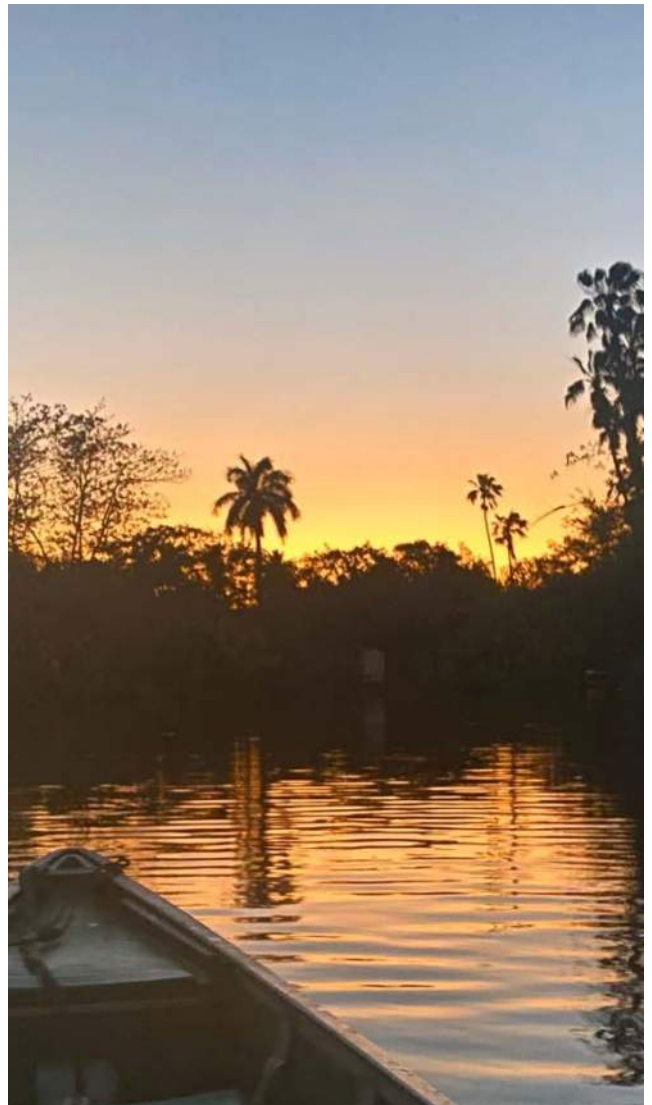


# THE LAUNCH

## Concerns from the residents of El Portal



The Barrington Brothers development group, the builders of El Portal's first high-rise residential property (Kavista), have acquired the six residential properties/houses along the Little River, and plan to develop a second, eight (8) story building - The Launch - within that footprint, with site plans that should NOT be permitted in El Portal.

Proposed Development in El Portal May Violate Village Code as follows:

- 1. Property is located within 250' of Z3, thus limited by code to 4 stories max. Site plans of 8 stories would violate section 24-B.17. - ZONE 5 (Z5) URBAN CENTER of El Portal Village Code.**
- 2) Site plans do not maintain 15% pervious landscaped, grass or natural coverage, in violation of 24-19(b) of El Portal Village Code.**
- 3) Large, specimen, native Short Leaf Fig trees are planning to be removed in violation of 24-19(b) of El Portal Village Code.**
- 4) Pedestrian views are not being preserved- in violation of section 24-19(d) of El Portal Village Code.**
- 5) The proposed development is planned to occupy more than fifty percent (50%) of the gross acreage of a mixed use development as residential. This is in violation of section 24-B.17.- ZONE 5 (Z5) URBAN CENTER of El Portal Village Code. \*There is a requested variance for this.**

**1. Property is located within 250' of Z3, thus limited by code to 4 stories max. Site plans of 8 stories would violate section 24-B.17. - ZONE 5 (Z5) URBAN CENTER of El Portal Village Code.**



Excerpt from El Portal Village Code: Sec. 24-B.17.  
ZONE 5 (Z5) URBAN CENTER.

| 4. BUILDING HEIGHT    |                                                               |
|-----------------------|---------------------------------------------------------------|
| Principal Building    | 2 Stories min. 6 Stories max. 4 Stories max within 250' of Z3 |
| Benefit Height."      | 2 Stories max.                                                |
| Ground Floor Height   | 14 ft. min. 25 ft. max.                                       |
| Upper Floor(s) Height | 9 ft. min. 14 ft. max.                                        |

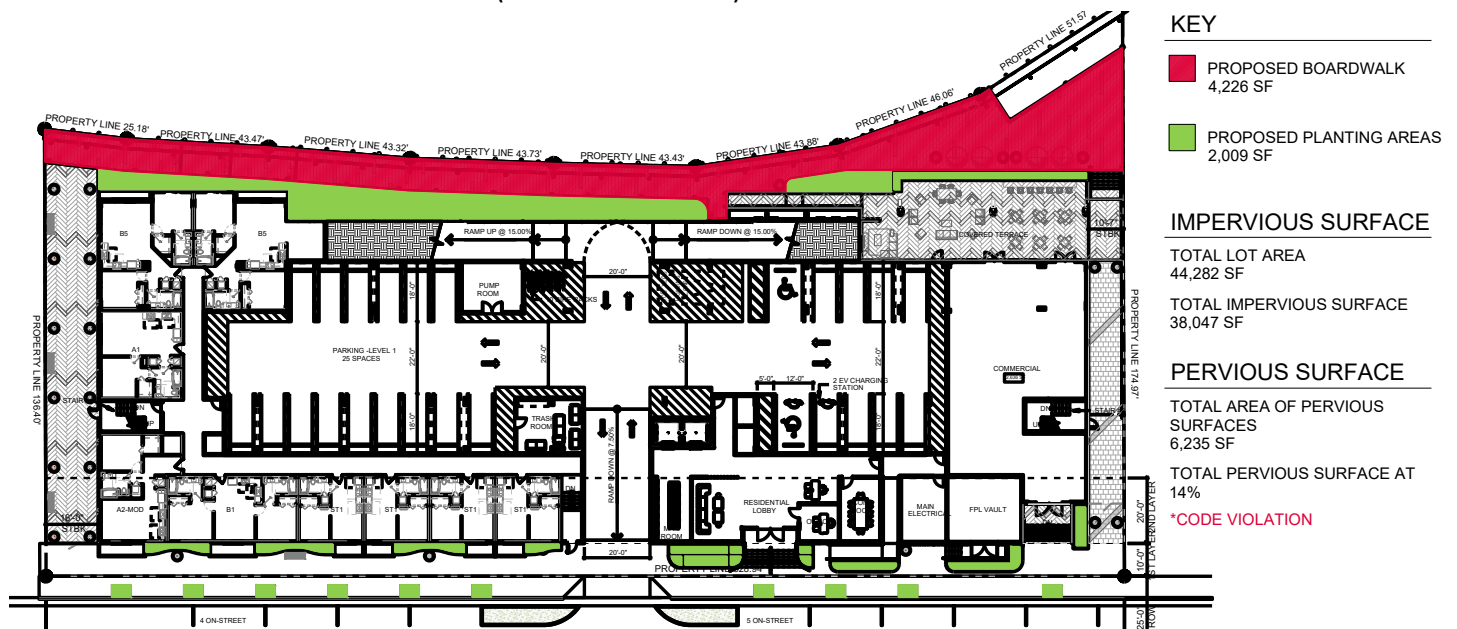
Excerpt from El Portal Village Code: Sec. 24-B.17.  
ZONE 5 (Z5) URBAN CENTER.

**\*See Public Benefit Program in Article VIII.**

**No Benefit Height shall be permitted within 250' of Z3.**

[https://library.municode.com/fl/el\\_portal/codes/code\\_of\\_ordinancesno-deld=PTIICOOR\\_CH24ZOLADECO\\_APXBFOSECO\\_ARTVISPO\\_S24-B.17ZO-5Z5URCE](https://library.municode.com/fl/el_portal/codes/code_of_ordinancesno-deld=PTIICOOR_CH24ZOLADECO_APXBFOSECO_ARTVISPO_S24-B.17ZO-5Z5URCE)

2) Site plans do not maintain 15% pervious landscaped, grass or natural coverage, in violation of 24-19(b) of El Portal Village Code. Please refer to Exhibit A (at the end of the document) for section 24-19 of El Portal Village Code Please refer to Exhibit B: (referenced below)



Total pervious surface at 14%.

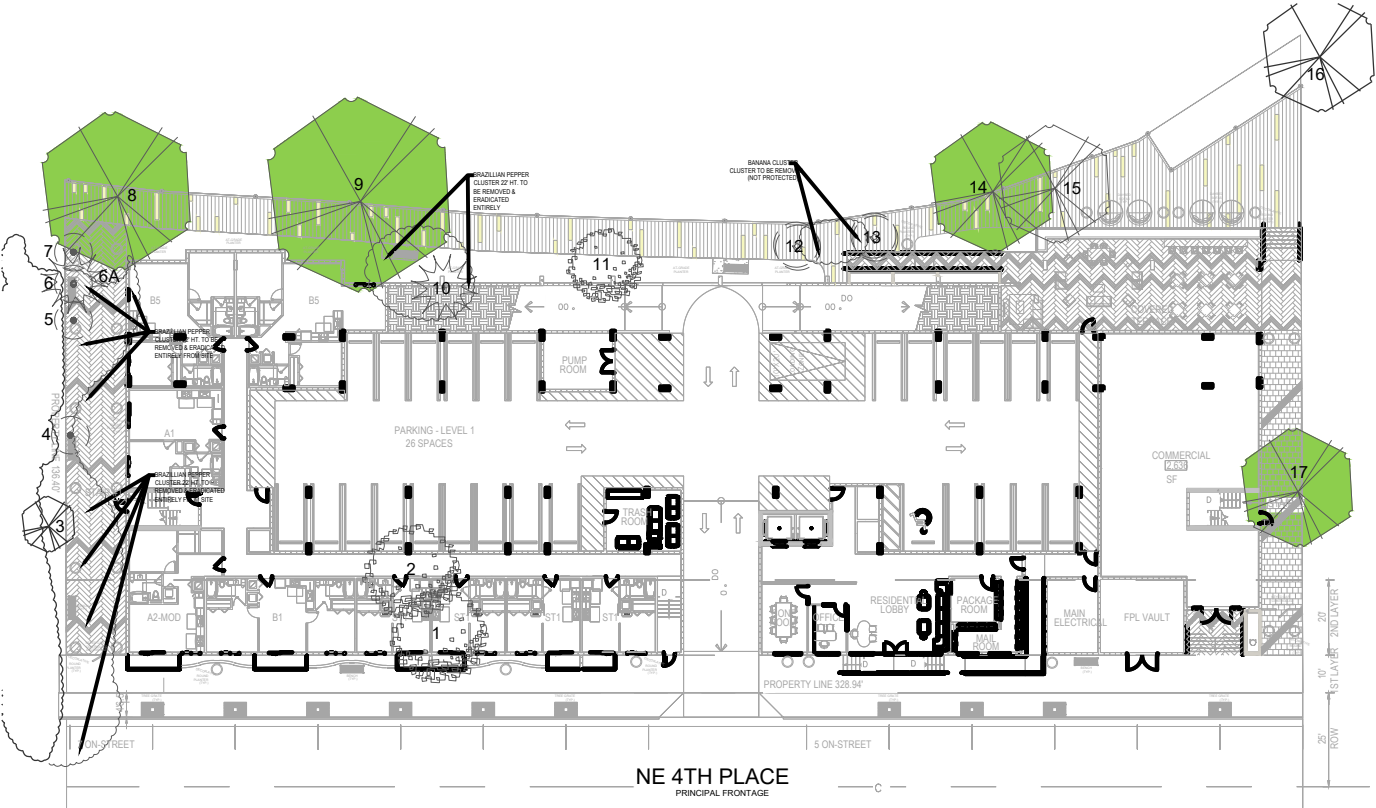
Note\* The above image considers the wood decking (in red) as a pervious surface. It is not readily apparent in the plans what is under the wood deck. It shows the seawall, under the deck to some [unknown] degree, which would most likely be impervious. Considering this, please refer to Exhibit C to show the area of remaining pervious surface not including the wood deck.

Please refer to Exhibit C: (referenced below)



3) Large, specimen, native Short Leaf Fig trees are planning to be removed (numbers 8, 9, 14, 17 in schedule) - in violation of 24-19(b) of El Portal Village Code.

Please refer to Exhibit D: (referenced below)



THE LAUNCH: SPECIMEN NATIVES SCHEDULED FOR REMOVAL

| TREE # | BOTANICAL NAME   | COMMON NAME   | DBH | HT  | SPRD | CANOPY (sq) | COMMENTS        |
|--------|------------------|---------------|-----|-----|------|-------------|-----------------|
| 8      | Ficus citrifolia | Shortleaf Fig | 72" | 30' | 48'  | 1,808.64    | NATIVE SPECIMEN |
| 9      | Ficus citrifolia | Shortleaf Fig | 96" | 28' | 62'  | 3,017.54    | NATIVE SPECIMEN |
| 14     | Ficus citrifolia | Shortleaf Fig | 22" | 30' | 35'  | 961.63      | NATIVE SPECIMEN |
| 17     | Ficus citrifolia | Shortleaf Fig | 18" | 34' | 35'  | 961.63      | NATIVE SPECIMEN |

Additionally, in the last public record correspondence with DERM, they said the following:

“DERM is recommending disapproval of this application since the applicant has not provided information depicting the specimen trees as preserved and has not applied for a tree removal permit to determine if the specimen trees can be removed.”

Please refer to Exhibit E (at the end of the document)

**4) Pedestrian views are not being preserved- in violation of section 24-19(d) of El Portal Village Code.**

View from NE 4th Place



View from Little River



**5) The proposed development is planned to occupy more than fifty percent (50%) of the gross acreage of a mixed use development as residential. This is in violation of section 24-B.17.- ZONE 5 (Z5) URBAN CENTER of El Portal Village Code. \*There is a requested variance for this.**

Village code reads as follows:

No single use shall occupy more than fifty percent (50%) of the gross acreage of a mixed use development.

Finally, the last public record correspondence with South Florida Water Managment said the following:

“I see where this is now. We’ve already provided comments to the Chappell Group that no dock/walkway would be allowed for most of the frontage due to the existing weed barrier in the canal. The weed barrier cannot be relocated. You should show that on the site plan as well as the District structure. The District has concerns about this project given the District operations at this location. Any improvements in the water, if any, will be minimal. In addition, boat dockage, if any, will also be limited given the intensity of District operations at this location. Please get back with the Chappell Group as we have been providing them with substantial feedback.”

Please refer to Exhibit F (at the end of the document)

## Exhibit A:

Code violations highlighted below -

### Village Code - Section 24-19. Environmentally Sensitive Areas

(a) Storm sewers into Little River Canal. No drainage structure shall be constructed that channels stormwater runoff directly into the Little River Canal. All such runoff shall first be detained by a natural swale or filtration trench.

(b) Landscaped areas and native vegetation. **At least 15 percent of any lot area must be retained in pervious landscaped, grass or natural coverage (including retention of native trees)** to achieve runoff and pollution control, and aquifer recharge objectives. **Any development subject to site plan review shall be required to retain any natural, native vegetation in the required setbacks and non-building area, to the maximum extent feasible.** This shall also be done in accordance with chapter 23 of the Code of Ordinances.

(c) Little River Canal bank preservation. **Any development permit for a parcel abutting the Little River Canal shall be approved only if natural vegetation is preserved** or planted in a manner acceptable to the village development administrator who in turn may consult with the county department of environmental resources management. This provision shall supersede Code of Ordinances section 23-16 for a distance of three feet from the water's edge.

(d) Little River Canal access and view. **Any redevelopment of the canal-front property east of the FEC Railroad shall not only meet (c) above but also preserve pedestrian views and access to the canal for those occupying the adjacent building or buildings.** This shall be achieved through the site plan review process.

(e) Tree preservation. Metropolitan Dade County Ordinance No. 89-8, pertaining to tree preservation is hereby adopted in its entirety as an ordinance of the Village of El Portal.

[https://library.municode.com/fl/el\\_portal/codes/code\\_of\\_ordinances?nodeId=PTIICOO](https://library.municode.com/fl/el_portal/codes/code_of_ordinances?nodeId=PTIICOO)

R\_CH24ZOLADECO\_ARTIIIGERE\_S24-19ENSEAR

[illegible]

PROPOSED BOARDWALK  
4,226 SF

PROPOSED PLANTING AREAS  
2,009 SF

## IMPERVIOUS SURFACE

TOTAL LOT AREA

44,282 SF

TOTAL IMPERVIOUS SURFACE  
38,047 SF

PERVIOUS SURFACE

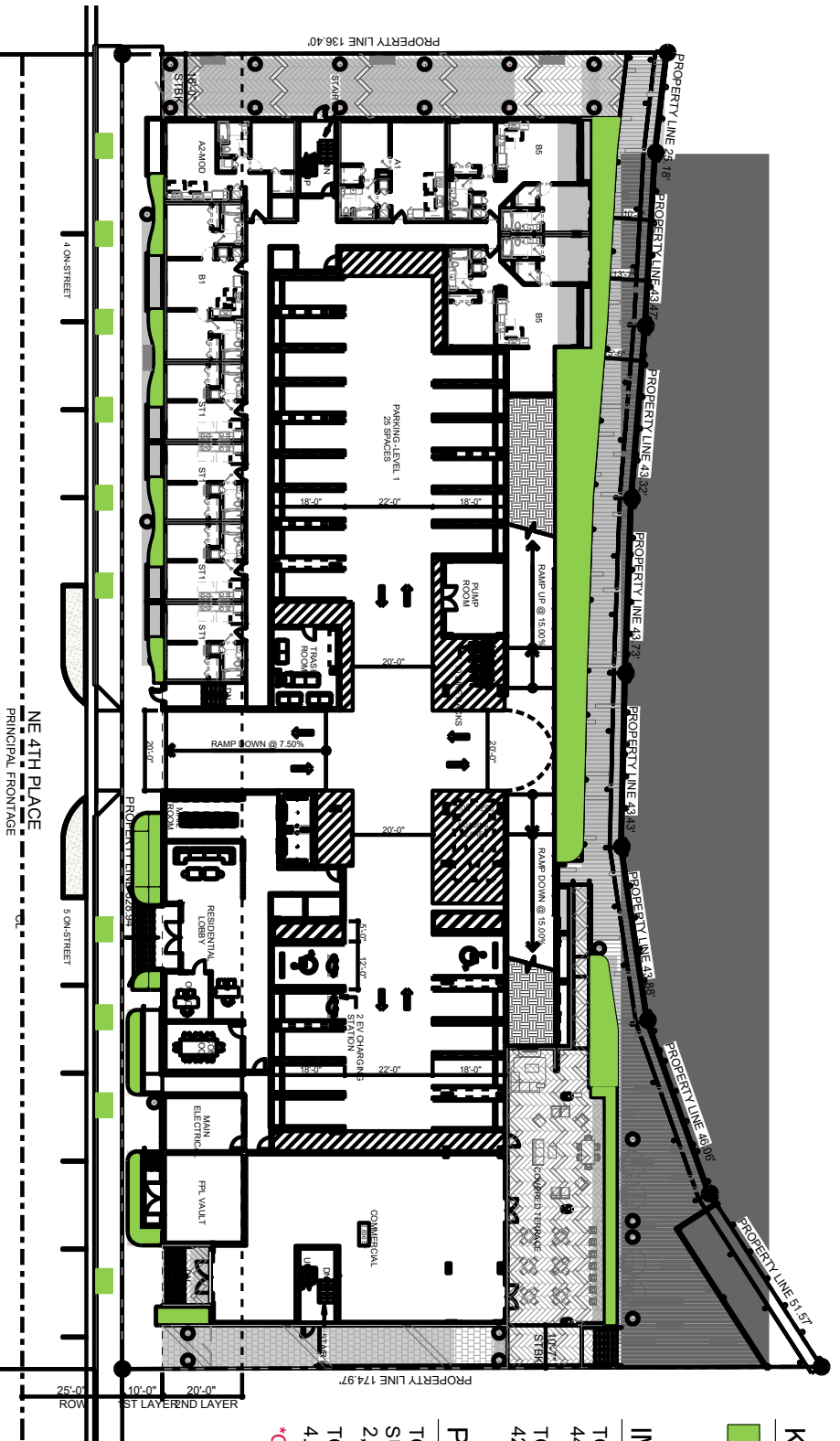
TOTAL AREA OF PERVIOUS

6,235 SF

TOTAL PERVIOUS SURFACE AT  
14%

\*CODE VIOLATION

## Exhibit C:



## KEY

PROPOSED PLANTING AREAS  
2,009 SF

IMPERVIOUS SURFACE

TOTAL LOT AREA

44,282 SF

TOTAL IMPERVIOUS SURFACE  
42,273 SF

PERVIOUS SURFACE

TOTAL AREA OF PERVIOUS

## SURFACES

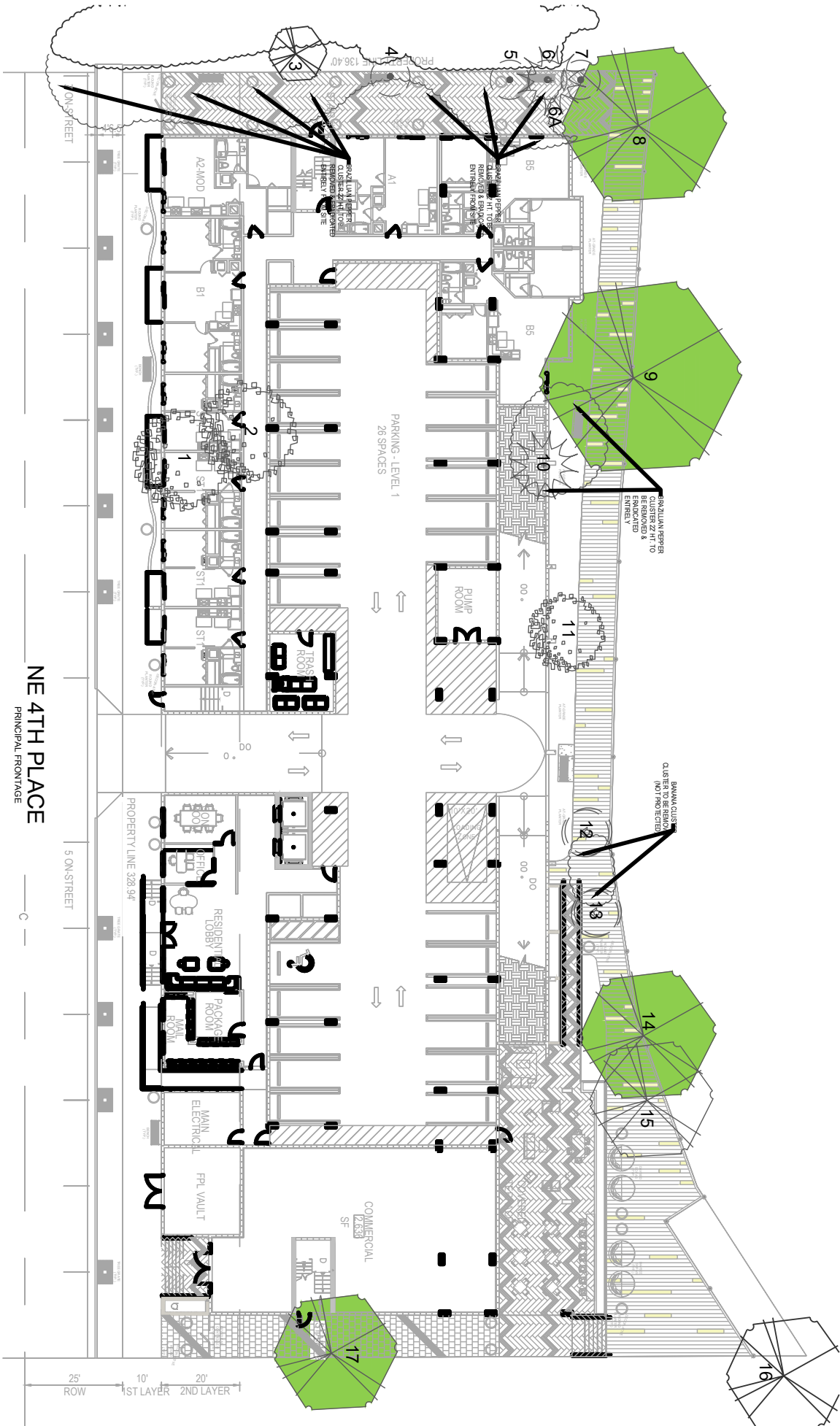
2,009 SF

TOTAL PERVIOUS SURFACE AT  
4.5%

\*CODE VIOLATION

THE LAUNCH: SPECIMEN NATIVES SCHEDULED FOR REMOVAL

| TREE # | BOTANICAL NAME   | COMMON NAME   | DBH | HT  | SPRD | CANOPY (sq) | COMMENTS        |
|--------|------------------|---------------|-----|-----|------|-------------|-----------------|
| 8      | Ficus citrifolia | Shortleaf Fig | 72" | 30' | 48'  | 1,808.64    | NATIVE SPECIMEN |
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| 17     | Ficus citrifolia | Shortleaf Fig | 18" | 34' | 35'  | 961.63      | NATIVE SPECIMEN |



## Exhibit E:



### Department of Regulatory and Economic Resources

Environmental Resources Management  
Code Coordination & Environmental Initiatives  
701 NW 1st Court 4<sup>th</sup> Floor  
Miami, Florida 33136-3912  
T 305-372-6764 F 305-372-6759

miamidade.gov

August 30, 2023

Scarlet R. Hammons  
Village of El Portal  
Planning and Zoning  
500 NE 87<sup>th</sup> Street  
El Portal, Florida 33138

Re: Municipal Site Plan Review #MZ2023000043-1<sup>st</sup> Review  
The Launch at Little River, LLC  
8300, 8316, 8350, 8356 and 8358 NE 4<sup>th</sup> Place, El Portal, FL  
Site Plan Review 2023-PZ06. The Launch at Little River.  
Proposing an 8-story mixed-use building with 152 residential apartments units and 2,636 square feet retail.

Dear Ms. Hammons:

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced Municipal Site Plan Review for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. **Based on the information provided, this Municipal Site Plan Review is not approved and therefore must be denied pursuant to section 24-43.1 of the Code. Prior to DERM approval of the subject application the property owner shall submit a covenant as prescribed by DERM that provides the property will connect to public water and public sanitary sewer. With respect to specimen trees DERM recommends disapproval of this application based on the comments below:**

#### Potable Water Supply and Wastewater Disposal

According to DERM records, public water is currently abutting the subject properties. Pursuant to the Code and based on the site plan submitted in support of this application, the proposed mixed use is within feasible distance to connect to public sanitary sewers. Therefore, the proposed development shall connect to public water and sanitary sewers in accordance with Code requirements. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Water and Wastewater Division of DERM prior to approval of final development orders.

Since the applicant has proposed a site plan, which pursuant to the Code places the development within feasible distance to public sanitary sewers and the proposed development cannot be approved using an onsite sewage treatment and disposal system (OSTDS), the property owner shall execute a covenant in accordance with section 24-43.1(6)(c) of the Code, which provides that prior to DERM approval of any building permit, certificate of use and occupancy or municipal license for any nonresidential land use the

Owner shall ensure the property is connected to a public water main and public sanitary sewer main. **The above-noted covenant must be submitted to and approved by DERM prior to DERM issuing written approval of the subject application. Please contact Glennys Fernandez at [Glennys.Fernandez@miamidade.gov](mailto:Glennys.Fernandez@miamidade.gov) or Andrea Dopico at [Andrea.Dopico@miamidade.gov](mailto:Andrea.Dopico@miamidade.gov) for assistance with the required covenant.**

According to DERM records the flow generated by this project (27,784 gallons per day) will place one of the downstream sanitary pump stations (pump station 30-0006) out of compliance with the new USEPA/FDEP Consent Decree (Case: NO. 1:12-cv-24400-FAM, effective December 6, 2013), in which case DERM will not be able to issue Sewer Capacity Certification Letters for this project. The applicant is advised to coordinate with Miami-Dade Water and Sewer Department the necessary upgrades to the sewer system.

Notwithstanding the foregoing, 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 alternative means of sewage disposal. Use of an alternative 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.

#### Tree Preservation

An aerial review of the subject properties indicates the presence of tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater). Section 24-49 of the Code provides for the preservation and protection of specimen tree resources. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards.

The disposition plan entitled "Launch @ Little River" prepared by Ryan J. King Ebrahimian, R.L.A., and digitally signed and sealed on July 05, 2023, was submitted in support of the subject application. It is unclear whether the applicant can meet those standards in the Code for removal of specimen trees. Please note that the Code generally requires the preservation of specimen trees and the standards in the Code for removal of specimen trees are stricter than for removal of non-specimen trees. **DERM is recommending disapproval of this application since the applicant has not provided information depicting the specimen trees as preserved and has not applied for a tree removal permit to determine if the specimen trees can be removed.**

The applicant is advised to contact the Tree and Forest Resources Section at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels

shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at [Jackelyn.Alberdi@miamidadegov](mailto:Jackelyn.Alberdi@miamidadegov) for additional information or concerns regarding this review.

#### Stormwater Management

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

#### Coastal Resources

The subject application must comply with Miami-Dade County's Comprehensive Development Master Plan (CDMP), the Code and Miami Dade County's Manatee Protection Plan (MPP). The applicant is advised that authorization via a Class I permit is required prior to the commencement of any work in, on, over or upon tidal waters, coastal wetlands, or work to cut, trim, or alter mangrove trees in Miami-Dade County. The properties associated with the subject application are not connected to tidal waters; therefore, a Class I Permit will not be required for the proposed work.

However, the applicant is also advised that tidal waters located near the subject properties are accessible to the West Indian Manatee (*Trichechus manatus*). Manatees have been injured or killed by entrapment in existing culverts and in roadway/culvert construction projects in Miami-Dade County. The Miami Dade County Manatee Protection Plan (MPP) requires that all new or replacement culverts and outfalls accessible to manatees be designed to prevent entrapment of or injury to manatees. Those outfalls which are greater than 7 inches and less than 60 inches in diameter shall be covered with grates or screens with spaces less than 7 inches wide to prevent entrapment. New culverts installed in areas not previously accessible to manatees shall be covered with flap gates or other devices designed to cause no injury to manatees, and to prevent manatees from entering the outfalls or culverts, including during construction.

Development projects in the subject parcels should employ turbidity barriers and other means of containment so that materials from the construction site do not enter tidal waters. Containment systems shall be designed to account for tidal and wind influence and shall always float and be designed to prevent entrapment or injury to manatees. Please note that the State of Florida Fish and Wildlife Conservation Commission (FWC) requires that all work proposed in waters known to host manatees comply with FWC's Standard Manatee Protection Conditions for In-Water Work; DERM recommends strict adherence to said conditions.

In addition, 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. The applicant is responsible for contacting these agencies.

The applicant may contact the DERM Coastal Resources Section at (305)372-6575 or [dermcr@miamidadegov](mailto:dermcr@miamidadegov) with any questions regarding processes and procedures.

#### Enforcement History

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



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

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Spadafina".

Lisa M. Spadafina, Director  
Division of Environmental Resources Management

## Exhibit F:

**From:** [Hixenbaugh, John](#)  
**To:** [Ben J. Fernandez](#)  
**Cc:** [Scarlet Hammons](#); [Betty Llerena](#)  
**Subject:** RE: The Launch - El Portal  
**Date:** Tuesday, August 22, 2023 3:59:57 PM  
**Attachments:** [image001.png](#)

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Hi, Ben.

I see where this is now. We've already provided comments to the Chappell Group that no dock/walkway would be allowed for most of the frontage due to the existing weed barrier in the canal. The weed barrier cannot be relocated. You should show that on the site plan as well as the District structure. The District has concerns about this project given the District operations at this location. Any improvements in the water, if any, will be minimal. In addition, boat dockage, if any, will also be limited given the intensity of District operations at this location. Please get back with the Chappell Group as we have been providing them with substantial feedback.

John

**John R. Hixenbaugh, J.D., AICP CUD**

Section Administrator

Right-of-Way Section

For information about Right of Way Occupancy Permits, please visit us at:

[www.sfwmd.gov/rowpermits](http://www.sfwmd.gov/rowpermits)

### South Florida Water Management District

3301 Gun Club Road

West Palm Beach, FL 33406

(561) 682-2797 Voice

(561) 682-5096 Facsimile

[jhixenba@sfwmd.gov](mailto:jhixenba@sfwmd.gov)



*Florida enjoys a broad public records law. Any emails sent to or from this address will be subject to review by the public unless exempt by law.*

---

**From:** Ben J. Fernandez <BFernandez@brzoninglaw.com>

**Sent:** Tuesday, August 22, 2023 3:42 PM

**To:** Hixenbaugh, John <jhixenba@sfwmd.gov>

**Cc:** Scarlet Hammons <shammons@CORRADINO.com>; Betty Llerena <BLLlerena@brzoninglaw.com>

**Subject:** RE: The Launch - El Portal