

EXHIBIT 2

MAP 1

BROWARD COUNTY LAND USE PLAN
GENERALIZED LOCATION MAP

PC 09-2



MAP 2
AERIAL PHOTOGRAPH
Amendment PC 09-2

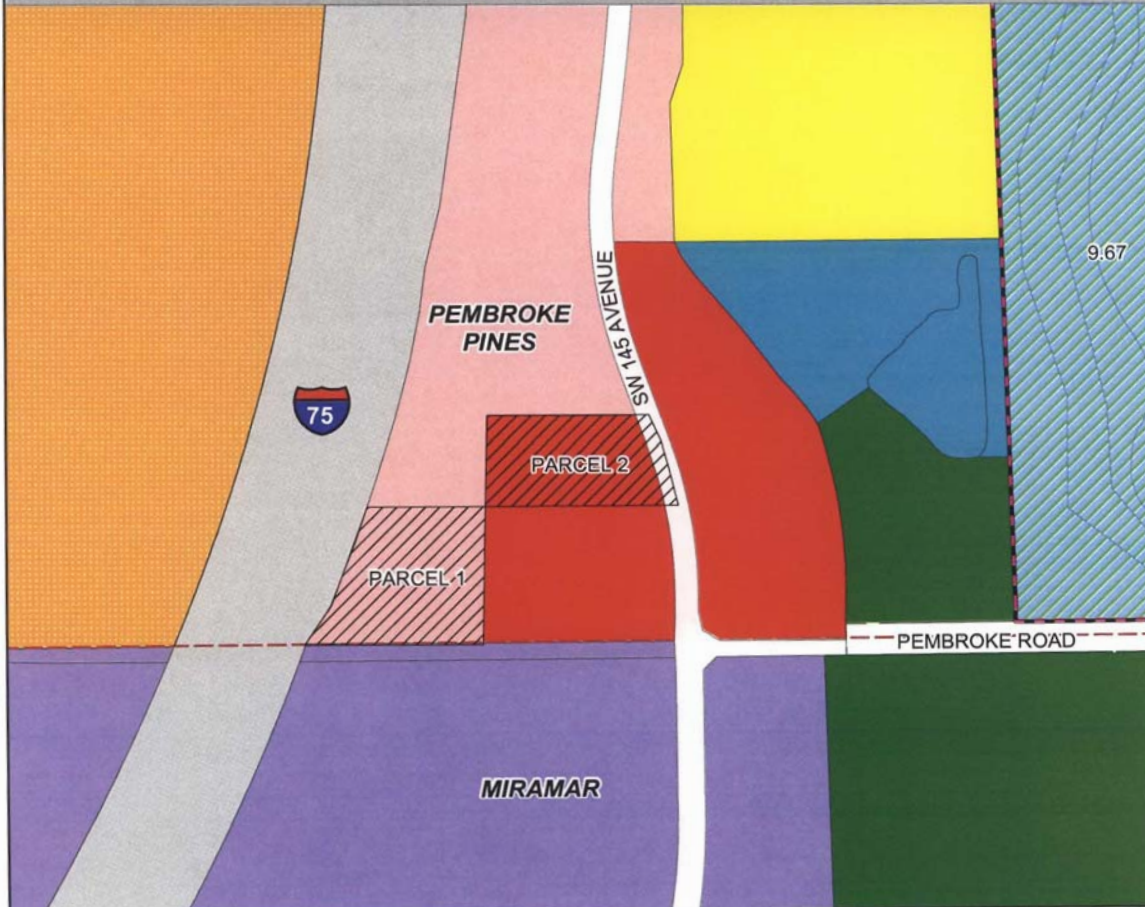


MAP 3
BROWARD COUNTY LAND USE PLAN
FUTURE LAND USE DESIGNATIONS
 Amendment PC 09-2

Current Land Uses: 6.3 ACRES OF OFFICE PARK (PARCEL 1)
 3.6 ACRES OF COMMERCIAL (PARCEL 2)

Proposed Land Uses: 6.3 ACRES OF COMMERCIAL (PARCEL 1)
 3.6 ACRES OF OFFICE PARK (PARCEL 2)

Acreeage: Approximately 9.9 acres



Low (5) Residential	Dashed - Line Area	Industrial	Utilities	Municipal Boundary
Low-Medium (10) Residential	Commercial	Office Park	Site	
Irregular Residential	Community Facilities	Transportation		

500 250 0 500
 Feet

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 09-2
(PEMBROKE PINES)

RECOMMENDATIONS/ACTIONS

DATE

- I. Planning Council Staff Recommendation January 13, 2009
- Planning Council staff finds that the proposed amendment is generally consistent with the goals, objectives and policies of the Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment to the Broward County Land Use Plan be approved.
- II. Planning Council First Public Hearing Recommendation January 22, 2009
- Approval per Planning Council staff recommendation. (Vote of the board; Unanimous: 15-0; Bigio, Boisvenue, Case, Castillo, Castro, S. Cooper, Dinnen, Fisher, Hobby, Julian, Mallozzi, Ritter, Stracher, Willett and Williams)
- III. Planning Council Second Public Hearing Recommendation February 26, 2009
- Approval per Planning Council staff recommendation. (Vote of the board; Unanimous: 12-0; Bigio, Bruck, Case, Castro, Castillo, S. Cooper, Fisher, Julian, Mallozzi, Outler, Willett and Williams)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 09-2

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Pembroke Pines
- II. County Commission District: District 6
- III. Site Characteristics
- A. Size: Approximately 9.9 acres
- B. Location: In Section 22, Township 51 South, Range 40 East; generally located on the north side of Pembroke Road (proposed), between Interstate 75 and Southwest 145 Avenue.
- C. Existing Use: Vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designations: 6.3 acres of Office Park (Parcel 1)
3.6 acres of Commercial (Parcel 2)
- B. Proposed Designations: 6.3 acres of Commercial (Parcel 1)
3.6 acres of Office Park (Parcel 2)
- C. Estimated Net Effect: Reduction of 2.7 acres of office park use
Addition of 2.7 acres of commercial use
- V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. Existing Uses: *North:* Vacant
East: Vacant
South: Vacant
West: Vacant and Interstate 75
- B. Planned Uses: *North:* Office Park
East: Commercial
South: Commercial and Industrial
West: Office Park and Transportation

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- | | |
|--------------------|-------------------------------|
| A. Applicant: | Calvin, Giordano & Associates |
| B. Agent: | Calvin, Giordano & Associates |
| C. Property Owner: | Duke Realty Corporation |

VII. Recommendation of Local Governing Body:

The City of Pembroke Pines recommends approval. The City is anticipating the adoption of the corresponding local amendment in May of 2009.

VIII. Applicant's Rationale

The applicant states: "The applicant proposes to swap land use designations of two parcels (Parcel 1 and Parcel 2). Parcel 1, located adjacent to Pembroke Road and I-75, is currently designated Office Park. Parcel 2, which is adjacent to Southwest 145 Avenue and approximately 364 feet north of Pembroke Road, is currently designated Commercial. The purposes of the land use swap is to make the lands fronting on Pembroke Road, from I-75 to Southwest 145 Avenue, all Commercial, while the lands to the north would be Office Park consistent with the current land use designation of the Office Park to the north. The applicant also owns the Commercial parcel at the northwest corner of Pembroke Road and Southwest 146 Avenue. There is no specific development plan at this time for the land along Pembroke Road. The Commercial land use designation along Pembroke Road would provide flexibility to permit either commercial or office uses."

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PC 09-2

REVIEW OF PUBLIC FACILITIES AND SERVICES

I. Potable Water/Sanitary Sewer/Drainage/Solid Waste/Parks & Recreation

Adequate potable water facility capacity and supply, sanitary sewer facility capacity, drainage, solid waste services, and park and recreation acreage will be available to serve the proposed land use. See Attachment 1.

Regarding the long-range planning horizon for potable water supply, Planning Council staff notes that this amendment would result in a projected reduction in water supply demand. It is further noted that the analysis regarding impacts on drainage, potable water, sanitary sewer and solid waste facilities, and recreation and open space acreage was conducted in combination with nearby proposed Broward County Land Use Plan small-scale amendment PC 09-3, also located in the City of Pembroke Pines. See Attachment 1.

II. Transportation

The proposed amendment swapping land from the “Office Park” and “Commercial” land use categories to the “Commercial” and “Office Park” land use categories is projected to increase the net number of p.m. peak hour vehicle trips on the regional transportation network at the long-term planning horizon by approximately 113 p.m. peak hour trips. See Attachment 2. As such, the analysis finds the proposed amendment will not significantly impact operating conditions of the regional transportation network.

It is noted that Planning Council staff utilizes a “significance” threshold corresponding to additional p.m. peak hour trips in excess of three-percent (3%) of such capacity of a regional roadway link at the long-range planning horizon.

For the subject amendment PC 09-2, the additional impact is estimated at 1.6% of capacity for the link of Pembroke Road, between Southwest 145 Avenue and Southwest 136 Avenue and 1.5% between Southwest 160 Avenue and Southwest 145 Avenue. Planning Council staff utilizes this significance threshold for several reasons, including a) recognition that all new development, independent of any land use plan amendment traffic analysis, is required to comply with Broward County traffic concurrency mitigation provisions, which is assessed at the plat/site planning stage, b) the 3% significance threshold is consistent with other regional-level professional traffic analysis methodologies utilized by other planning agencies, and c) the threshold is also considered a margin of error to recognize that there is a range of potential permitted uses and development scenarios for any given land use plan designation.

REVIEW OF PUBLIC FACILITIES AND SERVICES (continued)

II. Transportation (continued)

It is noted that, independent of the proposed amendment, adjacent Pembroke Road, east of Southwest 145 Avenue, is currently operating at level of service (LOS) "B" and is projected to operate at LOS "F" with or without the proposed amendment. Further, it is noted that the adjacent Pembroke Road, between Southwest 145 Avenue and Southwest 160 Avenue does not currently exist, but is projected to be constructed and completed by the year 2012 and to operate at a LOS "F" with or without the proposed amendment.

In addition, the Broward County Transportation Department (Broward County Transit) staff report of October 23, 2008, supports the proposed amendment. See Attachment 3.

III. Public Schools

The Broward County School Board staff report of November 6, 2008, states that the amendment as proposed would not generate additional students into Broward County Public Schools. Additionally, the amendment is not located directly adjacent to existing public schools or currently vacant school sites owned by the School Board; therefore, the amendment will not have a direct physical impact on Broward County Public Schools. See Attachment 4.

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PC 09-2

REVIEW OF NATURAL RESOURCES

I. Designated Protected/Regulated Areas

The Broward County Environmental Protection and Growth Management Department (EPGMD) report indicates that Natural Resource Areas, Local Areas of Particular Concern, or Urban Wilderness Inventory sites do not exist on or in the immediate vicinity of the proposed amendment site. See Attachment 5.

II. Wetlands

The EPGMD report indicates that except for the portion of Parcel 1 that constitutes the extension of Pembroke Road, the areas have been licensed by the EPGMD for wetland impacts. The EPGMD staff states that an Environmental Resource License must be obtained for the construction of the Pembroke Road extension. See Attachment 5.

III. Other Natural Resources

The EPGMD report states that development of the site must comply with the Tree Preservation regulations of the City of Pembroke Pines. The proposed land use designation is not expected to have a negative impact on upland resources. See Attachment 5.

IV. Historical/Cultural Resources

The Broward County Historical Commission (BCHC) report states that no known archaeological or historical sites exist within the boundaries of the proposed amendment. However, adjacent to the proposed amendment site is the Pembroke Center archaeological site. The BCHC recommends the applicant indicate how the proposed amendment may impact the adjacent historical and archaeological resources and how those resources will be protected or mitigated for. However, the BCHC does not recommend an additional cultural resource survey in conjunction with the proposed development. See Attachment 6. The applicant has provided additional information in this regard. See Attachment 7.

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PC 09-2

OTHER PLANNING CONSIDERATIONS/INFORMATION

I. Affordable Housing

The subject land use plan amendment is not subject to Broward County Land Use Plan (BCLUP) Policy 1.07.07, as the proposed amendment does not propose any additional residential units to the BCLUP.

II. Broward County Land Use Plan Goals, Objectives and Policies

The proposed amendment is felt to be generally consistent with the goals, objectives and policies of the Broward County Land Use Plan.

III. Other Pertinent Information

This is a small-scale amendment pursuant to Article 4.1(A)6 of the Administrative Rules Document: BCLUP. Therefore, the amendment review process includes two Planning Council public hearings and only one subsequent County Commission adoption hearing. The small-scale amendment is not subject to a Florida Department of Community Affairs (DCA) review; therefore, no report will be issued by the DCA, or other State review agencies.

Comments regarding this amendment were solicited from the adjacent city of Miramar. The City of Miramar has not submitted comments as of this writing.

SECTION VI
AMENDMENT REPORT
PROPOSED AMENDMENT PC 09-2

PLANNING ANALYSIS

Our analysis finds that the proposed land use designations of “Office Park” and “Commercial” would continue to be generally compatible with surrounding existing and future land uses. To the north is vacant land designated “Office Park.” To the east is vacant land designated “Commercial.” To the south is vacant land designated “Commercial” and “Industrial.” To the west is Interstate 75 designated “Transportation” and vacant land designated “Office Park.”

Our analysis also finds that adequate potable water plant capacity and supply, sanitary sewer, drainage and solid waste capacity and park acreage will be available to serve the proposed land use. In addition, our analysis indicates that the proposed amendment will not significantly impact the operating conditions of the regional transportation network. See Attachment 2. Further, no adverse impacts to natural or cultural resources were identified.

Regarding impacts to public school facilities, the Broward County School Board staff report indicates that the proposed amendment would not generate additional students into Broward County Public Schools. Additionally, the amendment is not located directly adjacent to existing public schools or currently vacant school sites owned by the School Board; therefore, the amendment will not have direct physical impact on Broward County Public Schools. See Attachment 5.

The Broward County Historical Commission (BCHC) report states that no known archaeological or historical sites exist within the boundaries of the proposed amendment. However, adjacent to the proposed amendment site is the Pembroke Center archaeological site. The BCHC recommends the applicant indicate how the proposed amendment may impact the adjacent historical and archaeological resources and how those resources will be protected or mitigated for. However, the BCHC does not recommend an additional cultural resource survey in conjunction with the proposed development. See Attachment 6. The applicant has provided additional information in this regard. See Attachment 7.

In conclusion, Planning Council staff finds that the proposed amendment is generally consistent with the goals, objectives and policies of the Broward County Land Use Plan. It is felt that the proposed amendment generally reflects a local level adjustment to the land use plan. Therefore, it is recommended that the proposed amendment to the Broward County Land Use Plan be approved.

SECTION VII
AMENDMENT REPORT
PROPOSED AMENDMENT PC 09-2

ATTACHMENTS

1. Broward County Planning Council Supplemental Report of November 25, 2008
2. Broward County Planning Council Traffic Analysis of October 23, 2008
3. Broward County Transportation Department, Service Development Report of October 23, 2008
4. Broward County School Board Report of November 6, 2008
5. Broward County Environmental Protection and Growth Management Department Report of November 19, 2008
6. Broward County Historical Commission Report of October 27, 2008
7. Correspondence from Bill Mitchell, Development Services Manager, Duke Realty Corporation, to Henry A. Sniezek, Executive Director, Broward County Planning Council, dated January 7, 2009
8. Broward County Parks and Recreation Division Report of October 24, 2008
9. Broward County Public Works and Transportation Department, Water Management Division Report of November 20, 2008
10. South Broward Drainage District Report of October 30, 2008

ATTACHMENT 1

BROWARD COUNTY PLANNING COUNCIL SUPPLEMENTAL REPORT PUBLIC SERVICES AND FACILITIES

BROWARD COUNTY LAND USE PLAN AMENDMENTS PC 09-2 AND PC 09-3

Prepared: November 25, 2008

DRAINAGE*

The proposed amendment sites are located within the jurisdiction of the South Broward Drainage District (SBDD) Basin 3 (PC 09-2) and Basin 10 (PC 09-3). A surface water management license from SBDD will be required prior to any construction.

POTABLE WATER*

The proposed amendment sites are served by the City of Pembroke Pines Water Treatment Plant, which has a capacity of 18.0 million gallons per day (mgd), with a proposed expansion to 24.0 mgd. The current and committed demand of the treatment plant is 12.6 mgd, with 5.4 mgd available. The wellfields serving the amendment sites have a combined permitted withdrawal of 15.0 mgd, with 2.4 mgd available for water withdrawal, which expires on October 14, 2009. The amendments combined will result in a net decrease in demand of 0.013 mgd (PC 09-2 a decrease of 0.003 mgd and PC 09-3 a decrease of 0.01 mgd). Planning Council staff utilized level of service of 0.1 gallons per day (gpd) per square foot for commercial and industrial uses, 0.2 gpd per square foot for office uses and 0.0 gpd for conservation-natural reservations. Sufficient potable water supply and treatment capacity will be available to serve the proposed amendment areas.

RECREATION AND OPEN SPACE*

The City of Pembroke Pines has 1,052.0 acres in its open space and parks inventory. The projected population requires approximately 520.6 acres to meet the community parks acreage requirement of 3 acres per one thousand persons population. The proposed land use amendments will have no net impact on the projected demand for local parks. The City of Pembroke Pines continues to meet the community parks acreage requirement of the Broward County Land Use Plan of 3 acres per one thousand persons population.

SANITARY SEWER*

The proposed amendment sites are served by the Pembroke Pines Wastewater Treatment Plant, which has a capacity of 9.5 mgd. The current and committed demand of the treatment plant is 8.2 mgd, with 1.3 mgd available. The amendments combined will result in a net decrease in demand of 0.013 mgd (PC 09-2 a decrease of 0.003 mgd and PC 09-3 a decrease of 0.01 mgd). Planning Council staff utilized level of service of 0.1 gpd per square foot for commercial and industrial uses, 0.2 gpd per square foot for office uses and 0.0 gpd for conservation-natural reservations. Sufficient sanitary sewer capacity will be available to serve the proposed amendment areas.

SOLID WASTE*

The proposed amendment sites are served by the Reuter Recycling Facility for solid waste disposal collection service. Solid waste is disposed of at the Okeechobee Landfill which has a capacity of 5,600 tons per day and a current and committed demand of 3,800 tons per day. The proposed amendments will result in a net decrease in demand of 900 pounds per day or 164.25 tons per year (PC 09-2 an increase of 1,080 pounds per day and PC 09-3 a decrease of 1,980 pounds per day). Planning Council staff utilized level of service of 0.01 pound per square foot per day for office uses, 0.02 pounds per square foot per day for industrial uses, 0.05 pounds per square foot per day for commercial uses, and 0.0 pounds for conservation-natural reservations. Sufficient solid waste capacity will be available to serve the proposed amendment areas.

** The analysis also finds that sufficient drainage, potable water, sanitary sewer and solid waste plant capacity, as well as park and recreation acreage, will be available to serve proposed amendments PC 09-2 and PC 09-3 independently.*

ATTACHMENT 2

TRAFFIC ANALYSIS

PC 09-2

Prepared: October 23, 2008

INTRODUCTORY INFORMATION

Jurisdiction: Pembroke Pines

Size: Approximately 9.9 acres

TRIPS ANALYSIS

Potential Trips - Current Land Use Designation

Current Designations: 6.3 acres of Office Park (Parcel 1)
3.6 acres of Commercial (Parcel 2)

Potential Development: 63,000 square feet of Office Park (Parcel 1)
36,000 square feet of Commercial (Parcel 2)

Trip Generation Rate: "ITE Equation (710) General Office Building"*
"ITE Equation (820) Shopping Center"

Total P.M. Peak Hour Trips: $149 + 319 = 468$ peak hour trips

Potential Trips - Proposed Land Use Designation

Proposed Designations: 6.3 acres of Commercial (Parcel 1)
3.6 acres of Office Park (Parcel 2)

Potential Development: 63,000 square feet of Commercial (Parcel 1)
36,000 square feet of Office Park (Parcel 2)

Trip Generation Rate: "ITE Equation (820) Shopping Center"
"ITE Equation (710) General Office Building"

Total P.M. Peak Hour Trips: $462 + 119 = 581$ peak hour trips

Net P.M. Peak Hour Trips **+113 peak hour trips**

PLANNING COMMENTS

The proposed amendment is projected to increase traffic on the regional roadway network by approximately 113 p.m. peak hour trips at the long-range planning horizon. For the subject amendment PC 09-2, the additional impact is estimated at 1.7% of capacity for the link of Pembroke Road, between Southwest 145 Avenue and Southwest 136 Avenue and 1.5% between Southwest 160 Avenue and Southwest 145 Avenue. Planning Council staff notes that distribution of the net p.m. peak hour trips on the Pembroke Road, between Southwest 145 Avenue and Southwest 136 Avenue, is not estimated to significantly impact the roadway conditions as those conditions currently operate at level of service (LOS) "B" and are projected to operate at LOS "F" with or without the proposed amendment.

*Institute of Transportation Engineers (ITE) traffic generation equations from "Trip Generation - Seventh Edition," the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use.

ATTACHMENT 3



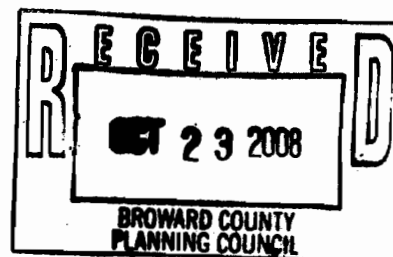
TRANSPORTATION DEPARTMENT – Service Development
1100 Park Central Boulevard, Suite 3500 • Pompano Beach, Florida 33064
954-357-8340 • FAX 954-978-1189

DATE: October 23, 2008

TO: Henry Sniezek, AICP, Executive Director
Broward County Planning Council

FROM: David Daniels, Principal Planner
Broward County Transportation Department

SUBJECT: Land Use Plan - Proposed Amendments
Planning Council's January 2009 Meeting
Requested Comments



Thank you for providing Broward County Transportation Department (BCT) an opportunity to review the proposed Land Use Amendments. BCT staff finds **no objection to the proposed amendments**, scheduled for the January 2009 meeting.

Broward County Transportation Department supports development and redevelopment that facilitates coordinating land uses to support public transit opportunities. To this end, Broward County Transportation Department recommends that the appropriate Capital Improvement Programs incorporate resources for pedestrian, bicycle, and transit infrastructure, and be consistent with the relevant transportation plans for Broward County, and FDOT including the Long Range Transportation Plan, the Transit Development Plan, and the Trafficways Plan.

Staff has the following comments regarding the specific Proposed Amendments:

- PC 09-1 Broward County Transportation Department supports the proposed amendment for a Transit Oriented Land Use Corridor (TOC) along SR 7 and Pembroke Road in the City of Miramar. This amendment site is serviced on SR 7/441 by BCT Routes 18 and 441 Breeze and along Pembroke Road by BCT Route 5.
- PC 09-2 Broward County Transportation Department supports the proposed amendment consistent with the adjacent land uses. This amendment site will be serviced by BCT Route 5 in the future. If additional Community Bus Services are desired, please contact and coordinate with the Broward County Transportation Dept. and the City of Pembroke Pines. Please coordinate with BCT, MPO, BC Traffic Engineering, BC Highway Construction and Engineering, and the City on the appropriate pedestrian, bicycle, and transit infrastructure for this site.

Broward County Board of County Commissioners

Josephus Eggleston, Jr. • Sue Gunzburger • Kristin D. Jacobs • Ken Keechil • Ilene Lieberman • Stacy Ritter • John E. Rodstrom, Jr. • Diana Wasserman-Rubin • Lois Wexler
www.broward.org

PC 09-3 Broward County Transportation Department supports the proposed amendment consistent with the adjacent land uses. This amendment site will **NOT** be serviced by BCT in the future. If Bus Services are desired, please contact and coordinate with the Broward County Transportation Dept. (BCT) and the BC Metropolitan Planning Organization (MPO). Please coordinate with MPO, BC Traffic Engineering, BC Highway Construction and Engineering, and the City on the appropriate pedestrian, bicycle, and infrastructure for this site.

Thank you for the opportunity to comment. If you should have any questions, or if you require any additional information, please contact me at (954) 357-8351.

- C: Barbara Blake-Boy, Assistant Director, Broward County Planning Council
- Pete Schwarz, Senior Planner, Broward County Planning Council
- Matt Goldstein, Planner, Broward County Planning Council
- Gretchen Flores, Planner, Broward County Planning Council
- Chris Walton, Director, Broward County Transportation Department (BCT)
- Cindy Corbett-Elder, Assistant to the Director, BCT

**SCHOOL CONSISTENCY REVIEW REPORT
LAND USE**

PROJECT INFORMATION	IMPACT OF PROPOSED CHANGE	PROPERTY INFORMATION
Date: November 6, 2008	Units Permitted	Existing Land Use: Office Park (Parcel 1)
Name: Duke South	Proposed	Proposed Land Use: Commercial (Parcel 1)
SBBC Project Number: SBBC-600-2008	NET CHANGE (UNITS)	
County Project Number: PC 09-2	Students	Current Zoning: TBD
Municipality Project Number: 2008-29	Elem	Proposed Zoning: TBD
Owner/Developer: Duke Realty Corporation	Mid	Section: 22
Jurisdiction: Pembroke Pines	High	Township: 51
	Total	Range: 40

Comments

This land use plan amendment does not include residential use and as such, is not anticipated to generate additional students into Broward County Public Schools. Additionally, the site is not located directly adjacent to existing public schools or currently vacant school sites owned by the School Board, and as proposed, will not have direct physical impact on Broward County Public Schools.

ATTACHMENT 4

Reviewed By:

Jason L. Clark

Signature

Date

11/16/2008

JASON L. CLARKSON

Name

PLANNER

Title

ATTACHMENT 5

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT REVIEW AND COMMENTS ON PROPOSED BROWARD COUNTY LAND USE PLAN MAP AMENDMENT

For: Broward County Planning Council

Applicant: Calvin, Giordano & Associates

Amendment No.: PC 09 - 02

Jurisdiction: Pembroke Pines

Size: Approximately 9.9 acres

Existing Use: Vacant

Current Land Use Designation: 6.3 acres of Office Park (Parcel 1)
3.6 acres of Commercial (Parcel 2)

Proposed Land Use Designation: 6.3 acres of Commercial (Parcel 1)
3.6 acres of Office Park (Parcel 2)

Location: Section: 22 Township: 51 South Range: 40 East; generally located on the north side of Pembroke Road, between Interstate 75 and Southwest 145 Avenue

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

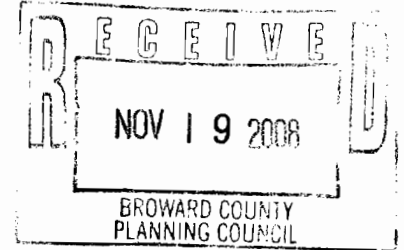
ANALYSIS AND FINDINGS:

DEVELOPMENT & ENVIRONMENTAL REGULATION DIVISION

Wetlands - [CP Policies 7.5.9, 7.5.11, 13.8.1, 13.8.2, 13.8.3, 13.8.5, 13.8.6, 13.9.3, 13.9.4, 13.9.6, 13.10.1, 13.10.3, 13.10.4; BCLUP Policies 09.05.01, 09.05.06, 09.05.08, 09.05.09, 09.05.13, 09.05.17 09.05.18]

Except for the portion of Parcel 1 that constitutes the extension of Pembroke Road, the areas have been licensed by the Department for wetland impacts (DF06-1029). An Environmental Resource License would be required for the construction of the Pembroke Road extension.

Upland Resources (including Tree Preservation and Greenways) - [CP Policies 13.6.11, 13.6.13, 13.6.14; BCLUP Policies 01.06.02, 05.03.02, 05.03.04, 05.03.05, 09.01.06, 09.01.08, 09.01.09, 09.01.10]



EP&GMD COMMENTS

PC 09- 02

Page 2

Development of the site must comply with the Tree Preservation regulations of the City of Pembroke Pines. The proposed land use designation is not expected to have a negative impact on upland resources. [BC 11/17/08]

Marine and Riverine Resources - [CP Policies 7.5.10, 13.2.3, 13.5.3, 13.7.6, 13.7.8; BCLUP Policies 05.03.02, 06.01.04, 06.01.05, 06.01.06, 09.02.06, 09.03.01, 09.03.02, 09.03.05, 09.03.06, 09.03.07, 09.03.08, 09.03.09, 09.03.10, 09.03.11, 09.04.02]

The proposed land use designation is not expected to have an impact on marine or riverine resources.

POLLUTION PREVENTION AND AIR QUALITY DIVISION

Air Quality - [CP Policy 13.1.15, BCLUP Policy 09.14.03]

The preliminary traffic analysis indicates that the proposed amendment would result in a net increase by 113 PM peak hour trips per day compared to trips associated with the current designation. Based upon the trips generated and the projected levels of service on surrounding roadways, an amendment to the proposed land use designation can reasonably be assumed to have minimal impact on air quality. There is a Wastewater Treatment Plant east of the site that currently has an air license. No odor or noise complaints have been received in the last year for this facility. Due to the attraction of mobile sources to commercial areas, if the applicant incurs the construction of parking facilities, the Broward County Code of Ordinances, Parking Facility Rule might be applicable.

The Air Quality Program recommends pro-active long term planning methods that will result in the prevention of any further deterioration of our air quality and quality of life. The Air Quality Program recommends that the plan for development includes air quality measures or provisions that will support alternative methods of transportation. These measures include promoting the use of transit, promoting the use of ridesharing, promoting the use of alternative fuel vehicles (AFV) where appropriate and AFV infrastructure, bikeways and bike storage facilities, and the use of pedestrian friendly designs which will include native tree shaded areas. MF 11/27/08

Wellfield Protection - [CP Policies 4.2.10, 4.4.13, 7.5.2, 7.5.3, 7.5.4, 13.2.2, 13.3.3; BCLUP Policies 09.02.01, 09.02.03, 09.02.05]

The proposed amendment site is not currently within a wellfield zone of influence. No special restrictions apply under Broward County's Wellfield Protection regulations. DL 10/28/2008

Solid Waste -[CP Policies 6.1.2, 6.1.3, 13.2.7; BCLUP Policies 01.04.04, 08.01.11, 08.01.13, 08.01.14, 08.01.15]

There are no active solid waste facilities located within one mile of the amendment site. There are no inactive solid waste facilities located within one-quarter mile of the site. DL 10/28/2008

Contaminated Sites - [CP Policies 13.2.1, 13.2.6, 13.2.7; BCLUP Policies 01.04.04, 03.04.01]
The list of known contaminated sites (from EPD's GIS Database of Contaminated Locations in Broward County) has been reviewed. One listed contaminated sites was found in proximity to the boundaries of the proposed amendment location. *DL 10/28/2008*

SARA TITLE III (Community Right to Know) - [CP Policy 13.2.7; BCLUP Policies 01.04.04, 03.04.01]

The list of known SARA Title III facilities (from EPD's GIS Database of SARA Title III Facilities in Broward County) has been reviewed. There are no SARA Title III facilities on the proposed amendment site. However, there is one Sara Title III facility within one-quarter mile of the site. The facility is the City of Pembroke Pines Wastewater Treatment Plant located at 13955 Pembroke Road, Pembroke Pines, FL 33027. *DL 10/28/2008*

Hazardous Material Facilities - [CP Policies 13.2.1, 13.2.6, 13.2.7; BCLUP Policies 01.04.04, 03.04.01]

The list of known hazardous material facilities and storage tank facilities (from EPD's GIS Database of Hazardous Material Facilities in Broward County) has been reviewed. There are approximately two known hazardous material facilities in proximity to the boundaries of the proposed amendment site. There are no known storage tank facilities located on the proposed amendment site. *DL 10/28/2008*

NATURAL RESOURCES PLANNING & MANAGEMENT DIVISION:

Specially Designated Areas - [CP policies 13.6.1, 13.6.4, 13.6.6, 13.6.7, 13.6.9, 13.6.10, 13.7.2, 13.7.5; BCLUP Policies 09.01.01, 09.01.02, 09.01.03, 09.01.04, 09.01.05, 09.01.06, 09.01.11]
County specially designated areas, e.g. Natural Resource Areas, Native Vegetative Communities Category Local Areas of Particular Concern, Urban Wilderness Inventory sites, do not exist on or in the vicinity of the proposed amendment site. [BC 11/18/09]

Land Preservation Program -

The proposed amendment site does not contain or abut any Safe Parks and Land Preservation Bond Program Sites, whether Open Space, Green Space or Conservation Lands.

Surface Water Management - [CP Policies 7.4.2, 7.4.3, 7.5.2, 7.5.9, 13.2.4, 13.3.12; BCLUP Policies 08.01.18, 08.01.19, 09.04.01,09.04.02, 09.07.01, 09.07.03, 09.09.01, 09.09.02, 09.09.04, 09.10.02]

The proposed amendment site is located within the jurisdiction of the South Broward Drainage District. Successful compliance with the criteria established for the District should result in reducing the potential danger from flooding and maintaining the quality of surface waters. A surface water management license from the South Broward Drainage District will be required prior to any construction.

The proposed amendment site is located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area, Flood Zone AH, with a base flood elevation of 6 NGVD. A minimum elevation 7.3 feet, NGVD, as found on the Broward County 100-Year Flood Maps will prevail in those areas where jurisdictionally appropriate.

Water Recharge - [CP Policies 7.4.3, 7.5.2, 7.5.3, 7.5.4, 7.5.7, 7.5.9, 7.5.11, 7.5.12, 13.3.12, 13.3.13; BCLUP Policies 06.01.01, 06.01.03]

The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation would result in a net change in the volume of water available for recharge. The recharge capacity resulting from development under the proposed designation would be insignificant. This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation. See the attached Water Recharge Questionnaire.

BROWARD COUNTY PLANNING COUNCIL
WETLAND RESOURCE QUESTIONNAIRE

as completed by the

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

I. Introductory Information

- A. Amendment No.:** PC09-2
- B. Municipality:** Pembroke Pines
- C. Project Name:** Duke South

II. Site Characteristics

- A. Size:** Approximately 9.9 acres
- B. Location:** Section 22 Township 51 South, Range 40 East
- C. Existing Uses:** Vacant

III. Broward County Land Use Plan Designation

- A. Current Designation:** 6.3 acres of Office Park (Parcel 1)
3.6 acres of Commercial (Parcel 2)
- B. Proposed Designation:** 6.3 acres of Commercial (Parcel 1)
3.6 acres of Office Park (Parcel 2)

IV. Wetland Review

- A. Are wetlands present on subject property?** Parcel 1 – Yes*
Parcel 2 - No

* The parcel extends to the centerline of the proposed Pembroke Rd. extension which may contain wetlands. Licensing of any impacts would be required for the development of Pembroke Road.

- B. Describe extent (i.e. percent) of wetlands present on subject property.**

Wetland Resource Questionnaire
PC 09-2

A jurisdictional determination is required to determine the extent of wetlands within the Pembroke Road extension of Parcel 1.

- C. Describe the characteristics and quality of wetlands present on subject property.**
As above
- D. Is the property under review for an Environmental Resource License?**
An ERL for the Pembroke Harbor project was licensed by EPGMD (DF06-1029) on 6/5/06. The Pembroke Rd. extension of Parcel 1 was not a part of that license.
If yes, at what stage in the process is the application?
There is no pending application for the development of Pembroke Rd. at this time.
- E. Has the applicant demonstrated that should the proposed Land Use designation be approved, the proposed project will be consistent with the requirements of Article XI, Chapter 27 of the Broward County Code of Ordinances?**
Yes
If yes, what is the mitigation requirement for the property?
The master Pembroke Harbor license authorized impacts to 107 acres of wetlands with 31 acres of on-site mitigation east of SW 145th Avenue and the purchase of 50.25 credits from the Everglades Mitigation Bank. The mitigation needs for the development of Pembroke Rd. would be determined at the time of licensing.

V. Comments

Filling or excavation of any wetlands or surface waters is regulated under Article XI of Chapter 27, Broward County Code of Ordinances and an Environmental Resource License (DF06-1029) is in effect for the portions of the parcels. Development of Pembroke Rd. will require an Environmental Resource license for wetland impacts.

Other activities, including but not limited to, installation, repair or replacement of bulkheads, revetments, or docks, lake or canal excavation, are also regulated under Article XI of Chapter 27, Broward County Code of Ordinances, and therefore, may require an Environmental Resource License.

Completed by: Barbara Chow
Natural Resource Specialist II
(954) 519-1419
bchow@broward.org

BROWARD COUNTY PLANNING COUNCIL

WATER RECHARGE QUESTIONNAIRE

as completed by

ENVIRONMENTAL PROTECTION DEPARTMENT

I. Introductory Information

- A. *Amendment No.:*** PC 09-2
- B. *Municipality:*** Pembroke Pines
- C. *Applicant:*** Calvin, Giordano & Associates

II. Site Characteristics

- A. *Size:*** Approximately 9.9 acres
- B. *Location:*** Section: 22 Township: 51 South Range: 40 East;
generally located on the north side of Pembroke Road, between
Interstate 75 and Southwest 145 Avenue
- C. *Existing Use:*** Vacant

III. Broward County Land Use Plan Designation

- A. *Current Land Use Designation:*** 6.3 acres of Office Park (Parcel 1)
3.6 acres of Commercial (Parcel 2)
- B. *Proposed Land Use Designation:*** 6.3 acres of Commercial (Parcel 1)
3.6 acres of Office Park (Parcel 2)

IV. Water Recharge Review

- A. *Describe the general impacts of the current land use designation on water recharge:***

The current land use designation for Parcel 1 is 6.3 acres of Office Park and for Parcel 2 is 3.6 acres of Commercial. A typical value for impervious area produced by the combination of these developments is approximately eighty-five percent.

Water Recharge Questionnaire

PC 09-2

Page 2 of 2

B. Describe the general impacts of the proposed land use designation on water recharge:

The proposed land use designation for Parcel 1 is 6.3 acres of Commercial and for Parcel 2 is 3.6 acres of Office Park. A typical value for impervious area produced by the combination of these developments is approximately eighty-five percent.

V. Impact of Change in Land Use Designation

The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation would result in no net change in the volume of water available for recharge.

VI. Comments

By: _____ Date _____

Asif Ali
Water Resources Division

ATTACHMENT 6

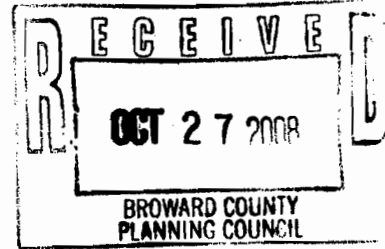


Broward County Historical Commission
151 SW. 2nd Street Fort Lauderdale, Florida 33301
Tel: 954 765 4671 Fax: 954 765 4437

October 27, 2008

Gretchen Flores
Broward County Planning Council

Re: **Cultural Resource Development Review**
PC-09-2



Gretchen Flores,

The Broward County Historical Commission has had opportunity to review material for Proposed Amendment PC 09-2, generally located north of Pembroke Road and between State Road 75 and SW 145th Ave, Section 22, Township 51, Range 40s, city of Pembroke Pines, Broward County, Florida.

A review of the Florida Master Site File (2008) as well as the Broward County Land use Plan Cultural Resource Map Series – Historical *and* Archaeological Sites indicates that no archaeological resource and no historic structures have been recorded within the site boundaries. Review of the Florida Master Site File indicates that the site is located adjacent and south of the Pembroke Center archaeological site, Florida Master Site File 8BD3163.

As per section 7. of the Land Use Amendment application titled *Analysis of Natural and Historical Resources*, the Broward County Historical Commission recommends the applicant indicate how the proposed Land Use Amendment may impact adjacent historical and archaeological resources and how the applicant will protect the resources or mitigate for the effects of development upon them. The Historical Commission does not recommend any additional archaeological or historical survey in conjunction with this application.

Please feel free to call the Historical Commission with any questions or for consultant contact information.

Sincerely,

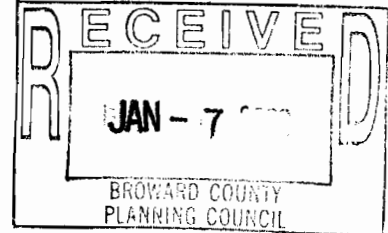
Matthew De Felice
County Archaeologist

ATTACHMENT 7



January 7, 2009

Mr. Matthew De Felice
County Archaeologist
Broward County Historical Commission
151 S.W. 2nd
Ft. Lauderdale, FL 33301



Re: Cultural Resource Development Review
PC-09-2, Duke Property – Pembroke Pines, FL

Mr. De Felice:

In reference to your letter to Ms. Gretchen Flores, October 27, 2008 the particular parcel under the current Land Use Plan Amendment does not contain the Archaeological Site 8BD3163 in the National Register of Historical Places.

However, I will address your concerns now so that in the future you have an understanding of Duke's actions to date and how we will mitigate this area in accordance with the directives from The Florida Department of State's Division of Historical Resources.

When Duke purchased the property in 2006 the former property owners assigned a Letter of Clarification, dated July 28, 2005 from the State DHR advising how they wanted the property preserved.

Their letter, authored by Mr. Frederick Gaske, Director and State Historic Perseveration officer stated in part:

"Layer of fill atop the site will be a sufficient buffer during the milling and resurfacing project, it is recommended to avoid the parking of heavy equipment I the vicinity."

As you can see by the enclosed photograph Duke has adhered to this directive. To date Duke has left the site undisturbed, native and buffered with a generous preservation perimeter.

During July 2006, I had conversations with the Division and discovered that only 1/3rd of the (40' x 120') 8BD3163 Site actually sits on the Duke property. The other 2/3rds lies within the FDOT I75 Right of Way. This was additionally confirmed by our Phase I, Archaeological Report conducted by the Archaeological and Historical Conservancy dated October 2006.



Page 2,
Mr. Matthew De Felice

In my discussions with Ms. Lindsay Hafford of the DHC she conveyed their main concerns were twofold: First, to "limit the distribution of location information on archaeological sites" and Secondly, to conceal and preserve the Site from future disruption.

In a letter to Mr. Tony Waterhouse of the South Florida Water Management District on February 28, 2008 from Mr. Gaske, he reiterated the direction to have the site "*persevered in place.*"

Therefore, since only minimal Site area sits within our property line we intend to fill the site and sod/pave over the site. No vertical structures are planned on the 8BD3163 Site. Thus encapsulating the site from future disturbances and public provocation. Therefore we do not foresee a Phase II Study necessary.

This will allow Duke to proceed with development plans and satisfy the State's DHR desires. I would surmise this same mitigation plan will additionally satisfy Broward County's Historical Commission.

Regards,

A handwritten signature in black ink, appearing to read "Bill Mitchell", is written over the typed name and title.

Bill Mitchell,
Development Services Manager

Cc: Matthew Goldstein, Broward County Planning Department
David Frank, City of Pembroke Pines Administrative Services
Sharon Williams, City of Pembroke Pines, Planning Department
Dean Piper, City of Pembroke Pines, Zoning Director
Steve Belden, Calvin Giordano & Assoc.
Ed Mitchell, Duke Realty Corp.
Todd Johnson, Duke Realty Corp.

Enclosures:

- (1) Florida Div. Historical Resources Letter, July 28, 2005
- (2) Aerial Photo Showing Preserved Site 8BD3163
- (3) Florida Div. Historical Resources Letter, July 17, 2006
- (4) Phase I, AHC Archaeological Report Findings, October 2006
- (5) Florida Div. Historical Resources Letter, July 28, 2008



RECEIVED

AUG 04 2005

ENVIRONMENTAL SECTION

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Rob Robbins
South Florida Water Management District
P.O. Box 24680
West Palm Beach, Florida 33416-4680

July 28, 2005

Re: DHR No. 2005-9496B / Additional Received by DHR: July 27, 2005
Application No.: 040818-17
Applicant: Arthur D. Weiss
Project: Pembroke Harbor (fka Pembroke Center)
Broward County

Dear Mr. Robbins:

Our office received the referenced project in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places* (NRHP), or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

We reviewed the additional information provided by Mr. Robert W. Higgins of Higgins Engineering, Inc. Mr. Higgins noted that the property proposed for the Pembroke Harbor development was surveyed in 1997 by Archaeological and Historical Conservancy, Inc. The one archaeological site located by this survey, 8BD3163, was determined to be potentially eligible for listing in the *NRHP*. This site underwent subsequent investigation by Panamerican Consultants, Inc. (PCI) in 2002. Due to our review of this information, we are therefore rescinding our request for a cultural resource assessment survey of the proposed project area. However, in accordance with the recommendations made by PCI, our office notes that while the layer of fill atop the site will be a sufficient buffer during the milling and resurfacing project, it is recommended to avoid the parking of heavy equipment in the vicinity of the 8BD3163 (see enclosed map).

If there are any questions concerning our comments or recommendations, please contact Beth Chambless, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at ejchambless@dos.state.fl.us. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Barbara C. Mattick
Chief, BHP

for Frederick Gaske, Director, and
State Historic Preservation Officer

Xc: Jasmin Raffington, FCZMP - State Clearinghouse
Mr. Robert Higgins - Higgins Engineering, Inc.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6435

Archaeological Research
(850) 245-6444 • FAX: 245-6436

Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

EXHIBIT 3.9





FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

July 17, 2006

Mr. Bill Mitchell
Duke Realty Corporation
4700 Millenia Boulevard, Suite 380
Orlando, FL 32839
Fax: 407-241-0281

Dear Mr. Mitchell:

In response to your inquiry of July 14, 2006, the Florida Master Site File lists two previously recorded archaeological sites no historical standing structures in the following parcel of Broward County:

Township 51 South, Range 40 East, Sections 15 and 22

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites or historical structures.
- While many of our records relate to historically significant properties, the entry of an archaeological site or an historical structure on the Florida Master Site File does not necessarily mean that the structure is significant.
- Since vandalism is common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- As you may know, federal and state laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Lindsay Hafford

Lindsay Hafford
Historical Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone 850-245-6440, Fax: 850-245-6439
State SunCom: 205-6440
Email: fmsfile@dos.state.fl.us
Web: <http://www.dos.state.fl.us/dhr/msff>

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
50) 245-6300 • FAX: 245-6435

Archaeological Research
(850) 245-6444 • FAX: 245-6436

Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

Palm Beach Regional Office

St. Augustine Regional Office

Tampa Regional Office

**An Archaeological Survey and Assessment of the Pembroke Pines Parcel,
Broward County, Florida**

by

**Joseph F. Mankowski, M.A.
Alys Spillman, M.A.**

conducted under the direction of
Robert S. Carr, M.S.
Archaeological and Historical Conservancy
4800 SW 64th Avenue Suite 107
Davie, FL 33314
(954)792-9776
archlgcl@bellsouth.net

for
Duke Realty Corp.

**AHC Technical Report #754
October 2006
2006.100**

Consultant Summary

In October 2006 the Archaeological and Historical Conservancy, Inc. (AHC) conducted an archaeological survey of the Pembroke Pines Parcel in Broward County for Duke Realty Corp. The ±35-acre parcel was surveyed to locate sites of archaeological and/or historical significance. One previously recorded prehistoric site (8BD3163) is located within the west-central edge of the parcel. This site was investigated to determine site boundaries and its preservation condition.

This assessment was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended in 1992, and 36 C.F.R., Part 800: Protection of Historic Properties and in accordance with Florida Statute 267. The work and the report conform to the specifications set forth in Chapter IA-46, Florida Administrative Code.

The Pembroke Pines Parcel is located in parts of Sections 15 and 22 in Township 51S, Range 40E (Figure 1). Historically, the parcel was part of the Everglades and was characterized by sawgrass prairie and one large tree island. Currently, the parcel has been recently cleared by construction operations that have heavily disturbed the underlying natural soils. Due to the extent of these disturbances and other construction activities, a comprehensive shovel testing strategy could not be implemented. A small part of the property located in the southwest and west central area of the parcel has not been impacted by the recent construction activities, but much of that area was flooded during the AHC fieldwork and could not be tested.

Only an area at and adjacent to site 8BD3163 was tested. The site area is vegetated primarily with exotic plant species such as Melaleuca and Brazilian Pepper with only a few clusters of the original hammock vegetation remaining (e.g. wild coffee, ferns, willow trees). The vegetated area has been severely impacted by past agricultural activities such as clearing and plowing. There are no structures, historic or modern, on the parcel.

A site search with the Florida Division of Historic Resources determined that only one previously recorded archaeological site (8BD3163) occurs on the parcel. The entire area of the project parcel was subjected to a pedestrian survey and a systematic grid of shovel tests was conducted on and around the immediate area of site 8BD3163. The site boundaries and general characteristics of site 8BD3163 were determined during this investigation.

Site 8BD3163, a prehistoric black earth midden, is regarded as being of local significance and is potentially eligible for listing on the National Register of Historic Places based on Criteria D, that the site may have cultural materials and data that could make a contribution to our scientific knowledge of the area. It is the consultant's opinion that the site should be preserved as a green space area. If preservation is not feasible for all or part of the parcel, then Phase II archaeological testing should be conducted.

Results and Recommendations

A Phase I archaeological assessment of the Pembroke Pines Parcel resulted in the determination that one previously recorded archaeological site, 8BD3163, exists within the subject parcel. This site was investigated to determine its condition and boundaries. The site measures approximately 45 meters long and 10 meters wide. A cleared and elevated area (60+/- cm), adjacent to the west-central property line and Interstate-75, marks the area of the archaeological site (Figures 8 and 9).

The majority of the property is cleared with only some clusters of exotic plant communities and native vegetation remaining, which represents the remnants of the large hammock that was one prominent on the property until the 1970s (Figure 6).

A total of 46 shovel tests was dug, primarily on a grid established across site 8BD3163 to delineate the site boundaries. The archaeological boundary points were placed at the first negative shovel test encountered after the last positive shovel test. A total of seven boundary points (ABP #1 - 7) were placed around the site. These boundary points were placed around the entire site and each point was marked with labeled pin flag and GPS coordinates were plotted by professional surveyors (Figure 10).

Low probability zones (LPZs) representing drained wetlands, were not tested due to the extensive clearing from construction activities, which did not allow for shovel testing. The few areas (except for the archaeological site area) where modern clearing did not take place, were covered with standing water, and those conditions did not allow for a shovel testing.

Shovel testing on site 8BD3163 revealed an undisturbed stratigraphy of black earth midden containing sparse to moderate amounts of faunal bone and pottery that occurred from 0-50 cm below the ground surface. Some of the midden's upper levels have been disturbed due to previous clearing episodes, however, it does appear that most of the lower levels are intact. Six shovel tests yielded prehistoric faunal bone and two sand tempered plain ceramic sherds. Surface observation of a dense scatter of prehistoric cultural material to the west, which was beyond the property boundary (within the Interstate-75 right-of-way), suggests that the majority of the site lies in this direction. Extensive faunal remains and some pottery were found on the surface, as a result of construction disturbances from a utility line excavation within the Interstate-75 right-of-way.

Approximately 1/3 of site 8BD3163 is located on the project parcel with most of the site existing in the Interstate-75 right-of-way and possibly under a portion of the road itself (Figure 11). This is apparent when vintage aerial photographs showing the site are overlaid onto modern aerial photographs of the parcel. Further evidence that supports this are the shovel tests conducted, increased density of surface cultural material and the rise in elevation westward towards Interstate-75.

It is the consultant's opinion that site 8BD3163 is of at least local significance, and is potentially eligible for listing on the National Register of Historic Places based on Criteria D,



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
 Secretary of State
 DIVISION OF HISTORICAL RESOURCES

Mr. Tony Waterhouse
 South Florida Water Management District
 P.O. Box 24680
 West Palm Beach, Florida 33416-4680

February 28, 2008

Re: DHR No.: 2007-9990/Received by DHR: December 27, 2007
 Application No.: 071217-11
 Applicant: Duke Realty L.P.
 Project: Pembroke Pointe
 Broward County

Dear Mr. Waterhouse:

Our office received and reviewed the referenced project in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places* (NTHP), or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

An archaeological site (8BD3163) which is potentially eligible for listing in the *National Register of Historic Places* is located within the project tract (see enclosed map). Because of the potential significance of this site, it is the opinion of our office that it be avoided during any ground disturbing construction activities and preserved in place. In the event that the site can not be avoided, we request that it be subject to Phase 2 archaeological investigation to further determine the significance of the site.

For any questions concerning our comments, please contact Alyssa McManus, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at ammcmanus@dos.state.fl.us. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and
 State Historic Preservation Officer

XC: Stephen F. Botek, P.E.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
 (850) 245-6300 • FAX: 245-6436

Archaeological Research
 (850) 245-6444 • FAX: 245-6452

Historic Preservation
 (850) 245-6333 • FAX: 245-6437

Historical Museums
 (850) 245-6400 • FAX: 245-6433

South Regional Office
 (561) 467-2115 • FAX: 467-2149

North Regional Office
 (850) 245-6445 • FAX: 245-6435

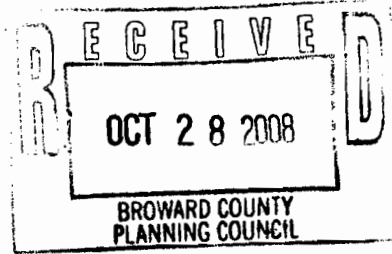
Central Regional Office
 (813) 272-3843 • FAX: 272-2340



PARKS AND RECREATION DIVISION

950 N.W. 38th Street • Oakland Park, FL 3330924
954-357-8100 • TTY 954-537-2844 • FAX 954-537-2849

Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Parks and Recreation Agencies (CAPRA)



MEMORANDUM

DATE: October 24, 2008

TO: Henry Sniezek, AICP,
Executive Director
Broward County Planning Council

THRU: Bob Harbin, Director
Parks and Recreation Division

FROM: John R. Fiore, Associate Planner
Parks and Recreation Division

SUBJECT: **Land Use Plan Amendment Comments,
January 22, 2009 Meeting**

The Broward County Parks and Recreation Division has reviewed the proposed amendment to the Broward County Land Use Plan scheduled for the Planning Council's first public hearing on January 22, 2009. Our comments are as follows:

- PC 09-1 No objections. However, regional park impact fees will be required at the time of platting, replatting, or a note on the face of the plat, to reflect the regional park impact fees to be paid for the residential units.
- PC 09-2 No objections.
- PC 09-3 No objections.

If you or your staff have any questions or need any additional information, please call me at 954-357-8133.

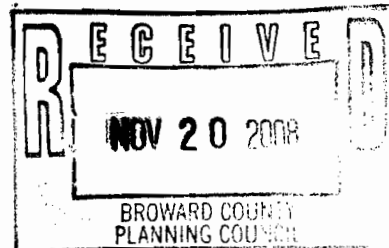
JRF/jrf

c. Beth Chavez, Director, Community Services Department

ATTACHMENT 9



Public Works and Transportation Department - Water and Wastewater Services
WATER MANAGEMENT DIVISION
2555 West Copans Road • Pompano Beach, Florida 33069 • 954-831-0751 • FAX 954-831-3285



MEMORANDUM

TO: Mr. Henry Sniezek, AICP
Executive Director Broward County Planning Council

FROM: Joe Heilman
Broward County Water Management Division

SUBJECT: LAND USE AMENDMENTS
PC 09-1, PC 09-2, PC 09-3

I have reviewed the information in the packages for the referenced LUAs. The drainage information in the packages is generally correct.

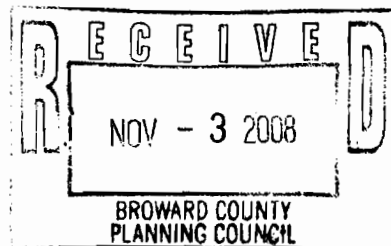
- PC 09-1: Broward County Development & Environmental Regulation Division does not provide drainage services (Exhibit 'J'). According to the information in the LUA the owner of the 94" culvert would be the service provider
- PC 09-2: No comment
- PC 09-3: No comment

Our office has no objection to these amendments. If you have any questions or concerns feel free to contact me at (954) 831-0764 or JHeilman@Broward.org

ATTACHMENT 10



SOUTH BROWARD DRAINAGE DISTRICT



October 30, 2008

Ms. Gretchen Flores
Broward County Planning Council
115 S. Andrews Ave. Room 307
Ft. Lauderdale, FL 33301

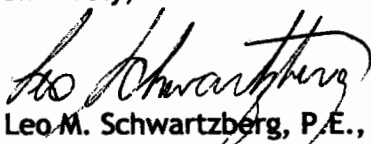
**Re: Duke South Land Use Plan Amendment
PC 09-2**

Dear Ms. Flores:

I have reviewed the above-referenced land use plan amendment . This site falls within SBDD Basin 3 and the drainage analysis for this site is acceptable.

If you have any questions, please call.

Sincerely,


Leo M. Schwartzberg, P.E., C.E.P.
District Director

LMS/pw

c: John Messerian, P.E., Calvin Giordano & Associates