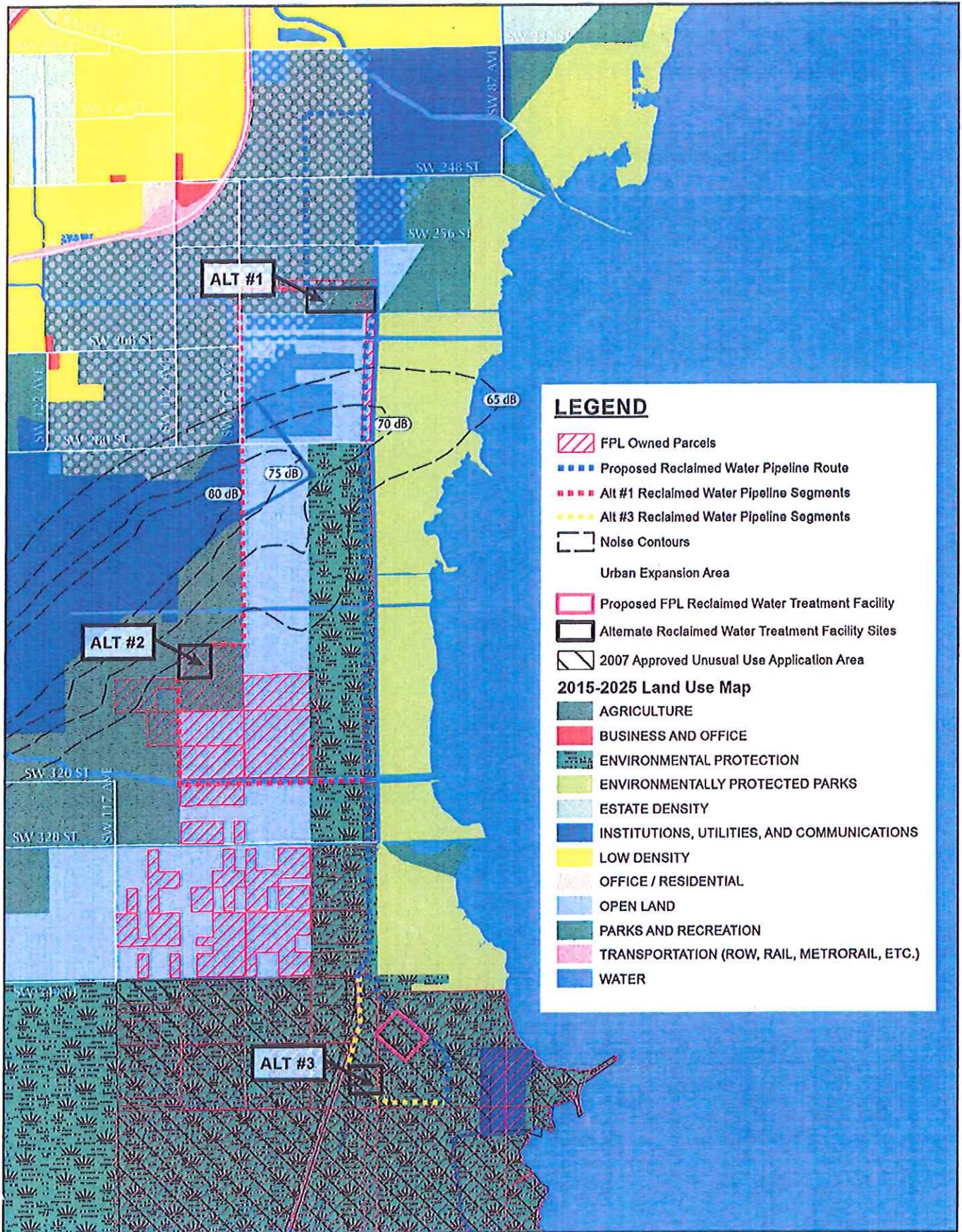


FPL Alternate Reclaimed Water Treatment Facility Location- Bay Cedar growing on edge of the fill pad

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012

# EXHIBIT 2



**LEGEND**

- FPL Owned Parcels
- Proposed Reclaimed Water Pipeline Route
- Alt #1 Reclaimed Water Pipeline Segments
- Alt #3 Reclaimed Water Pipeline Segments
- Noise Contours
- Urban Expansion Area
- Proposed FPL Reclaimed Water Treatment Facility
- Alternate Reclaimed Water Treatment Facility Sites
- 2007 Approved Unusual Use Application Area

**2015-2025 Land Use Map**

- AGRICULTURE
- BUSINESS AND OFFICE
- ENVIRONMENTAL PROTECTION
- ENVIRONMENTALLY PROTECTED PARKS
- ESTATE DENSITY
- INSTITUTIONS, UTILITIES, AND COMMUNICATIONS
- LOW DENSITY
- OFFICE / RESIDENTIAL
- OPEN LAND
- PARKS AND RECREATION
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
- WATER

**ALTERNATIVE RECLAIMED WATER TREATMENT FACILITY SITES**  
**CDMP analysis**

Source: Miami-Dade GIS 2011; Adapted by The Curtis Group, 2012  
 0 2,500 5,000 10,000 Feet

# EXHIBIT 3



**LEGEND**

-  Alternative RWTF Sites (+/- 50 ac.)
-  Laydown Area
- Turkey Point Units 6 & 7 Plant Area



**REFERENCES**

1. Turkey Point Units 6 & 7 Plant Area, Bechtel, 2009.
2. Laydown Area, FPL, 2011
3. Alternative RWTF Sites, FPL, 2011.

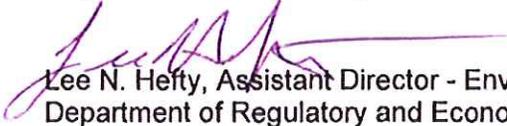
PROJECT	TURKEY POINT UNITS 6 & 7 PROJECT	
TITLE	ALTERNATIVE RECLAIMED WATER TREATMENT FACILITY SITES	
	FILE No. 09397632_F015	<b>EXHIBIT</b> <b>3</b>
	REV. 0	
	PLOT DATE 4/25/2011	

# Memorandum



**Date:** November 27, 2012

**To:** Eric Silva, AICP  
Assistant Director  
Department of Regulatory and Economic Resources

**From:**   
Lee N. Hefty, Assistant Director - Environmental Resources Management  
Department of Regulatory and Economic Resources

**Subject:** DIC#Z2012000090  
portions of Sections 27, 28, 29, 33 T57S R40E

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Applicant: Florida Power & Light Co

Location: Lying East of Canal L31E, South of SW 344<sup>th</sup> Street, West of Biscayne Bay and North of Theoretical SW 360 Street

Area: (9,219.30 ACRES)

Current Zoning: GU

Zoning Requests:

## Requests #1- #7 on Parcel "A"

1. Unusual Use to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant.
2. Unusual Use to permit parking in a zone more restrictive than the use it serves.
3. NON-USE VARIANCE of zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.
4. NON-USE VARIANCE to permit building heights of 75' (35' maximum permitted).
5. NON-USE VARIANCE to permit a fence height of 12' (8' maximum permitted).
6. NON-USE VARIANCE to permit fences with multiple strands of barbed wire in the GU zone (barbed wire not permitted in the GU zone).

7. **NON-USE VARIANCE** to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.

**Requests #8 & #9 on Parcels "A" & "B"**

8. **Modification of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07, only as it applies to the subject property and reading as follows:**

**FROM:** "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

**TO:** "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group and plans entitled "New Proposed Unusual Use Boundary", 1 sheet dated stamped received 10/30/12, and a second sheet dated stamped received 10/05/12 for a total of 2 sheets, all sheets prepared by the Curtis Group."

9. **Modification of Condition #4 of Resolution Z-56-07 and reading as follows:**

**FROM:** "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities."

**TO:** "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for the proposed facilities."

The afore-mentioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

**PRESENT ZONING:** GU (Interim-Uses depend on character of neighborhood, otherwise EU-2 standards apply)

**Requests Number 1 as it pertains to the Reclaimed Water Treatment Facility and 4.5.6 Reclaimed Water Treatment Plant Analysis**

Condition 5 of Zoning Resolution Z-56-07 states that FPL shall utilize reclaimed or reuse water to the maximum extent possible in accordance with requirements of Miami-Dade County Water and Sewer Department and the South Florida Water Management District. FPL and Miami-Dade County have signed a Joint Participation Agreement (R-813-10) for development of a reclaimed water project to serve as the cooling water source for the proposed Units 6 & 7 project. The MDWASD South District Waste Water Treatment Plant which is located approximately seven miles north of the FPL Turkey Point facility will be the source for reclaimed water provided by the county. FPL has stated that further treatment of the reclaimed water is necessary to make it suitable for cooling water purposes, and therefore a reclaimed water treatment facility is required. FPL has proposed two locations within the Turkey Point property for siting of the Reclaimed Water Treatment Facility. However, FPL's proposed locations for the Reclaimed Water Treatment Facility are inconsistent with CDMP objectives and policies and do not meet substantive requirements of Chapter 24 of the Miami-Dade County Code including Code requirements for conformance with applicable CDMP objectives and policies. The proposed Reclaimed Water Treatment Facility sites are located within the study boundaries of the Biscayne Bay Management Plan. The specific wetland areas that would be destroyed by the construction of a Reclaimed Water Treatment Facility in either of these locations have been identified as highly valuable coastal habitat for species such as mangroves, birds, crocodiles, and land mammals as depicted on Figure 5, of the Biscayne Bay Management Plan (see attachment 1).

It should also be noted that the 1994 federally sponsored Biscayne Bay Advance Identification study designated the proposed location as "Generally Unsuitable for Fill" in recognition of the high quality ecological value of these wetlands. The alternate proposed location was outside the study area boundary and was therefore not evaluated as part of the 1994 study. However, other than containing a previously filled area of approximately 6 acres, the remaining wetlands in this site are of similar high quality. In addition, the wetlands surrounding and included within the proposed Reclaimed Water Treatment Facility plant locations are within a designated Mangrove Protection Area, as defined by the CDMP in Coastal Management Element Policy CM-1A.

Unlike the previous Zoning Resolution Z-56-07 approval involving siting of the proposed nuclear power plant in degraded wetlands located within the outer berms of a state approved industrial wastewater facility, the subject request proposes siting of a Reclaimed Water Treatment Facility in high quality mangrove wetlands outside of the industrial wastewater facility. The CDMP Policy CM-1A states that *Mangrove Protection Areas shall not be altered, dredged, or filled except for projects that are: (1) necessary to prevent or eliminate a threat to public health, safety or welfare; (2) water dependent; (3) required for natural system restoration and enhancement; or (4) clearly in the public interest; and where no reasonable upland alternative exists.* Even for these exceptions, the CDMP Policy CM-1A states *in these cases, the trimming or alteration shall be kept to the minimum, and done in a manner that preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.* FPL's analysis does not adequately demonstrate that the proposed Reclaimed Water Treatment Facility location meets these exceptions.

The proposed locations are composed of high quality wetlands that have very little invasive exotic plants or other characteristics which would indicate degradation, and these wetlands provide important, high quality habitat for numerous water-dependent species, including threatened or endangered species. Contrary to Policy CM-1A of the CDMP, the construction of the Reclaimed Water Treatment Facility in the proposed locations are not necessary to prevent or eliminate a threat to public health, safety or welfare, are not water dependent, and are not required for natural system restoration and enhancement.

The CDMP includes requirements for protection of wetlands as outlined in Objective CON-7 and Policy CON-7A. Analysis indicates that both of the proposed sites include habitat used by endangered or threatened species, including the federally threatened American crocodile. The filling of these

mangrove wetlands would reduce and adversely affect habitat used by threatened or endangered species by the elimination of more than 39 acres of wetlands and other surface water habitat (Policy CON-7A, Policy CM-1A). In addition, the proposed locations are either adjacent to or near similar or equivalent habitat of high environmental value over which FPL recorded a conservation easement in the public records of Miami-Dade County in 2005 in favor of the Army Corps of Engineers. This conservation easement requires FPL to preserve and maintain environmental values in over 92 acres of mangrove wetlands in perpetuity. In addition, the direct destruction of more than 39 acres of wetlands for development in this area would cause degradation, through secondary impacts of wetlands habitat held under the Army Corps recorded conservation easement and a significant net loss of mangrove wetlands in this county that are designated as a mangrove preserve.

Furthermore, the proposed sites located in mangrove wetlands are subject to mitigation requirements of Miami-Dade County Code including but not limited to Section 24-48.4. The proposed Reclaimed Water Treatment Facility locations are not consistent with the applicable mitigation requirements including the requirement that proposed projects must maximize the preservation of existing natural resources. Furthermore, in determining mitigation, the following methods, in the order of priority in which they should be utilized, are required but have not been met by this proposal:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing or providing substitute resources or environments.

As part of this request, FPL submitted an evaluation of potential sites for the Reclaimed Water Treatment Facility. This evaluation includes four sites within the Turkey Point property, and two offsite locations. FPL indicates that two of the onsite locations are not feasible for the Reclaimed Water Treatment Facility because they are needed for power plant construction activities. In addition, FPL dismisses consideration of the two offsite locations based upon assertions that the Reclaimed Water Treatment Facility must be co-located with the power generating facility for purposes of reliability and effectiveness. Among other issues, FPL asserts that siting the Reclaimed Water Treatment Facility at an offsite location increases costs, requires additional operations staff and security personnel, requires additional infrastructure, additional acreage including area for parking and back-up power facilities that are otherwise available at the Turkey Point property, complicates internal communication and coordination, and creates a delay in response to water quality variations in Reclaimed Water Treatment Facility output water quality. For these reasons, FPL proposes consideration of only two onsite locations.

However, FPL's assertion that offsite locations are not feasible is overly simplistic. FPL cites logistical reasons for dismissing offsite locations, such as delays due to travel time for staff to physically go between the power generating plant and an offsite water treatment facility to address water quality issues. However, their conclusion does not adequately consider simple solutions such as using separate dedicated staff that are appropriately trained in their respective disciplines manning the Reclaimed Water Treatment Facility, and the use of commonly available communication and monitoring technology, such as cell phones, land lines, remote video monitoring and telemetry for providing power plant and cooling tower operators with real-time information on Reclaimed Water Treatment Facility

operations and output water quality data. We note that the proposed "onsite" locations are more than one mile away from the proposed cooling towers for Units 6 & 7, yet FPL provides no information to establish what would be an acceptable maximum distance between the Reclaimed Water Treatment Facility and the power generating plants. RER-DERM notes that FPL currently operates on a sprawling complex with the cooling canal system stretching more than five miles from the existing power plants. Although FPL's submittals state that locating the Reclaimed Water Treatment Facility at an offsite location presents unacceptable complications and jeopardizes the reliability of the power generating units, they have not provided adequate information to support this claim. In fact, FPL represents that the proposed Radial Collector Well system will provide a reliable back-up water source to supply cooling water when reuse water is not available in sufficient quality and quantity for cooling purposes. In addition, FPL's assertion that the Reclaimed Water Treatment Facility must be located on site appears inconsistent with FPL's operation of their West County Energy Center located in Palm Beach County, which uses reclaimed water provided by the East Central Regional Water Reclamation Facility located approximately 18 miles from the power plant site.

FPL also asserts that if the Reclaimed Water Treatment Facility is located off-site, additional onsite water treatment and water storage facilities ("approximately 6.5 acres") will still be necessary to address situations when "off-specification" water is detected at the cooling towers or make-up water reservoir. FPL did not provide information to support that such additional facilities will actually be required. Furthermore, the proposed Reclaimed Water Treatment Facility will be owned, operated and managed by FPL regardless of where it is located, and it is reasonable to conclude that FPL staff managing this facility will be closely monitoring water quality output to assure it meets their required specification. Regardless, based upon FPL's assertion that 6.5 acres of treatment and storage facilities would still be required onsite, it can be assumed that the area needed for an onsite treatment facility can be reduced to minimize impacts to high quality wetlands in the Mangrove Protection Area if the Reclaimed Water Treatment Facility were constructed at an offsite location.

Furthermore, the analysis does not consider or evaluate other locations, despite the fact that there are many hundreds of acres of land in the undeveloped area between Turkey Point and the South Dade Wastewater Treatment Plant. Based on the above, FPL has failed to demonstrate that the proposed reuse water treatment facility could not be located outside of designated Mangrove Protection Areas at an upland site or even an altered, lower quality wetland site that would minimize or avoid impacts to high quality wetlands and threatened/endangered species habitat.

Based on the above, RER-DERM has determined that FPL has not adequately demonstrated that there are no reasonable alternatives to the sites proposed in the Mangrove Protection Areas. Given the size and scale of this project, FPL has not provided an adequate analysis of all properties (including FPL owned and/or public or privately owned properties) in the area to conclude that no other acceptable sites exists. RER-DERM does not accept the limited analysis as conclusive and sufficient to demonstrate the Reclaimed Water Treatment Facility can only be located in the proposed locations. The proposed project impacts are both avoidable and not consistent with Miami-Dade County Code and the CDMP. Therefore, RER-DERM recommends that the applicant seek alternative locations such that the proposed reclaimed water treatment facility be constructed in an area that avoids adverse impacts to high quality wetlands supporting halophytic vegetation and such that the proposed facility would not reduce or adversely affect habitat used by endangered or threatened species. Accordingly, RER-DERM recommends denial of the portion of request 1 related to the unusual use for a Reclaimed Water Treatment Facility and denial of associated requests 4, 5 and 6 for building and structures with a height of 75 feet, and fences with a height of 12 feet and barbed wire respectively, since they are inextricably associated with the Reclaimed Water Treatment Facility.

**Requests Number 1 and 9**  
**Radial Collector Well Analysis**

FPL and Miami-Dade County signed a Joint Participation Agreement (R-813-10) for development of a reclaimed water project to serve as the cooling water source for the proposed Units 6 & 7 project. This agreement allocates up to 90 million gallons per day of reclaimed water treated with high level disinfection to cool FPL's existing Unit 5 gas powered plant and the two proposed nuclear power Units 6 and 7. The Joint Participation Agreement defines the quality and quantity of the reuse water to be delivered by Miami-Dade County and accepted by FPL.

FPL has applied for approval to use a Radial Collector Well system that would withdraw water from the Biscayne Aquifer as a backup source of cooling water for proposed nuclear Units 6 & 7. This application for water withdrawal is prohibited under Condition 4 of Zoning Resolution Z-56-07. Condition 4 prevents impacts to the Biscayne Aquifer by prohibiting FPL from applying for withdrawals from this aquifer. As part of the subject request, FPL has also requested modification of Condition 4 of Zoning Resolution Z-56-07, which would allow FPL to apply to withdraw water from the Biscayne Aquifer. This request for a Radial Collect Well is dependent upon FPL's request to modify Condition 4 of Zoning Resolution Z-56-07, and the analysis below applies to both requests.

Policy WS-1E of the CDMP requires Miami-Dade County to use all legal and reasonable means to assure that any land use, which requires a variance from water, sewer, or environmental protection regulation of Miami-Dade County, is in conformance with the Land Use Plan map. The land on which the caissons (vertical well shafts) for the radial collector wells are proposed is part of Environmental Protection Subarea F. Although necessary electrical generating facilities may be approved for this area under the CDMP, approval of any new use, and the replacement or expansion of any existing use must be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of the CDMP, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.

Policy WS-6B requires that Miami-Dade County take steps necessary to assure that all viable potable water well fields in the County remain available for use and possible future expansion, while Policy WS-1F requires that Miami-Dade County use all practical means to assure that land in the vicinity of water and wastewater treatment facilities is developed for a use that is compatible with the operation of said facilities, including discouraging changes to the Land Use Plan map or land development regulations where these would permit land uses that are incompatible with the continued operation or planned expansion of these facilities. There are 7 potable water well fields within 10 miles and a total of 12 potable water well fields within 15 miles of the proposed radial collector well system (including the Florida Keys Aqueduct Authority's sole well field).

The proposed radial collector well field is located within the management boundaries of the Biscayne Bay Management Plan and within an Aquatic Park and Conservation area created by the Miami-Dade County Board of County Commissioners in 1974. The well laterals would extend under Biscayne Bay into an area adjacent to Biscayne National Park. The well laterals would be located on public lands within a State of Florida designated Aquatic Preserve and would be specifically designed to draw water through the bay bottom in this area. The bay bottom in this area contains sensitive benthic resources including seagrass beds. Sensitive wetlands are also located nearby, including mangrove wetlands within the National Park. It should be noted that Biscayne National Park has expressed concerns with the subject request due to its potential impact to hydrology and to natural resources.

The radial collector well field is proposed to be located under Biscayne Bay adjacent to Biscayne National Park. The near shore portions of southern Biscayne Bay as well as coastal and adjacent freshwater wetland areas throughout south Miami-Dade including the wetlands to the north, west and south of the Turkey Point Power Plant and Cooling Canal system are proposed for restoration through the Biscayne Bay Coastal Wetlands Project of the Comprehensive Everglades Restoration Plan (CERP). This restoration project will replace lost overland fresh water flow and partially compensate for

the reduction in groundwater seepage by redistributing, through a spreader system, available surface water entering the area from regional canals. The goal of this CERP project is to improve the ecological health of Biscayne Bay (including freshwater wetlands, tidal creeks and near-shore habitat) by adjusting the quantity, quality, timing, and distribution of freshwater entering Biscayne Bay and Biscayne National Park. Redistribution of freshwater flow and the expansion and restoration of wetlands will help to restore or enhance freshwater wetlands, tidal wetlands, and near-shore bay habitat. Improving salinity distribution near the shoreline with sustained lower-than-seawater salinities in tidal wetlands can help to reestablish productive nursery habitat for shrimp and shellfish, including oyster reef communities. The CERP project includes pump stations, spreader swales, stormwater detention areas, flowways, levees, culverts, and backfilling of canals and mosquito ditches located in southeast Miami-Dade County and covers approximately 13,600 acres along the L-31E Levee to capture, treat, and redistribute freshwater runoff from the watershed going into Biscayne Bay, creating more natural water deliveries and expanding spatial extent and connectivity of coastal wetlands, and improved recreational opportunities. In addition, another CERP project overlaps with the BBCW project in the Model Lands area immediately westward of the Turkey Point Cooling Canal area. Although the C-111 Spreader Canal Western Project focuses on the restoration of flows to Florida Bay via Taylor Slough in Everglades National Park, it also includes the restoration of the Southern Glades and Model Lands and other associated wetlands and estuarine systems in an area that overlaps with the BBCW project. A portion of this CERP project has already been constructed in the L-31E canal just west of FPL's cooling canal system and operational changes to the S20 Coastal Water Control Structure in this area will raise water levels in the areas adjacent to FPL's cooling canal system. Both of these CERP projects are considered to play an integral role in meeting the Comprehensive Everglades Restoration Plan (CERP) system-wide ecosystem restoration goals and objectives.

Objective LU-3 of the CDMP requires Miami-Dade County to ensure the protection of natural resources and systems by reflecting the management policies included in CERP. Policy CON-7J requires Miami-Dade County to consider an application's consistency with CERP objectives when evaluating applications that will result in alterations to wetlands, and may deny the application if it is found to be inconsistent with CERP. The Radial Collector Well system has the potential to adversely impact water resources related to CERP restoration areas. In addition, impacts to mangrove wetlands located outside of the CERP project construction footprints are anticipated for construction of the pipeline necessary to connect the proposed radial collector well field to the proposed power plants in the area adjacent to the outer dike of the cooling canal system. Therefore, wetland mitigation is required and a mitigation plan acceptable to Miami-Dade County must be provided that is consistent with the requirements of Section 24-48.4 of the Code.

Condition 15 of Zoning Resolution Z-56-07 requires a hydrologic study if project elements are expected to impact surface or groundwater. The proposed Radial Collector Well system will impact surface and groundwater, including groundwater in the Biscayne Aquifer. In addition, pursuant to Condition 5 of Zoning Resolution Z-56-07, FPL is required to use groundwater modeling to evaluate the impacts of any alternative groundwater source for the nuclear units' cooling systems and the groundwater model methodology is required to be approved by MDWASD. FPL's groundwater model has not been approved by MDWASD and county technical staff believe the hydrologic information provided in this request and as part of the Site Certification Application submitted to the Florida DEP may not fully predict potential hydrologic and water quality impacts associated with full scale operation of the proposed Radial Collector Wells, including interactions with the existing groundwater plume resulting from long term operation of the existing cooling canal system. Due to this uncertainty, RER-DERM is not able to definitively conclude that operation of the proposed radial collector well field will not result in harm to resources, violate water quality standards or create nuisance conditions. Therefore it is recommended that the Radial Collector Wells only be approved upon condition that FPL develop and implement a monitoring plan to fully evaluate operation of the proposed Radial Collector Well system, that FPL operate the Radial Collector Wells system consistent with requirements of Chapter 24 of the Miami-Dade County Code and consistent with adopted goals, objectives, and policies of the CDMP, and that FPL shall be required to take necessary action to correct and adequately abate any adverse

environmental impacts including any adverse impacts to water resources associated with operation of the Radial Collector Wells.

Based upon FPL's representations to use reuse water as a primary source of cooling water for the proposed Units 6 & 7, and that use of the proposed Radial Collector Wells is intended only as a back-up supply of cooling water when reuse water is not available in the quantity and quality necessary for use as cooling water, and FPL's representations to limit use of the Radial Collector Wells to no more than 90 days in any consecutive 12 month period, RER-DERM recommends approval of requests #1 and #9 as it pertains to the Radial Collector Wells subject to the conditions contained herein:

**Radial Collector Well Conditions:**

- Prior to completion of the first radial collector well, FPL shall submit a Radial Collector Well Field Monitoring Plan to Miami-Dade County RER-DERM for review and approval. FPL shall modify the Radial Collector Well Monitoring Plan as required for approval by Miami-Dade County RER-DERM so that the monitoring plan provides information reasonably necessary for the County's evaluation of the project's compliance with requirements of Chapter 24 of the Code of Miami-Dade County and conditions of the unusual use approval. FPL shall implement the plan as approved. The purpose of the Radial Collector Well Monitoring Plan is to confirm that no adverse impacts occur to the Biscayne Aquifer and to ecological or water resources in the surrounding wetlands and bay areas resulting from the operation of the Radial Collector Well system. The Radial Collector Well Monitoring Plan shall include an initial start-up testing component for the first completed caisson and radial well collector array and a subsequent full scale testing component after completion of the entire well field, as well as a long term monitoring component for evaluating operation of the full scale Radial Collector Well system.
- The Radial Collector Well Monitoring Plan shall also include timelines and a reporting component, and shall include Monthly Operating Reports. FPL shall collect and analyze hydrologic and water quality data generated from the Radial Collector Well Monitoring Plan each time the radial collector well field is operated as a back up source of cooling water and shall provide both the monitoring data (in electronic format), and a report analyzing the data to Miami-Dade County RER-DERM within 120 days after the event monitoring has ceased. If the monitoring indicates adverse impacts to either ecological or water resources, FPL shall be required to take action to correct and adequately abate such impacts. Corrective action shall be approved by Miami-Dade County RER-DERM prior to implementation. If the monitoring indicates nuisance conditions pursuant to 24-27 of the Miami-Dade County Code, well field pumping shall cease.
- Initial start-up testing of the first completed well shall consist of a minimum of 72 hours pumping at the average expected single caisson pumping rate for full Radial Collector Wellfield operations and shall include hydrologic and water quality monitoring before, during and after pumping until full recovery of the surrounding area is demonstrated. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this initial 72 hour pump testing is : 1) to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model.
- Subsequent to the 72 hour pumping test, initial full scale testing of the first completed well shall consist of a 30 day pumping period at the average expected single caisson pumping rate for full Radial Collector Wellfield operations. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters

installed in the bay bottom substrate or an alternative approved method). The purpose of this 30 day pump testing is to: 1) to generate sufficient hydrologic and water quality data to confirm that one well operating at full capacity would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas resulting from the operation of the well field and to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to inform the design or further refinement in design of the long term component of the Radial Collector Well monitoring based on the data generated from the initial start-up testing phase and 3) to verify the amount of time necessary for full recovery of the aquifer and surrounding water bodies after this initial test and 4) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model. The long term monitoring component shall generate sufficient hydrologic and water quality data necessary to evaluate and confirm that full scale operation of the Radial Collector Well would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas and to confirm aquifer characteristics and modeling predictions submitted in the application as they relate to the causal effects on these water resources, and to provide actual data at a scale sufficient to verify output of the model required as part of Zoning Resolution Z-56-07.

- FPL shall analyze Radial Collector Well Monitoring Plan data using appropriate groundwater hydraulic techniques. FPL shall use the data from the initial start up testing and configure the existing groundwater model (originally calibrated parameters and boundary conditions) to simulate the full scale radial collector well operation using recorded pumping rates and lateral distributions generated from the initial start-up testing. The modeled steady-state drawdowns shall be compared to observed steady state drawdowns to confirm the accuracy of the original model. If necessary, the model will then be recalibrated (by parameter and boundary condition adjustment) to approximate drawdowns observed during the full scale test. The recalibrated model will then be run to confirm the conclusions of the original model.
- Consistent with FPL's representations, the radial collector well field shall only be operated as a back up source of cooling water for units 6 and 7. Use of the well field as a primary source is specifically prohibited. Use of the well field when reclaimed water of sufficient quality and quantity is available from Miami-Dade County is also prohibited except as described by the conditions of approval contained herein. Use of the radial collector well field as a back up source of cooling water is contingent upon continued demonstration that operation of the radial collector well field at full capacity does not result in adverse environmental impacts to local, state or federal water resources, including wetlands, and that local or state water quality standards are not exceeded.
- After the Radial Collector Well system is fully operational and following initial start-up monitoring and testing, further operation of the Radial Collector Well for routine maintenance or testing purposes shall only be during the wet season (June- October) to the extent practicable, unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.
- In order to reduce avoidable stresses on the aquifer and surrounding surface waters, Radial Collector Well pump operations associated with routine maintenance shall be staggered so that only one radial caisson array is in operation at a time (except during the initial, pre-operational full scale testing) unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.

- Consistent with FPL's representations, the maximum number of days the Radial Collector Wells may be operated for cooling water purposes in any consecutive twelve (12) month period shall not exceed ninety (90) days unless approved by Miami-Dade County RER-DERM.
- Notwithstanding any other condition associated with this zoning approval and pursuant to Section 24-27 of the Miami-Dade County Code, FPL shall not cause, or allow to be caused, any nuisance as defined in Section 24-5 and/or 24-28 by operation of the radial collector well field.
- FPL shall monitor the quality and quantity of the reuse/reclaimed water provided by Miami-Dade County. FPL shall maintain documentation including but not limited to laboratory analysis and any other monitoring data. If monitoring indicates that the quality or the quantity of the reclaimed water has decreased to the point where it no longer meets the thresholds defined in paragraph 3.3.2 of the Joint Participation Agreement signed by both Miami-Dade County and FPL (R-813-10) or successor agreements, FPL shall provide notification to Miami-Dade County WASD, within 24 hours of such a determination. FPL shall maintain all records relating to this monitoring for review by Miami-Dade County and provide such records within 30 days upon request. Use of an alternative or secondary source of cooling water is prohibited while reclaimed water is available in sufficient quantity and quality as defined in Paragraph 3.3.2 of the aforementioned Joint Participation Agreement or successor agreements. FPL shall cease use of the alternate source of cooling water and return to the primary reclaimed water source as soon as possible after reclaimed water meeting the specifications cited in Paragraph 3.3.2 of the Joint Participation Agreement or successor agreements is available.
- FPL shall submit Monthly Operating Reports to Miami-Dade County RER-DERM with monitoring requirements specific to the well field operations (i.e. idle, maintenance, and actual operation). Submittal of a Monthly Operating Report shall be required whether or not the wells have been operated in any particular month. Each Monthly Operating Report shall provide monthly groundwater data, including volume extracted and water quality data. The water quality parameters to be included in the Monthly Operating Reports shall be approved by Miami-Dade County RER-DERM prior to operation of the well field.
- Construction of the radial collector wells, including but not limited to dewatering activities, shall not result in violation of the water quality standards set forth in Section 24-42(4) of the Code of Miami-Dade County. Construction activities, including but not limited to de-watering, shall be in compliance with applicable water quality standards and such project activities shall not cause a nuisance or sanitary nuisance as defined pursuant to Miami-Dade County Code Sections 24-27 and 24-28. All dewatering associated with the construction of the radial collector wells shall be directed to the cooling canals or to approved deep injection wells unless otherwise approved by Miami-Dade County RER-DERM; discharges of any kind to wetlands or Biscayne Bay are prohibited without prior written approval from Miami-Dade County RER-DERM.

### **Non-Use Variance request 3, Waive dedication requirements for section line roads:**

In this application, FPL is requesting waiver of dedication requirements for portions of section line and half-section line roads. Objective TC-6 of the CDMP states that the county shall plan and develop a transportation system that preserves environmentally sensitive areas and conserves natural resources. Policy TC-6B states that land access interchanges shall not be placed or constructed in a manner that would provide access to environmental protection areas or other areas to be conserved. Policy TC-2D states that the County shall not approve vacation of zoned rights-of-way unless it determined that the right-of-way is not required for present or future public use. It should be noted that access to environmental protection areas of the county is required in many cases for land management activities on preservation lands, including as necessary for meeting the goals and objectives of the Miami-Dade County Environmentally Endangered Lands Program. FPL has requested waiver of dedication for a

segment of right-of-way (ROW) along SW 344 Street. This area has historically provided access to lands owned by the National Park Service as part of an ecological restoration project. For this reason, approval of this request should be denied unless FPL agrees to provide an easement to Miami-Dade County for the SW 344 Street segment, for purposes consistent with land management, monitoring and restoration activities.

- FPL shall provide Miami-Dade County with an easement along section line road right of way on the SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction earthwork and clearing is prohibited unless the subject easement has been approved and accepted by Miami-Dade County.

**Non-Use Variance request 7, To Permit Landscaping to be planted offsite:**

RER-DERM has no objection to the variance to permit required landscaping to be planted at an offsite location provided that FPL shall comply with the following condition.

- All landscape material that will not be planted at the subject property shall be planted at off-site locations approved by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by Miami-Dade County RER-DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks Recreation and Open Spaces Department, the remaining half shall be planted at a Miami-Dade County RER-DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department for approval. All materials shall be planted within the timeframes specified by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department.

**General Conditions applicable to all approved requests:**

- That all the conditions of Resolution No. 4-ZAB-559-71 and Z-56-07 remain in full force and effect, except as herein modified.
- That an unobstructed utility easement to the Miami-Dade Water and Sewer Department be provided along SW 360 Street from SW 117 Avenue to the Turkey Point facility.
- For all work approved under this application that involves impacts to wetlands, FPL shall submit a mitigation plan that is fully consistent with the CDMP and Miami-Dade County Code, including but not limited to the avoidance, minimization and preservation requirements of Section 24-48.4 Miami-Dade County Code. As a component of this mitigation plan, FPL shall also include an agreement to provide a restrictive covenant or an equivalent legal instrument to protect and maintain the wetlands areas to be preserved, and said legal instrument must be consistent with the Miami-Dade County's preservation requirements for mitigation. FPL shall submit an approvable mitigation plan to Miami-Dade County RER-DERM within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction earthwork and clearing is prohibited unless the mitigation plan has been approved by Miami-Dade County RER-DERM and the restrictive covenant or an equivalent legal instrument has been executed. All mitigation shall be implemented consistent with the Miami-Dade County approved plan.

- FPL shall prepare and submit to Miami-Dade County RER-DERM, within ninety (90) days of BCC approval, an earthwork and materials disposal plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by RER-DERM for compliance with Chapter 24 as interpreted by RER-DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24 and to obtain approval. The plan will include at a minimum the various types of earthwork, methods for characterization (testing) of disposal materials, identification of any potential on-site and off-site disposal sites, and a description of all best management practices to be used to prevent spoil materials stored at the proposed disposal sites from eroding and adversely impacting adjacent wetland areas or surface waters or disrupting habitat utilized by federal or state designated threatened or endangered plant or animal species. Any spoil material proposed to be stored in the vicinity of sensitive ecological areas such as wetlands or surface waters must be demonstrated to the satisfaction of Miami-Dade County RER-DERM, through appropriated sampling methodology and laboratory analysis, to be free of any contaminants that can adversely impact these sensitive areas. Work shall not commence until the required plan has been approved by Miami-Dade County RER-DERM.
- Only clean fill, free from contamination shall be used for construction pursuant to the applicable sections of Chapter 24, Miami-Dade County Code for all work approved under this application.
- FPL shall prepare a management plan for all federal and state listed, threatened, or endangered species that could be directly or indirectly impacted by the work authorized under this zoning request. Miami-Dade County RER-DERM will review the plan for consistency with substantive requirements of applicable statutes and regulations and FPL will revise the plan in a timely manner to obtain RER-DERM approval. All work including preconstruction earthwork and clearing is prohibited unless the management plan has been approved by RER-DERM. The plan shall demonstrate that FPL will preserve, to the maximum extent possible, habitat that supports federal or state designated endangered or threatened species. Pursuant to Policy CON-9B of the Miami-Dade CDMP, all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities, where necessary. Pursuant to Policy CON-9C of the Miami-Dade CDMP, rookeries and nesting sites used by federal or State designated endangered or threatened species shall not be moved or destroyed. The management plan shall include a comprehensive inventory of all threatened or endangered flora and fauna and identify all habitat that supports these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect threatened or endangered species habitat. Permanent measures of this plan shall include, but not limited to, use of design features such as permanent physical barriers, visual buffers, and the establishment of development setbacks necessary to prevent both direct and indirect impacts to adjacent threatened or endangered species habitat. These design features, visual buffers, and setbacks shall be sufficient to prevent disruption of sensitive behaviors such as breeding, nesting and foraging within the adjacent habitat.
- Prior to any construction related to the zoning requests in this application, FPL shall remove all prohibited plant species as defined pursuant to CDMP CON-8I and Miami-Dade Code Section 24-49.9 as may be amended from time to time, in accordance with applicable requirements of the Miami-Dade Code and CDMP. FPL shall maintain these areas to prevent growth or accumulation of all prohibited species, including all non-native grasses, weeds, and undergrowth consistent with the requirements of the CDMP, Section 24-49.9 and Section 19-14(A) Miami-Dade County Code for all work approved under this application. Furthermore, prohibited plant species shall not be sold, propagated, planted, imported or transported.

**RECOMMENDATION:**

RER Division of Environmental Resources Management has reviewed the subject zoning request for ancillary facilities associated with Turkey Point Units 6 & 7 and recommends denial of the portion of request 1 related to the unusual use for a Reclaimed Water Treatment Facility and denial of associated requests 4, 5 and 6 for the proposed Reclaimed Water Treatment facility for building and structures with a height of 75 feet, and fences with a height of 12 feet and barbed wire, respectively. DERM recommends approval with specific conditions contained herein for the following requests: request 1 for the unusual use for the Radial Collector Wells, request 2 for the unusual use for the parking area, request 9 to modify Condition 4 of Zoning Resolution Z-56-07, request 3 for a non-use variance to permit waiver of dedication requirements for section line roads and half-section roads, and request 7 for a non-use variance to permit landscaping to be planted offsite.

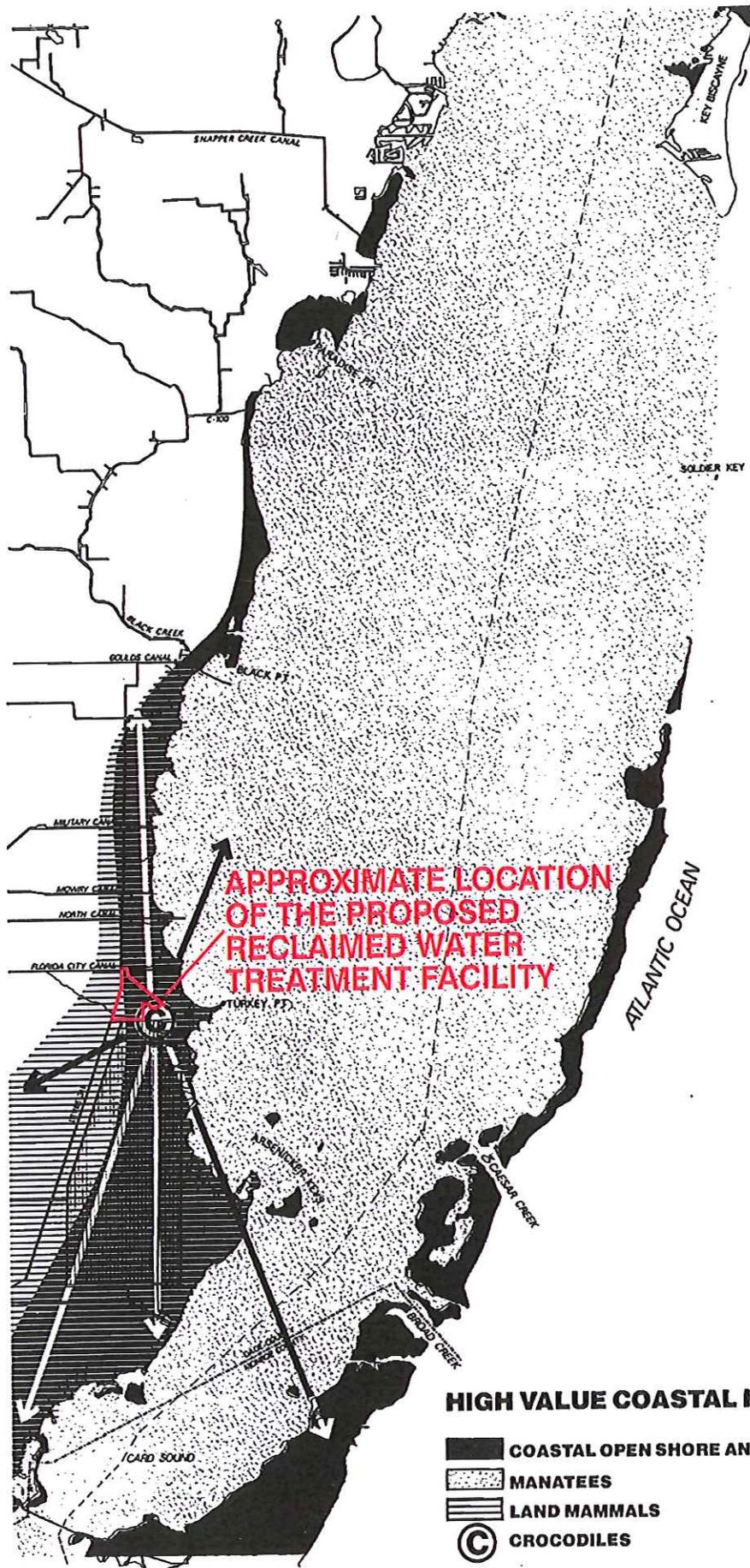


FIGURE 5

**HIGH VALUE COASTAL HABITAT AREAS**

- COASTAL OPEN SHORE AND MANGROVE BIRDS
- MANATEES
- LAND MAMMALS
- C CROCODILES

SOURCES: ABRAMSON, KUSHLAN, OGDEN, TILMANT, OWRE, 1979



IN REPLY REFER TO:

## United States Department of the Interior

National Park Service  
Biscayne National Park  
9700 S. W. 328th Street  
Homestead, Florida 33033-5634



N-16

July 25, 2012

Mr. Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
Stephen P. Clark Center  
111NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, FL 33128

Dear Mr. Osterholt,

The staff of Biscayne National Park has reviewed the application by Bercow, Radell, and Fernandez representing Florida Power and Light concerning their proposed zoning variances related to the proposed construction of new nuclear units 6 & 7. Although we just received the information on July 23, and thus have not had time to thoroughly review it, there are a few items of concern that immediately stand out.

As you know, Biscayne National Park surrounds the Turkey Point property to the north and east. The national park boundary is only a few hundred yards from the nuclear power units, and is within a few inches of the proposed radial collector wells' intake pipes. Activities which affect groundwater or other natural resources associated with the proposed construction and operations will undoubtedly affect the natural resources of the national park.

Specifically, the park is concerned that allowing water withdrawals from the non-potable portion of the Biscayne aquifer will remove fresh water from an already impacted natural system. Further, removal of the non-potable water will serve to wick the potable water portion of the aquifer to the east since the aquifer is one continuous geologic structure.

Additionally, the park is unsure of the potential ramifications to water resources by the addition of the term, "non-primary source" in this context. Certainly, FPL has stated repeatedly that the radial

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collector system is not to be considered the primary source of water, but the park is unclear of the restrictions or potential reduction of restrictions which may occur in this instance.

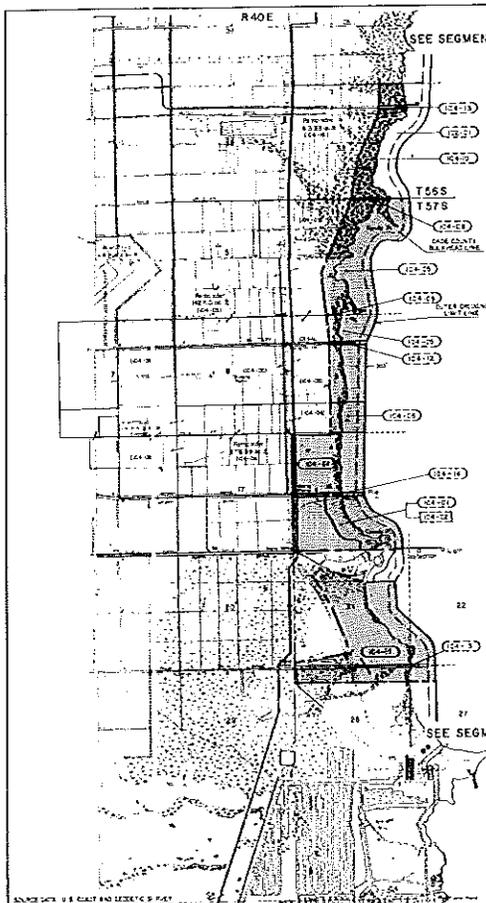
The park benefits from the ecological integrity of the wetland areas surrounding the Turkey Point facilities and encourages the County to carefully consider possible uses and resulting environmental impacts before making a determination to relinquish dedication requirements for section line and half section line roads. Retaining this jurisdiction within the County will allow the County to maintain control of these environmentally sensitive areas.

I appreciate your consideration of these issues and your concern for the continued protection of the resources of Biscayne National Park. We look forward to continuing to work with you and your staff regarding this issue.

With Respect,



Mark Lewis,  
Superintendent

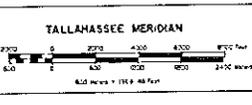


- LEGEND**
- FEDERAL LAND
  - NON-FEDERAL LAND
  - OTHER FEDERAL LAND
  - TRACT NUMBER
  - PARK BOUNDARY
  - TRACT BOUNDARY

DEED	TRACT	OWNER	ACRES	INT.
20N	154-05	JOE GARY	134.04	FE
	154-02	" " " "	174.85	FE
	154-03	" " " "	154.02	FE
20W	154-04	THE BAYVIEW CONSTRUCTION	429.43	FE
	154-06	" " " "	24.60	FE
	154-07	" " " "	345.69	FE
20N	154-01	JOE GARY	1.10	FE
	154-08	JOE GARY	1.20	FE
	154-09	JOE GARY	43.81	FE
20N	154-11	JOE GARY	8.30	FE
27N	154-12	U.S.A. - GOVERNMENT CANAL	10.20	FE
27N	154-13	U.S.A. - GOVERNMENT CANAL	18.45	FE
27N	154-14	U.S.A. - GOVERNMENT CANAL	14.23	FE
		U.S. AIR FORCE		
		U.S. AIR FORCE		
		U.S. AIR FORCE		

DATE	REVISIONS	DATE	REVISIONS

ESTABLISHED - OCTOBER 9, 1969  
 BOUNDARY CHANGE JUNE 29, 1980  
 DATE, JUNE 1982  
 COMPILED BY RAFAEL  
 LAND ACQUISITION OFFICE

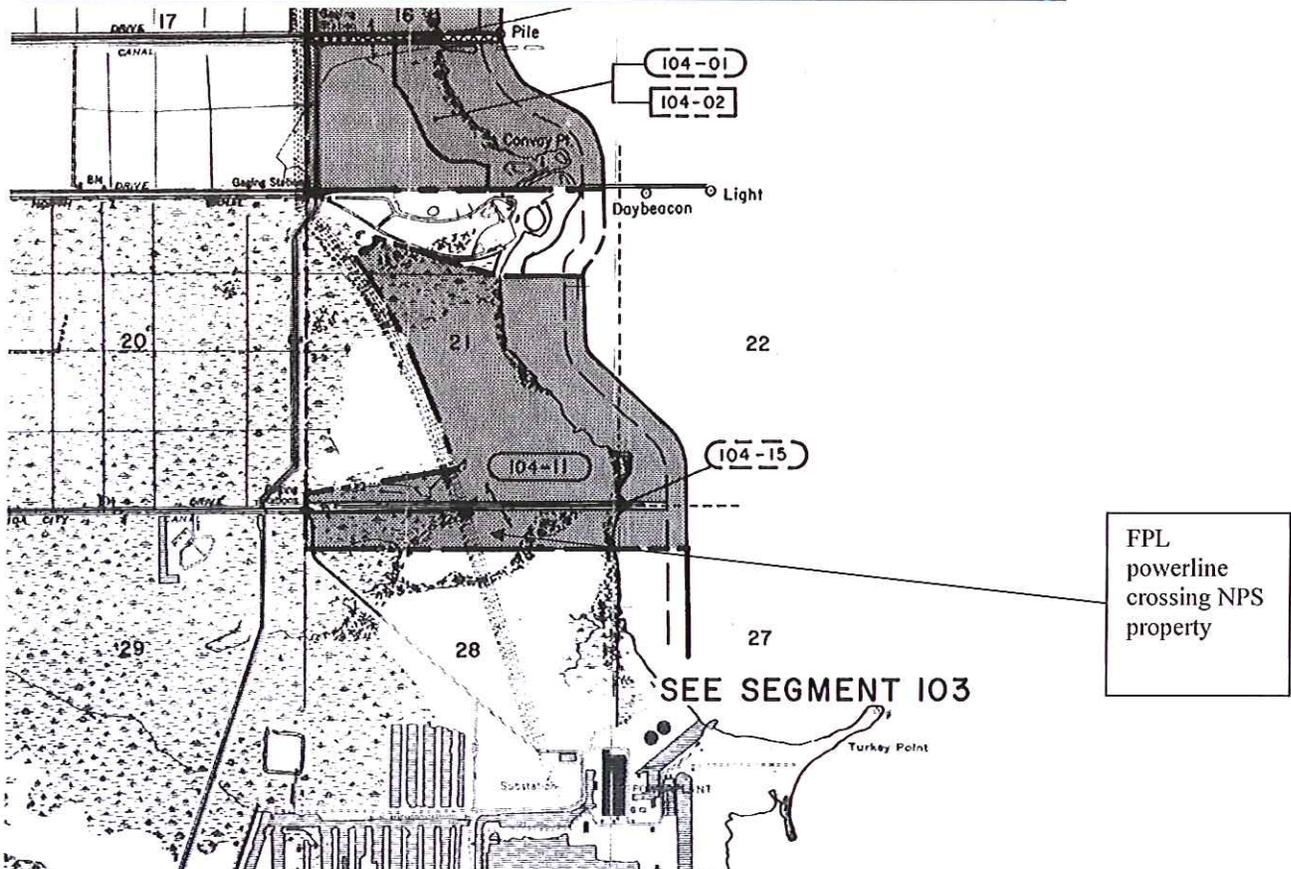


DATE	BY	FOR

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 NATIONAL PARK SERVICE  
 DIVISION OF LAND ACQUISITION

**BISCAYNE NATIONAL PARK**  
 DADE COUNTY  
 FLORIDA  
 TITLE: SEGMENT 104

Florida Power and Light Company "Princeton Power Transmission Line"



# Memorandum



**Date:** November 1, 2012

**To:** Eric Silva  
Assistant Director  
Regulatory and Economic Resource Department

**From:**   
Antonio Cotarelo, P.E.  
Interim County Engineer  
Public Works and Waste Management Department

**Subject:** DIC 12-090  
Name: Florida Power & Light Co.  
Section 27, 28 and 29 Township 57 South Range 40 East

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I. PROJECT LOCATION:

The subject property is located east of SW 102 Avenue west of the Biscayne Bay shoreline, and between SW 344 Street and SW 362 Street.

II. APPLICATION REQUEST:

This application is concerning a 385.61 acre portion of the Turkey Point Power Plant site. The application seeks to permit a reclaimed water treatment facility, a radial collector wells system, a parking lot and the administrative and training buildings. This application requests unusual uses necessary for ancillary facilities at Turkey Point Units 6 and 7, which was previously approved by the Board of County Commissioners on December 20, 2007 through Resolution No. Z-56-07.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

A. Access to the site from the north is available from US1 and the Florida Turnpike. Access from the south can be achieved through US1.

IV. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

No new trips are anticipated as a result of this application.

V. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

**Station 9956** located on SW 344 Street west of SW 137 Avenue has a maximum LOS "D" of **1,830** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **363** vehicles; **Station 9956** with its PHP and assigned vehicles is at LOS "B".

**Station 9952** located on SW 328 Street west of SW 137 Avenue has a maximum LOS "D" of **1,400** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **300** vehicles; **Station 9952** with its PHP and assigned vehicles is at LOS "B".

VI. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

Development improvements are described in the Traffic Circulation Subelement of the Comprehensive Development Master Plan.

VII. ACCESS IMPROVEMENTS REQUIRED FOR THIS PROJECT:

Access improvements are described in the Traffic Circulation Subelement of the Comprehensive Development Master Plan.

VIII. SITE PLAN CRITIQUE

Since detailed site plan was not provided, there are no site plan related comments at this time.

IX. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

X. SUMMARY:

This project is located within the jurisdiction of Miami-Dade County. No vehicle trips have been reserved by this application. It meets traffic concurrency for an initial review. This project may be subject to the payment of Road Impact Fees.

Public Works and Waste Management Department will be waiving the dedication requirements for the section line roads and the half section line roads within the subject property. The section line roads include SW 87 Avenue and SW 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between SW 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way. The half section line roads include SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.

Additional improvements may be required at time of permitting/platting.

- c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources  
Joan Shen, Ph.D., P.E., PTOE, Interim Chief, Traffic Engineering Division, PWWM  
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWWM  
Armando Hernandez, Special Administrator for Currency, Department of Regulatory and Economic Resources

# Memorandum



**Date:** September 6, 2012

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** José A. Ramos, R.A., Division Director  
Aviation Planning, Land-Use and Grants Division  
Aviation Department

**Subject:** Revised DIC Application No. 12-090  
Florida Power and Light Co.  
MDAD DN-12-08-1062

A handwritten signature in black ink, appearing to read "J. Ramos", written over the "From:" field of the memorandum.

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As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for an unusual use to permit a water treatment facility; a modification of a condition of a previous resolution; and various non-use variances. The subject property is 382.5 acres and is located lying east of Canal L31E, south of SW 344 Street, west of Biscayne Boulevard and north of theoretical SW 360 Street, Miami-Dade County, Florida.

Based upon our review of the information provided to us, MDAD does not object to the use provided there are no conflicts with applicable local, state and federal aviation regulations including the Code of Miami-Dade County, Chapter 33, Airport Zoning. The applicant should coordinate with Mr. Larry Ventura, the contact at Homestead Air Reserve Base. He may be reached at 305-224-7163 or at [Lawrence.ventura@homestead.af.mil](mailto:Lawrence.ventura@homestead.af.mil)

Should you have any questions, please feel free to contact me at 305-876-8080.

JR/rb

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

FLORIDA POWER & LIGHT CO

LYING EAST OF CANAL L31E,  
SOUTH OF SW 344 STREET,  
WEST OF BISCAYNE BLVD &  
NORTH OF THEORETICAL SW 360  
STREET, MIAMI-DADE COUNTY,  
FLORIDA.

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APPLICANT

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ADDRESS

---

Z2012000090

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HEARING NUMBER

**HISTORY:**

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATIONS  
CASES/

BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT REGULATIONS  
CASES

FLORIDA POWER & LIGHT CO

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

**REPORTER NAME:**

# Memorandum



Date: August 3, 2012

To: Jack Osterholt, Director  
Permitting, Environment and Regulatory Affairs

From: William W. Bryson, Fire Chief  
Miami-Dade Fire Rescue Department

A handwritten signature in cursive script that reads "William W. Bryson".

Subject: DIC 2012000090 – Florida Power & Light (Turkey Point Power Plant)

According to the letter of intent dated July 3, 2012, the applicant is seeking approval of certain necessary facilities associated with a previously approved nuclear power facility known as the Turkey Point Power Plant. The applicant is requesting to construct a reclaimed water treatment facility; radial collector wells; and parking to serve administrative and training office buildings on the 382 acre parcel of land located south of SW 344 Street, west of Biscayne Bay and north of theoretical SW 360 Street, Miami-Dade County, Florida.

Pursuant to Resolution Z-56-07, the applicant was granted approval of an unusual use to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment as well as non-use variance requests. The subject resolution authorized Florida Power and Light (FPL) to proceed with the permitting and construction of two additional nuclear power generating units at the site, including all ancillary uses, facilities and structures that are reasonably associated with the operation of the expanded nuclear power plant.

Although the subject resolution approved the current requests, it is the intent of FPL to file a subsequent application in order to expedite the review process and gather current comments from the corresponding Miami-Dade County agencies.

## SITE PLAN REVIEW

Although the applicant is not proffering a site plan in connection with this application, MDFR has **no objection** to the approval of certain necessary facilities associated with the previously approved nuclear power facility known as the Turkey Point Power Plant.

Please be advised that during the permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

It is required that the applicant demonstrate, in the State of Florida Site Certification process, that all access roads associated with the operation of a nuclear power plant and ancillary structures and equipment conform with the minimum standard identified in the "Miami-Dade Fire Rescue Access Road Synopsis" along with all prevailing Miami-Dade Fire Rescue access road standards then in effect.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

/ch

# Memorandum



**DATE:** August 22, 2012

**TO:** Jorge Vital  
DIC Coordinator  
Department of Regulatory and Economic Resources

**FROM:** Nilia Cartaya *Nilia Cartaya*  
Principal Planner  
Miami-Dade Transit - Engineering, Planning & Development Division

**SUBJECT:** Review of DIC Project No. 12-90 (Florida Power & Light Co.)  
MDT Project No. OSP006  
FSC No. 41.04

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## Project Description

12-90 – Florida Power & Light Co. is requesting an unusual use to permit reclaimed water treatment facilities, radial collector wells and parking to service Administration and Training office buildings. The applicant is also requesting to modify a condition of a previously approved resolution as well as several non-use variances to permit buildings and structures with a height of 75 feet; waive dedication requirements for section line roadways; to permit fences with a height of 12 feet and barbed wire and to permit required landscaping to be planted offsite. The subject property is approximately 382.5 acres and lies east of canal L31E, south of SW 344 Street, west of Biscayne Boulevard and north of theoretical SW 360 Street, Miami-Dade County, Florida.

## Current Transit Service

There is currently no transit service in the area or nearby.

## Future Transportation/Transit Improvements

The 2013 Transportation Improvement Program (TIP) does not propose any improvements within the immediate vicinity of this project.

The 2035 Long Range Transportation Plan (LRTP) does not propose any improvements within the immediate vicinity of this project.

The draft 2012 ten-year Transit Development Plan (TDP) which is currently in the review/approval phase before adoption by the Board of County Commissioners does not propose any improvements within the immediate vicinity of this project:

## MDT Comments/Recommendations

The subject site lies outside of the Urban Development Boundary where mass transit concurrency standards do not apply.

Review of DIC Project No. 12-90  
Florida Power & Light Co.  
MDT Project No. OSP006  
FSC No. 41.04

**Based on the information presented, MDT has no objections to this application.**

c: Monica D. Cejas, P.E., Senior Professional Engineer  
Robert Pearsall, Section Chief, Service Planning and Scheduling, MDT

# Memorandum



**Date:** September 12, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2012000090: FLORIDA POWER & LIGHT CO

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**Application Name:** FLORIDA POWER & LIGHT CO

**Project Location:** The site is located EAST OF CANAL L31E, SOUTH OF SW 344 STREET, WEST OF BISCAYNE BLVD & NORTH OF THEORETICAL SW 360 STREET, Miami-Dade County.

**Proposed Development:** The applicant is requesting approval of a modification of a previous resolution for an unusual use and non-use variances for a 385.61 acre portion of the Turkey Point Power Plant site.

**Impact and demand:** This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

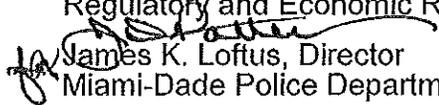
Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** August 31, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:**  James K. Loftus, Director  
Miami-Dade Police Department

**Subject:** Review - Developmental Impact Committee Zoning Application  
Case: No. Z2012000090 – Florida Power & Light Company

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## APPLICATION

The Applicant, the Florida Power & Light Company (FPL), is requesting approval of facilities associated with the Turkey Point Power Plant, Units 6 and 7. The subject property consists of 382.52 acres and is located within the Turkey Point Power Plant site, in Miami-Dade County, Florida.

Florida Power & Light Company is requesting the following specific unusual uses and related requests for necessary associated facilities for the new nuclear power plants approved pursuant to Miami-Dade Board of County Commissioners Resolution Number Z-56-07.

1. Unusual use for utility facilities, ancillary structures and equipment, and associated facilities for a nuclear power plant including, to wit, the following ancillary structures: reclaimed water treatment facilities; radial collector wells; and parking to service Administration and Training office buildings.
2. Modify Condition No. 4 of Resolution Z-56-07 as follows:
  - a. That FPL shall not apply for any water withdrawals from the potable portion of the Biscayne Aquifer as a primary source of cooling water for the proposed facilities.
3. Non-use variances to permit:
  - a. Buildings and structures with a height of 75 feet;
  - b. Waive dedication requirements for section line roads (SW 77, SW 87, and SW 97 Avenues, between SW 360 and SW 344 Streets; and SW 360 Street, between SW 87 and SW 102 Avenues) and half section line roads (SW 352 Street, between SW 87 and SW 102 Avenues; and portions of SW 82 and SW 92 Avenues, between SW 352 and SW 360 Streets);
  - c. Fences with a height of 12 feet and barbed wire;
  - d. Landscaping to be planted offsite.

## CURRENT POLICE SERVICES

The Turkey Point Power Plant is located in unincorporated Miami-Dade County and serviced by our South District, located at 10800 SW 211 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

Jack Osterholt, Director  
August 31, 2012  
Page 2

## REVIEW

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources, and the impact that the request could have on the proposed modification changes. Current data of police staffing, incident management, population, and calls for service was examined. Based on this data, no additional sworn police officers would need to be added to the South District staffing in order to maintain current staffing levels to population and calls for service. Should demand for police services increase beyond these calculations, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

The MDPD does not object to any proposed modifications to complete this project. The applicant and developers are requested to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez, of the Public Information & Education Bureau, may be contacted at (305) 471-1775.

JKL/kh  
Attachment

# Memorandum



**Date:** September 25, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:**  Christopher Rose  
Assistant Director, Administration  
Public Works and Waste Management Department

**Subject:** DIC # 12-090  
Updated Florida Power and Light Company

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Attached please find a copy of this Department's review of the above-referenced item. The review was created as requested to update a previous response dated August 8, 2012. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-090  
Updated Florida Power and Light Company

**Application:** *Florida Power and Light Company* is requesting an approval of an unusual use permit for utility facilities associated with the Turkey Point nuclear power plant site including Reclaimed Water Treatment Facilities (RWTF) and Radial Collector Wells (RCW), a modification of Condition no. 4 of Resolution Z-56-07, and non-use variances to: a) permit buildings and structures with a height of 75 feet; b) wave dedication requirements for section line roads; c) permit fences with a height of 12 feet of barbed wire; and d) permit landscaping to be planted offsite. The land classification is currently zoned Interim District (GU).

**Size:** The subject property is approximately 382.52 acres.

**Location:** The subject property is located generally east of Canal L31E, south of SW 344 Street, west of Biscayne Bay and north of theoretical SW 360 Street, in Miami-Dade County, Florida.

**Analysis:**

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The Public Works and Waste Management Department (PWWM) maintains the response provided via memo dated August 8, 2012, as the supplemental information provided in the application does not affect the waste management service provided. The requested provisions regarding an unusual use permit, modification Condition no. 4 of Resolution Z-56-07, and non-use variances associated with the Turkey Point nuclear power plant site on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

### 3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

**Section 15-2.3** states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

### 4. Waste Storage/Setout Considerations

**Section 15-4** of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

### 5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

# Memorandum



**Date:** September 5, 2012

**To:** Jack Osterholt, Deputy Mayor/Director  
Sustainability, Planning and Economic Enhancement (SPEE)

**From:** Maria A. Valdes, Chief, LEED® Green Associate *Maria A. Valdes*  
Comprehensive Planning & Water Supply Certification Section

**Subject:** Florida Power & Light (FPL) Company - DIC Application # 12-090

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

**Application Name:** Florida Power & Light Company, Facilities associated with Turkey Point Units 6 & 7

**Proposed Development:** This application concerns a 385.61 acre portion of the Turkey Point Power Plant site with certain necessary facilities associated with Turkey Point units 6 & 7. The applicant is requesting Unusual Use for ancillary structures, equipment, and associated facilities for a nuclear power plant including the following structures: Reclaimed Water Treatment Facilities, Radial Collector Wells, and a parking area to service the Nuclear Units, and the Administrative and Training buildings.

In addition, the applicant is requesting modification of condition No. 4 of the 2007 resolution, as it applies to the Subject Property to reflect that "FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for the proposed facilities. Also, Non Use Variances have been requested to permit buildings and structures with a height of 75 feet, waiver of dedication requirements for section line roads and half-section line roads within the subject property, fences with a height of 12 feet and barbed wire, and landscaping to be planted offsite.

**Project Location:** The subject property is located east of S.W. 102 Avenue, west of the Biscayne Bay shoreline, and between S.W. 344 and S.W. 362 Streets in unincorporated Miami-Dade County. All of the parcels related to this application are located outside of the Urban Development Boundary.

**Water:** The potable water for this application will be provided by Miami-Dade Water and Sewer Department. The potable water pipeline corridor for this application has been identified in FPL's Site Certification Application for Turkey Point Units 6 & 7. The pipeline corridor currently identified will commence at S.W. 288 Street along S.W. 137<sup>th</sup> Avenue south to S.W. 328<sup>th</sup> Street, then east along S.W. 328<sup>th</sup> Street to S.W. 117<sup>th</sup> Avenue, then south along S.W. 117<sup>th</sup> Avenue to S.W. 360<sup>th</sup> Street, then east along S.W. 360<sup>th</sup> Street to the FPL site for Turkey Point Units 6 & 7.

A portion of the potable water pipeline corridor for the Turkey Point facility is currently planned to be routed along S.W. 360<sup>th</sup> Street from S.W. 117<sup>th</sup> Avenue to the FPL facility. As such, a section of this corridor will be located within the requested waiver of dedication requirements for the section line road along S.W. 360<sup>th</sup> Street between S.W. 97<sup>th</sup> and S.W. 87<sup>th</sup> Avenue. Please note that an unobstructed utility easement will be required to be provided to MDWASD for any MDWASD infrastructure located within the waiver of dedication requirements.

**Sewer:** The sanitary sewer treatment and disposal will be provided by FPL on-site treatment plant for wastewater service.

**Reclaimed Water:** The primary source of cooling water for Units 6 & 7 will be reclaimed water from MDWASD. On July 20, 2010, FPL and MDWASD entered into a Joint Participation Agreement (JPA) for the supply of up to 90 mgd of reclaimed water to be utilized as the primary cooling water for Turkey Point Units 6 & 7. The South District Wastewater Treatment Plant (SDWWTP) will be the source for the reclaimed water to be used at the Turkey Point Facility.

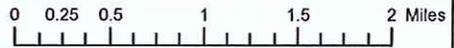
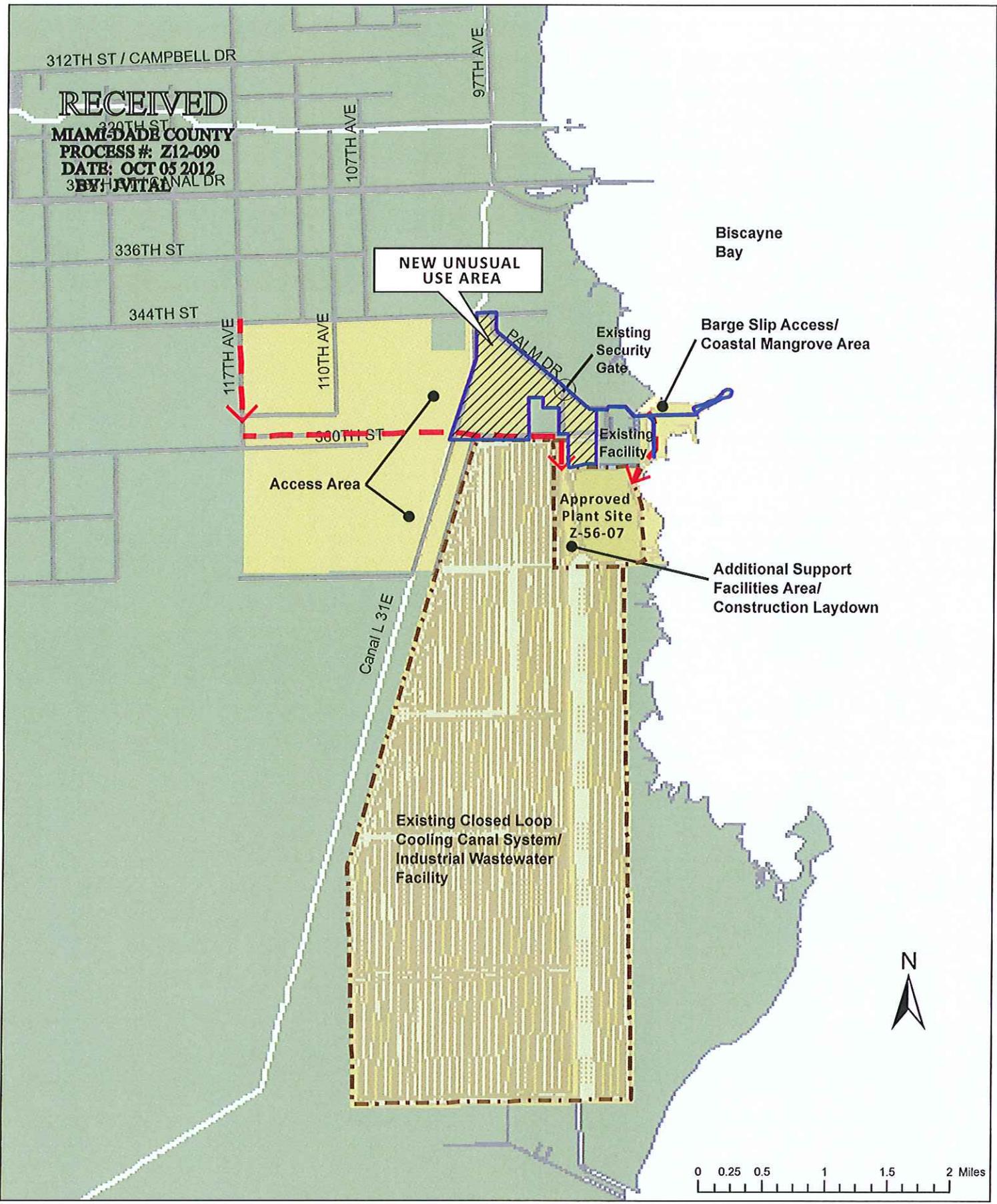
**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of Miami-Dade County Code.

For more information about our Water Conservation Program please go to <http://www.miamidade.gov/conservation/home.asp>.

For information concerning the Water-Use Efficiency Standards Manual please go to [http://www.miamidade.gov/conservation/library/WUE\\_standards\\_manual\\_final.pdf](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

Should you have any questions, please call me at (786) 552-8198 or Alfredo B. Sanchez at (786) 552-8237.

RECEIVED  
 MIAMI-DADE COUNTY  
 PROCESS #: Z12-090  
 DATE: OCT 05 2012  
 BY: JVTAL



The information on this plan shows the Subject Property approved by Z-56-07, and modification area proposed by the application for approval of ancillary facilities associated with Turkey Point Units 6 & 7, August 2012. No changes are proposed to the Construction/ Operating Facility Plan and Detailed Operating Facility Plan approved by Z-56-07 except the area outlined as New Proposed Unusual Use Boundary.  
 Source: The Curtis Group  
 October 2012

**Approved Z-56-07**  
 Subject Property  
 Unusual Uses  
 Access Roadways

New Proposed Unusual Use Boundary

FPL Turkey Point  
 Approved Z-56-07 and  
 New Proposed Unusual Use Area



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MIAMI-DADE COUNTY  
PROCESS #: Z12-090  
DATE: AUG 20 2012

DISCLOSURE OF INTEREST\*

BY: IF 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: FPL

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>FPL is publicly traded on the NYSE.</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

RECEIVED

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

MIAMI-DADE COUNTY

PROCESS # 312-090

DATE: AUG 20 2012

BY: JVTAL

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

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

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.

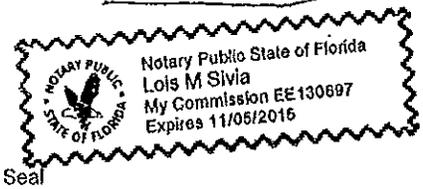
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: X Roger Messer (Applicant)

Sworn to and subscribed before me this 3<sup>rd</sup> day of JULY, 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Lois M Silvia  
(Notary Public)

My commission expires: 11/15/15



\*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.

# ZONING RECOMMENDATION ADDENDUM

Florida Power & Light Co.  
12-090

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Division Environmental Resources Management (RER)	Objection to the two proposed locations reclaimed water treatment facility and related requests, no objection to the remainder of the application
Public Works & Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	Not applicable - no residential development proposed
Miami-Dade Transit	No objection
*Subject to conditions in the Department's attached memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p><b>Environmental Protection</b> (Pg. I-64)</p>	<p><i>The Environmental Protection designation applies to those areas in the County most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems of County, regional, State or national importance. These lands are characteristically high-quality marshes, swamps and wet prairies, and are not suited for urban or agricultural development. However, some high-quality uplands such as tropical hammocks and pinelands on the State Conservation And Recreation Lands (CARL) and Miami-Dade County Environmentally Endangered Lands (EEL) acquisition lists are also included. Most of the CARL projects are designated on the future Land Use Plan (LUP) Map, but some are not because of their small size. EEL projects that are acquired and are large enough to be depicted at the Plan Map scale are also designated on the Future Land Use Plan Map. It is the policy of this Plan that all land areas identified on the State CARL, Miami-Dade County EEL, and South Florida Water Management Save Our Rivers (SOR) acquisition lists shall have equally high priority for public acquisition as those land areas designated Environmental Protection on the Future LUP Map. Uses permitted within these areas must be compatible with the area's environment and the objectives of the Comprehensive Everglades Restoration Plan, and shall not adversely affect the long-term viability, form or function of these ecosystems. Residential development in this area shall be limited to a maximum density of one unit per five acres, and in some parts of this area lower densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems. densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems.</i></p> <p><i>Because of the importance of maintaining the natural form and function of these areas, many of these areas have been slated for purchase by State or federal agencies. Miami-Dade County will encourage the acquisition of these areas by public or private institutions that will manage these areas toward this objective. However, so long as these lands remain in private ownership, some compatible use of this land will be permitted by Miami-Dade County consistent with the goals, objectives and policies of this Plan and the objectives of the Comprehensive Everglades Restoration Plan. All proposed uses will be reviewed on a case-by-case basis for compliance with environmental regulations and consistency with this Plan and the Comprehensive Everglades Restoration Plan. The following provides an indication of the uses and residential densities that may be considered for approval subject to conformity with the pertinent goals, objectives and policies of this Plan. The precise boundary of the entire Environmental Protection area is depicted on the LUP map. The map titled "Environmental Protection Subareas" (Figure 7) and the following text indicate the boundaries between</i></p>
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# ZONING RECOMMENDATION ADDENDUM

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	subareas of the Environmental Protection Area.
<p><b>Environmental Protection Subarea E (Southeast Wetlands)</b> (Pg. I-68)</p>	<p><i>This Environmental Protection subarea is bounded on the west by US Highway 1 on the north by Open Land Subarea 5, on the east by Levee 31E and on the south by a hypothetical line extending between the point at which Card Sound Road meets Levee 31E, and the intersection of US Highway 1 and Canal-111. The area is low lying, poorly drained, flood prone, and is characterized predominantly by high-quality wetland communities. Accordingly, any land use or site alteration proposal will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies for conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.</i></p>
<p><b>Environmental Protection Subarea F (Coastal Wetlands and Hammocks)</b> (Pg. I-68)</p>	<p><i>This subarea includes all coastal wetlands designated as Environmental Protection Area on the LUP map, which are not within the authorized boundaries of Biscayne or Everglades National Parks. These areas are low-lying, flood prone and characterized predominantly by coastal wetland communities. Accordingly, all land use or site alteration proposals will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies.</i></p> <p><i>Because of the importance of maintaining biologic and hydrologic functions provided by these areas, the coastal wetlands should be managed toward these ends and acquired whenever possible. However, until these lands are acquired for natural resource management uses which could be considered for approval include residential use at a density not to exceed one dwelling unit per five acres, water-dependant uses, or necessary compatible public, water related facilities consistent with the Conservation, Aquifer Recharge and Drainage Element and the Coastal Management Element of this Plan. In addition, necessary electrical generation and transmission facilities are also permitted in this area. The approval of any new use, and the replacement or expansion of any existing use will be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of this plan, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.</i></p>
<p><b>Institutions, Utilities &amp; Communications</b> (Pg. I-52.4)</p>	<p><i>The Plan map illustrates, for information purposes, only the location of major institutional uses, communication facilities and utilities of metropolitan significance. Depicted are such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations. The full range of institutions, communications and utilities may be allowed under this land use category. Offices are also allowed in this map category. Internally integrated business areas smaller than 5 acres in size or up to 10 percent of the total floor area of an institutional, public facility or office use may also be approved in this map category. If the owner of land designated as Institutions, Utilities and Communications chooses to develop the land for a different use and no public agency intends to use the site for a public facility, the land may be developed for a use or a density comparable to and compatible with surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP especially Policies LU-4A and LU-4B.</i></p> <p><i>The Homestead Air Reserve Base is also included in this category on the Land Use Plan map. The range of uses that may occur on the Base as it is redeveloped shall emphasize military aviation and related uses, national security, recreation uses, educational and other institutional uses. All future uses on the former Base will be consistent with the Record of Decision issued by the Secretary of the Air Force as it pertains to County use of the Base property.</i></p> <p><i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive</i></p>

## ZONING RECOMMENDATION ADDENDUM

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	<p><i>Development Master Plan.</i></p> <p><i>Electric power transmission line corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising.</i></p>
<p><b>Land Use Element Open Land Subarea 5 (South Miami-Dade) (Pg. I 63.1</b></p>	<p><i>This Open Land subarea lies south and east of Homestead and Florida City. It is bounded on the north and west by the Agriculture area, and on the south and east by Environmental Protection areas. Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. Uses that could compromise groundwater quality shall not occur within three miles of Biscayne Bay.</i></p>
<p><b>Land Use Element Objective LU-3 (Pg. I-6)</b></p>	<p><i>Upon the adoption of the CDMP, the location, design and management practices of development and redevelopment in Miami-Dade County shall ensure the protection of natural resources and systems by recognizing, and sensitively responding to constraints posed by soil conditions, topography, water table level, vegetation type, wildlife habitat, and hurricane and other flood hazards, and by reflecting the management policies contained in resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet, or included in the Comprehensive Everglades Restoration Plan approved by Congress through the Water Resources Development Act of 2000.</i></p>
<p><b>Traffic Circulation Subelement – Policy TC-2A (Page II-13)</b></p>	<p><i>The County shall continue to maintain and enforce the minimum right-of-way requirements as established in the Public Works Manual and in Chapter 33, Zoning, Code of Miami-Dade County, to ensure Countywide continuity of the thoroughfare system. The County shall review roadway design standards and right-of-way reservations and shall propose changes as may be necessary to better accommodate projected vehicular and non-vehicular movement in the corridors and design features recommended in the Transportation and Land Use Elements.</i></p>
<p><b>Traffic Circulation Subelement – Policy TC-2D (Page II-13)</b></p>	<p><i>The section line, half section-line, and quarter section-line road system should form a continuous network within developed areas, interrupted only when it would destroy the integrity of a neighborhood or development. The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected.</i></p>
<p><b>Traffic Circulation Subelement – Objective TC-6 (Page II-15)</b></p>	<p><i>Plan and develop a transportation system that preserves environmentally sensitive areas, conserves energy and natural resources and promotes community aesthetic values.</i></p>
<p><b>Traffic Circulation Subelement – Policy TC-6B (Page II-15)</b></p>	<p><i>Land access interchanges shall not be placed or constructed in a manner that would provide access to environmental protection areas or other areas to be conserved in order to prevent undue pressure for development of such areas.</i></p>
<p><b>Conservation, Aquifer Recharge &amp; Drainage Element Objective CON-7 (Pg. IV-11)</b></p>	<p><i>Miami-Dade County shall protect and preserve the biological and hydrological functions of the Future Wetlands identified in the Land Use Element. Future impacts to the biological functions of publicly and privately owned wetlands shall be mitigated. All privately owned wetlands identified by the South Florida Regional Planning Council as Natural Resources of Regional Significance and wetlands on Federal, State, or County land acquisition lists shall be supported as a high priority for public acquisition. Publicly acquired wetlands shall be restored and managed for their natural resource, habitat and hydrologic values.</i></p>

## ZONING RECOMMENDATION ADDENDUM

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<p><b>Conservation, Aquifer Recharge &amp; Drainage Element Policy CON-7A (Pg. IV-11)</b></p>	<p><i>The degradation or destruction of wetlands shall be limited to activities that 1) are necessary to prevent or eliminate a threat to public health, safety or welfare; or 2) are water dependent, clearly in the public interest and no other reasonable alternative exists; or 3) are carried out in accordance with an approved basin management plan; or 4) are in areas that have been highly disturbed or degraded and where restoration of a wetland with an equal or greater value in accordance with federal, State and local regulations is feasible. Habitats critical to endangered or threatened species shall not be destroyed.</i></p>
<p><b>Conservation, Aquifer Recharge &amp; Drainage Element Policy CON-7C (Pg. IV-11)</b></p>	<p><i>Miami-Dade County shall continue to promote the restoration and maintenance of the natural, surface water flow regimes into, and through wetland systems such as the Shark River Slough, Everglades National Park and the saline wetlands of southeastern Miami-Dade County.</i></p>
<p><b>Conservation, Aquifer Recharge &amp; Drainage Element Policy CON-7J (Pg. IV-12)</b></p>	<p><i>In evaluating applications that will result in alterations to wetlands, Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives may be denied.</i></p>
<p><b>Water, Sewer &amp; Solid Waste Element Policy WS-1E (Pg. V-3)</b></p>	<p><i>Miami-Dade County shall use all legal and reasonable means to assure that any land use, which requires a variance from water, sewer, or environmental protection regulation of Miami-Dade County, is in conformance with the Land Use Plan map.</i></p>
<p><b>Water, Sewer &amp; Solid Waste Element Policy WS-1F (Pg. V-3)</b></p>	<p><i>Miami-Dade County shall use all practical means to assure that land in the vicinity of water and wastewater treatment facilities is developed for a use that is compatible with the operation of said facilities. The County shall discourage changes to the Land Use Plan map or land development regulations, which would permit land uses that are incompatible with the continued operation or planned expansion of these facilities. Residential uses shall be considered incompatible with these public facilities where spillovers, particularly noise and odor, can reasonably be expected.</i></p>
<p><b>Water, Sewer &amp; Solid Waste Element Policy WS-6B (Pg. V-10)</b></p>	<p><i>Miami-Dade County shall take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and possible future expansion. Such steps may include, but shall not be limited to, the renewal of withdrawal permits and the extension of the County's wellfield protection measures.</i></p>
<p><b>Water, Sewer &amp; Solid Waste Element Policy WS-6E (Pg. V-10)</b></p>	<p><i>Miami-Dade County shall develop and implement reclaimed water use strategies to augment the water supplies of the Biscayne Aquifer. The Miami-Dade Water and Sewer Department shall be responsible for implementing any reuse that is deemed by the County to be economically feasible. Miami-Dade County will continue to participate in pilot projects that are a part of the Comprehensive Everglades Restoration Plan (CERP) and explore the utilization of reuse as a way to augment water flows to Biscayne Bay and also to meet the demands for: (1) the Bird Drive Recharge Area; (2) the South Dade Conveyance System; and (3) the Northeast Shark River Slough. If feasible, the County, in cooperation with state and federal agencies, will utilize the results of these pilot programs to develop future large-scale water reuse projects.</i></p>
<p><b>Coastal Management Element Objective CM-1 (Pg. VII-2)</b></p>	<p><i>Protect, conserve and enhance coastal wetlands and living marine resources in Miami-Dade County.</i></p>
<p><b>Coastal Management Element Policy CM-1A (Pg. VII-2)</b></p>	<p><i>Tidally connected mangroves in the following locations and mangrove wetlands within the "Environmental Protection" designation on the Adopted Land Use Plan (LUP) Map for Miami-Dade County shall be designated as "Mangrove Protection Areas":</i></p> <ul style="list-style-type: none"> <li>• Oleta River State Recreation Area</li> <li>• Haulover Park</li> </ul>

# ZONING RECOMMENDATION ADDENDUM

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	<ul style="list-style-type: none"> <li>• Bird Key (privately owned)</li> <li>• Near-shore islands and northwestern shoreline of Virginia Key</li> <li>• The western shore of Key Biscayne</li> <li>• Bear Cut Preserve</li> <li>• The Cocoplum Mangrove Preserve</li> <li>• Matheson Hammock Park</li> <li>• R. Hardy Matheson Preserve</li> <li>• Chapman Field Park</li> <li>• The Deening Estate and Chicken Key</li> <li>• Paradise Point south shoreline (privately owned)</li> <li>• Coastal mangrove and scrub forests within and adjacent to Biscayne National Park and Everglades National Park</li> <li>• Coastal Mangrove and scrub forest within and adjacent to Card Sound and Bames Sound</li> </ul> <p><i>In these areas no cutting, trimming, pruning or other alteration including dredging or filling of mangroves shall be permitted except for purposes of surveying or for projects that are: (1) necessary to prevent or eliminate a threat to public health, safety or welfare; (2) water dependent; (3) required for natural system restoration and enhancement; or (4) clearly in the public interest; and where no reasonable upland alternative exists. In such cases, the trimming or alteration shall be kept to the minimum, and done in a manner, which preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.</i></p>
<b>Intergovernmental Coordination Element Objective ICE- 4 (Pg. VIII-12)</b>	<p><i>Maintain consistent and coordinated planning and management of major natural resources within areas with multi-government jurisdictional responsibilities.</i></p>
<b>Intergovernmental Coordination Element Policy ICE- 4D (Pg. VIII-12)</b>	<p><i>Miami-Dade County through its planning, zoning, permitting and capital improvements processes shall continue to cooperate with the Florida Department of Community Affairs, the South Florida Water Management District, Everglades National Park, Biscayne National Park and the U.S. Army Corps of Engineers in implementing adopted County, State and federal plans to manage and restore the environmentally sensitive Everglades.</i></p>
<b>Intergovernmental Coordination Element Objective ICE- 5 (Pg. VIII-13)</b>	<p><i>Initiate and support cooperative inter-jurisdictional approaches to special intra-regional planning needs.</i></p>
<b>Intergovernmental Coordination Element Policy ICE- 5C (Pg. VIII-13)</b>	<p><i>Miami-Dade County shall continue to participate in regional resource planning and management activities undertaken by State, federal and regional agencies addressing natural resources, such as water supply and fish and wildlife, and economic development and service delivery functions, as such activities may be initiated from time to time. These include, but are not limited to resource planning and management activities of Everglades National Park, Biscayne National Park, the South Florida Ecosystem Restoration Task Force, and the Water Resources Advisory Commission; water management and supply plans prepared by the South Florida Water Management District; and the Comprehensive Everglades Restoration Plan; and the County will cooperate with adjacent counties and municipalities in similar activities that they may initiate.</i></p>

## PERTINENT ZONING REQUIREMENTS/STANDARDS

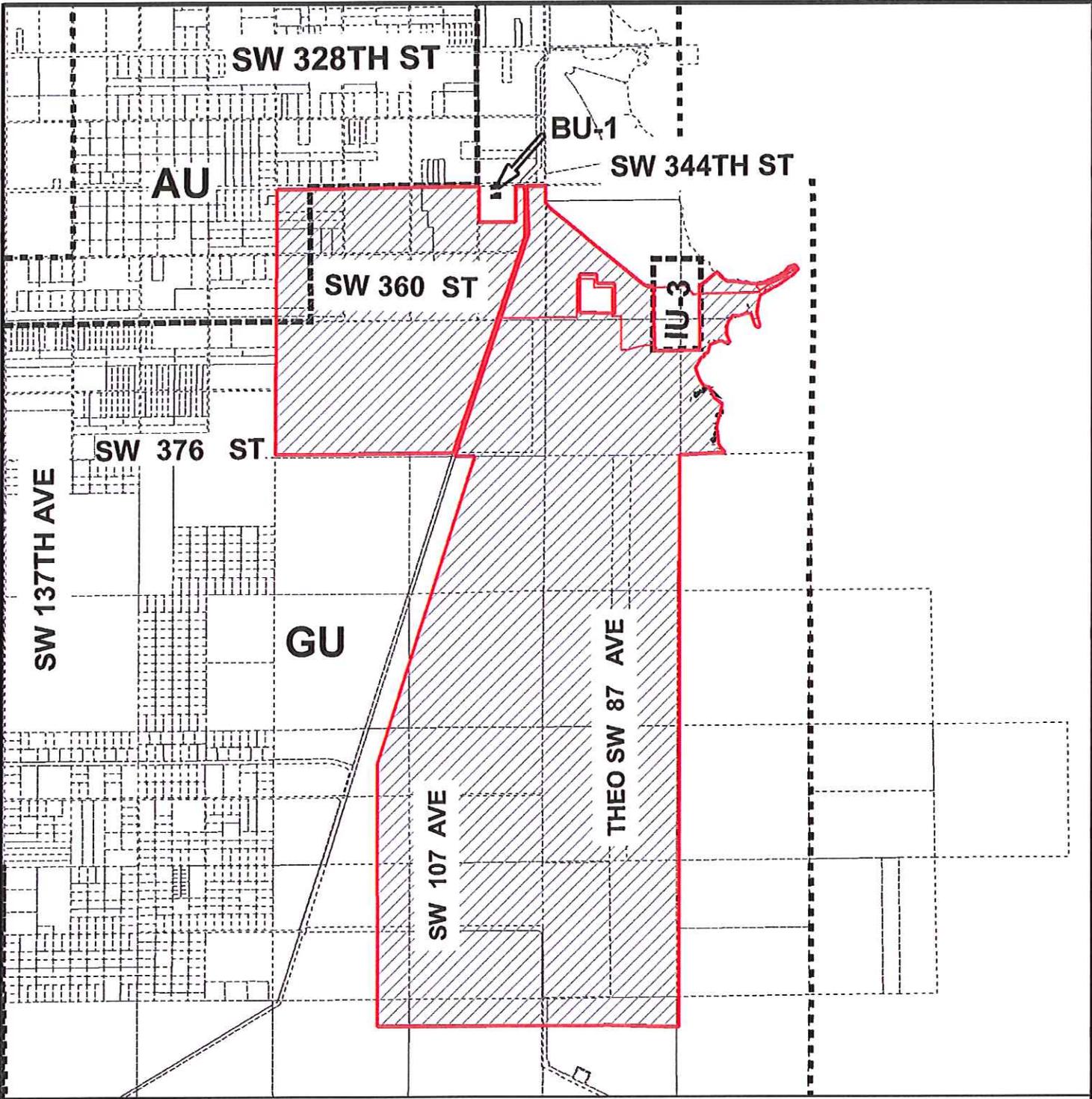
<b>33-311(A)(3) Special Exceptions, Unusual Uses and New Uses</b>	<p><i>The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in</i></p>
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# ZONING RECOMMENDATION ADDENDUM

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	<p><i>the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p><b>33-311(A)(7) Generalized Modification Standards</b></p>	<p><i>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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
<p><b>33-303.1(D)(7) Developmental Impact Committee</b></p>	<p><i>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</i></p> <p style="padding-left: 40px;"><i>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</i></p> <p><i>5. Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.</i></p>



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2012000090**

Section: 25/36 Township: 57 Range: 39  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS



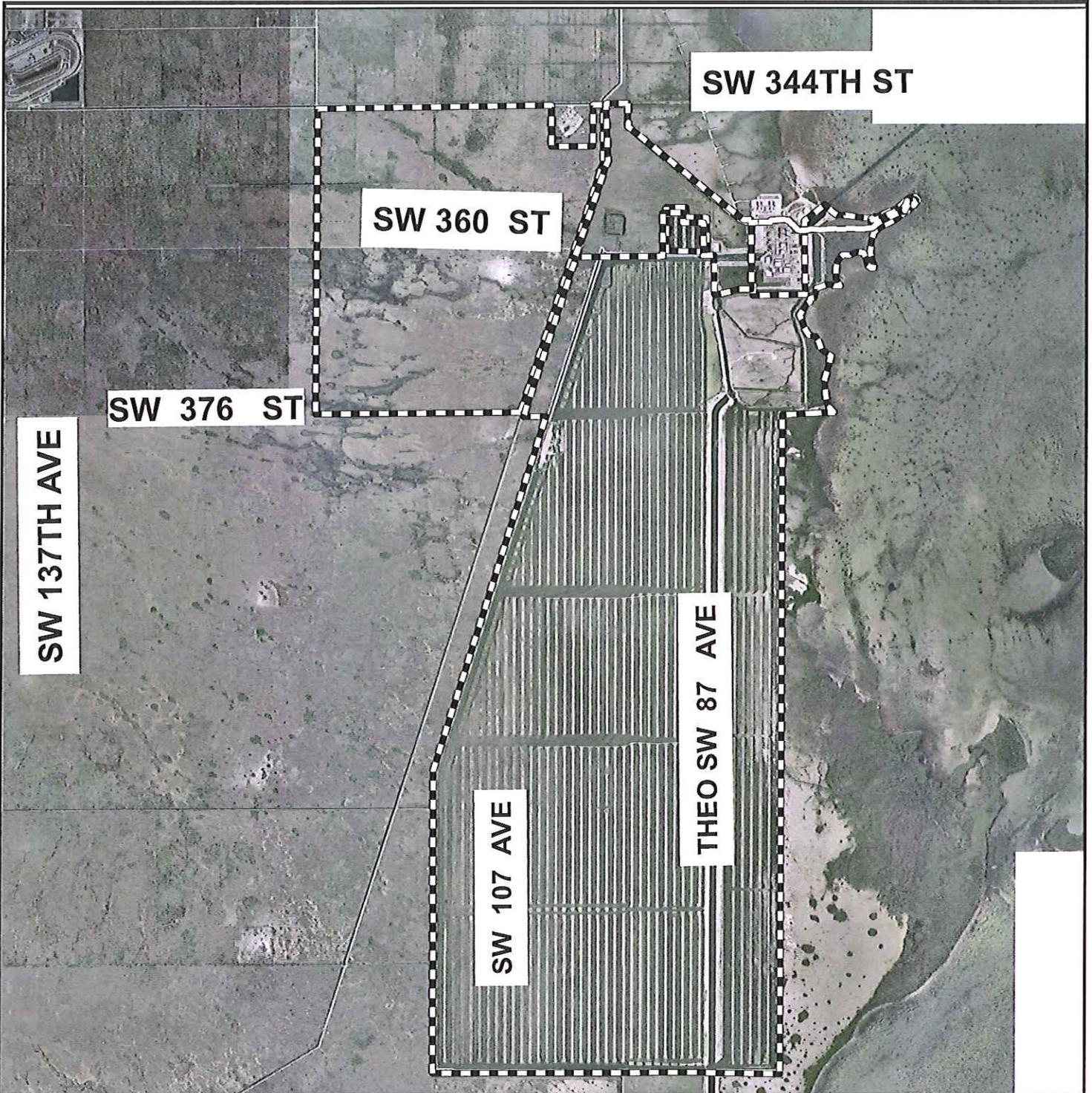
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 Subject Property Case



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY



**MIAMI-DADE COUNTY**

AERIAL YEAR 2009

Process Number

**Z2012000090**

Section: 25/36 Township: 57 Range: 39  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
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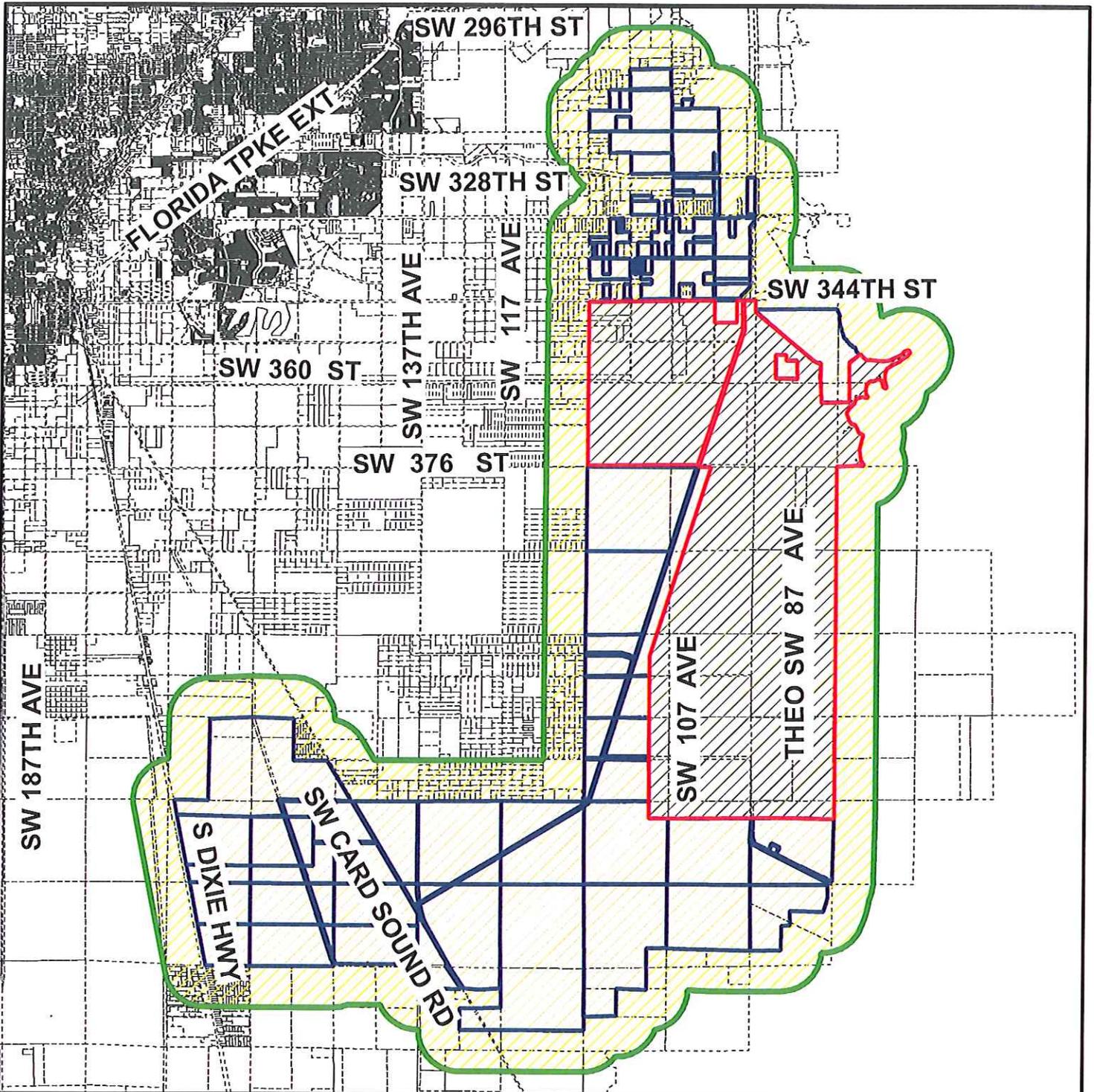
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 Subject Property



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2012000090**

**Legend**



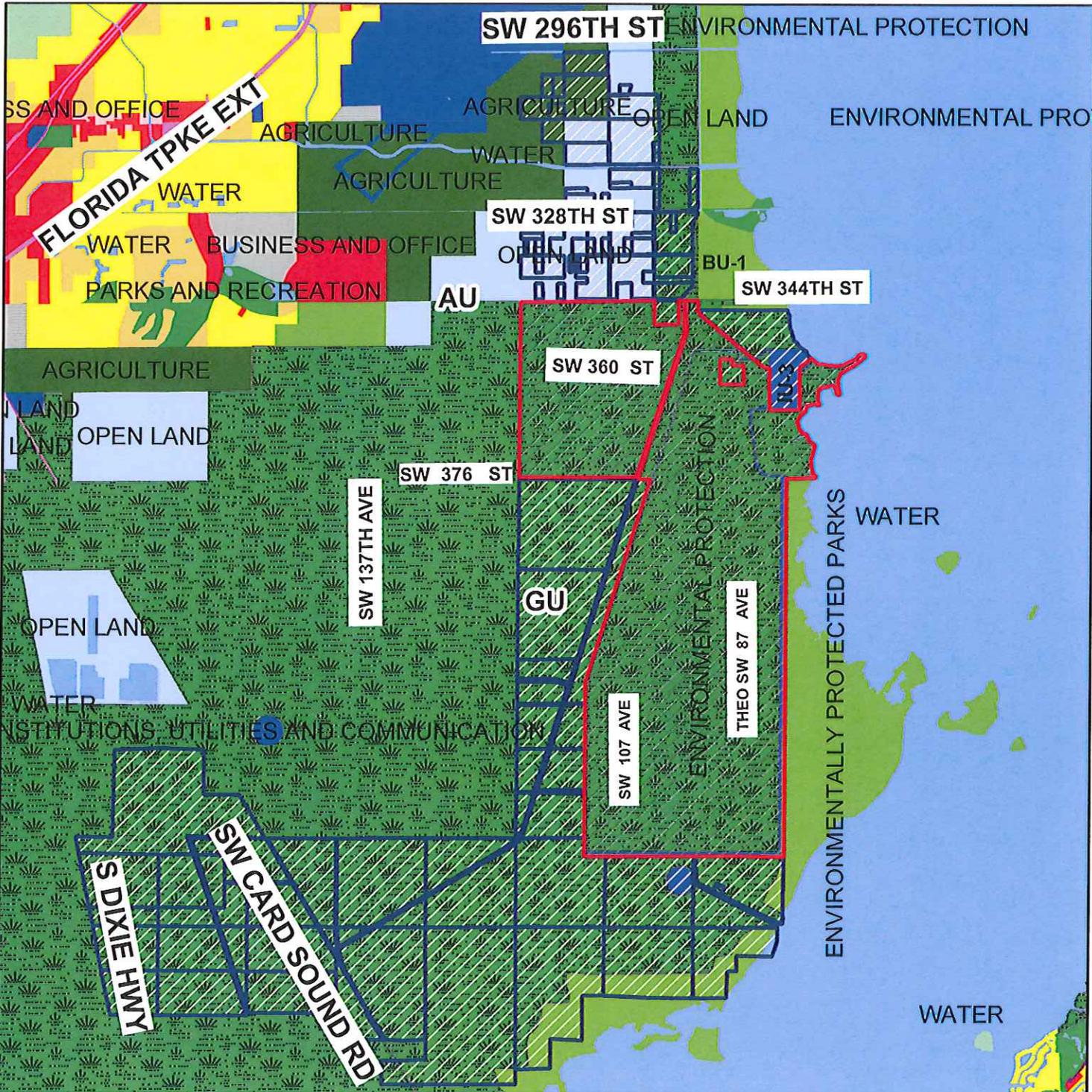
Section: 25/36 Township: 57 Range: 39 RADIUS: 2640  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2012000090**



Section: 25/36 Township: 57 Range: 39  
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 Applicant: FLORIDA POWER & LIGHT CO  
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 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY