

EXHIBIT 5

EXHIBIT L

Choose Mitigation, not Development

Turning the Univision Site into the Miramar Nature Reserve

Land Use Planning Amendment application 1502812



Prepared by
Save Miramar Wildlife
Earth Advisors, Inc.
9 May 2017

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Project: Environmental Assessment and recommended uses for the 117 acre parcel at corner of SW 37th Court and SW 172nd Ave (Univision site). Options for the property in lieu of developing it for residential housing are requested.

Recommendation: The Univision site has quality wetland soils and conditions to be used as a wetlands mitigation bank for development projects, allowing it to become a nature reserve that can: Increase property values for surrounding neighborhoods, meet green space and blue space goals for the City of Miramar, provide needed acreage in Broward County for development wetland mitigation, and provide outdoor education opportunities for Everglades High School and surrounding education institutions.

Overview: Earth Advisors has met with Save Miramar Wildlife and supports the opinion for restoring this 117 acre property to be a community green space instead of developing it. The location of this property across from schools and adjacent to existing neighborhoods that have voiced their support for preserving this property, gives it a location and community support for the City of Miramar to vote to deny this proposed land use plan amendment (LUPA.)

This 117 acre wetland area is located in a densely populated residential area and is across the street from two schools. Voting to designate it as a property for development wetlands mitigation, through purchase and management by the City of Miramar, it can become a valuable green asset to the City of Miramar and all South Florida. Keeping this property a green space will contribute to improving air quality, meet increasing demands for storm water management (and flood control) in this region, and provide urban green space for vegetation and wildlife. To many Miramar residents in surrounding neighborhoods, keeping this property green increases the aesthetic value of the hundreds of surrounding homes, businesses, churches, and schools.

The addendum of this report provides further research and information produced by Save Miramar Wildlife volunteers about the environmental benefits and values to be gained from preserving this property, and the threats to the environment being researched and reported that they want the City of Miramar to learn and include when permitting development projects. The environmental elements that are provided by green spaces consist of this area's contributions to air and water quality, wildlife habitat sustainability, and the aesthetic value this area adds to the local community.

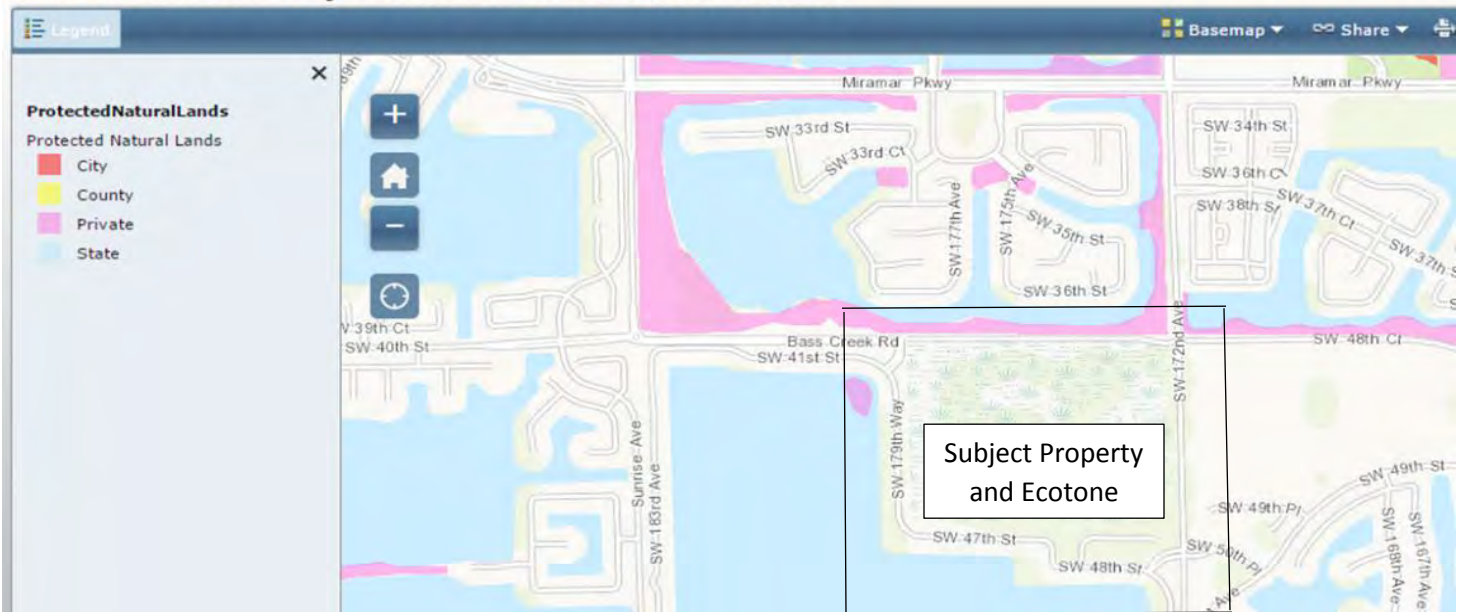
Earth Advisors encourages governmental agencies to partner with local businesses, private organizations, and local residents to pursue the alternative course of action to redirect Lennar's proposed development to East Miramar, and begin planning and implementing a wetlands mitigation program for this property- establishing this area as an officially proclaimed nature reserve.

Subject Property Environmental Characteristics: This property is classified as a forested wetland, with hydric soils and elevations that allow for flooded and/or ponded conditions to support wetland vegetation. These base conditions can be preserved, with removal of invasive vegetation and installation of overstory, understory, and groundcover native wetland plants, to provide wetland mitigation credits of restoration or creation. The opportunity exists to be a wetlands mitigation site for development projects needing these credits, since there are not current sites available in Broward County. The property can gain a WBI of 0.9 or greater based on being restored with native wetland plant species, surpassing the City of Miramar minimum WBI of 0.8 for properties to be considered for conservation and not development.

Broward County shows this property with current land use "Wetland Under Development/Mitigation". **Choosing this property for wetlands mitigation and not development is what the surrounding residents request of the City of Miramar.**



Broward County Protected Natural Lands



The Univision property has natural areas and water bodies around it as seen in the Broward County Protected Natural Lands screenshot above. Restoring the property to be a forested wetland, with an ecotone to transition into the surrounding wetland prairies and open water bodies, is what the local residents of Miramar want for this property. The City of Miramar can gain further community support and actions to develop the plan for this property to become a nature reserve. A successful example for this is seen in the 100 acre Green Cay Wetlands of Boynton Beach, Florida.



EXHIBIT M

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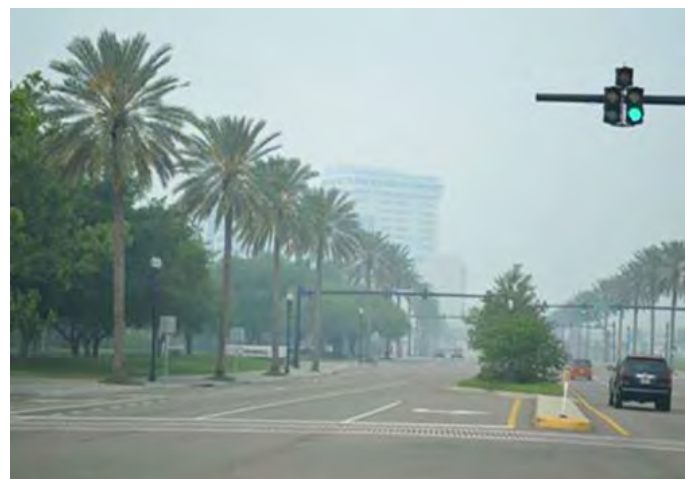
ADDENDUM: Environmental Issues and Concerns presented by the Miramar Citizens' Coalition

The following information and opinions are a follow up to environmental concerns shared by City of Miramar residents about this property and development activities in previous meetings. Community volunteers have spent many hours researching this information and reviewing the potential impacts for development of the property. They have also reviewed the Comprehensive Plan and plans for surrounding communities to inform city staff about current environmental issues that can affect the City of Miramar, such as climate change, sea level rise, water quality management, air quality management, and other issues.

Miramar's Wetland Forest's Preserves Air Quality

If left undisturbed, this 120 acres of dense forest will **remove 2,715,800 pounds** of harmful greenhouse gases from the air we breathe.¹

Conversely, the consequences of destroying this 120 acre wetland forest will immediately **release 29,000,000 pounds** of toxic greenhouse gases now stored in this forest's soil, root systems and flourishing foliage.² This forest is also teeming with beneficial Lichens that absorb heavy metals, carbon, sulfur and other man-made pollutants typically associated with South Florida's toxic vehicle emissions. Lichens also enable algae to **extract toxic carbon dioxide from the air** through photosynthesis and **transform it into oxygen**, which all life needs to survive.³



Contributions to Water Quality and Erosion Prevention

The thousands of trees and plants thriving in this 120 acre wetland forest helps purify our drinking water supply. Wetland forests substantially reduce the need for treatment for drinking water and thus radically reduce costs of supplying drinking water to all South Florida residents.⁴

Water Quality surrounding forests is significantly higher as they act as a natural sponge absorbing heavy rainfall, regulating soil erosion, and reducing sediment load.

Undisturbed wetland forests like the subject property with understory, leaf litter, and organically enriched soil is the best watershed land cover for minimizing erosion.

The subject property's wetland forest's watershed **offers higher-quality water** than any alternative land use.⁵



Forests are the best form of land use for sustaining water quality. Studies clearly show that the amount of forestland within a watershed is an indicator of water quality and healthy aquatic ecosystems. In urban areas, trees and forests are part of what is referred to as the community's "green infrastructure" and help reduce storm water runoff. In rural areas, forests protect

municipal water supplies, mitigate the impacts of flooding, replenish groundwater aquifers, and provide recreation and critical fish and wildlife habitat, as well as a variety of wood products.⁶

As Lennar's Site Photos clearly demonstrate, this lush forested area represents the ideal combination of water filtering trees, grasses, shrubs, and extensive root

systems that profoundly mitigate the flooding and erosion that would otherwise devastate the local community's interconnected networks of lakes and canals.

With an average annual rainfall of over 60 inches, this marshy, wetland forest serves as a sponge to absorb the millions of gallons of runoff that would otherwise inundate the city's stormwater evacuation systems. Moreover, Miramar Land Development Code mandates that stormwater evacuation systems contain the area's maximum 25-year, **3-day stormwater runoff of 16 inches**. Spread over this property's 120 acres equates to **52,140,000 gallons of water** (enough to fill Hard Rock Stadium.) Today, this rainfall is effectively absorbed by this marshy wetland forest. With a single day record of over 15 inches in a 2014 Florida tropical deluge, flooding is a serious threat to all residents.⁷

This 3-day rainfall is **double the amount of rain** associated with South Florida's 1992 Hurricane Andrew. This devastating storm generated 14 foot storm surges and caused a staggering \$26 Billion in damages to South Florida.⁸ If such a calamity were to happen today, without this forest to absorb such storm's cascading rainfall, the result deluge would cause life-threatening, and property-damaging flooding. Likewise, such storms would render our drinking water supply unsafe when combined with storm-surge and salt-water contamination. This wetland forest effectively serves as a barrier absorbing much of the impact of storms, and surge while protecting hundreds Miramar residents.



Lennar Ecological Evaluation Site Photo 7: **"Areas of high quality sawgrass marsh"**



Hurricane Wilma's meager 3 inches of rain resulted in serious flooding and caused millions of dollars in damage to South Florida homes and businesses.⁹



The City of Miramar is now challenged with maintaining the safety and quality of our drinking water supply. Without the protection afforded by this wetland forest, the situation will get worse.

This struggle to maintain safe drinking water for Miramar residents is evidenced by the alarming Utility Department's October 2015 letter to residents:

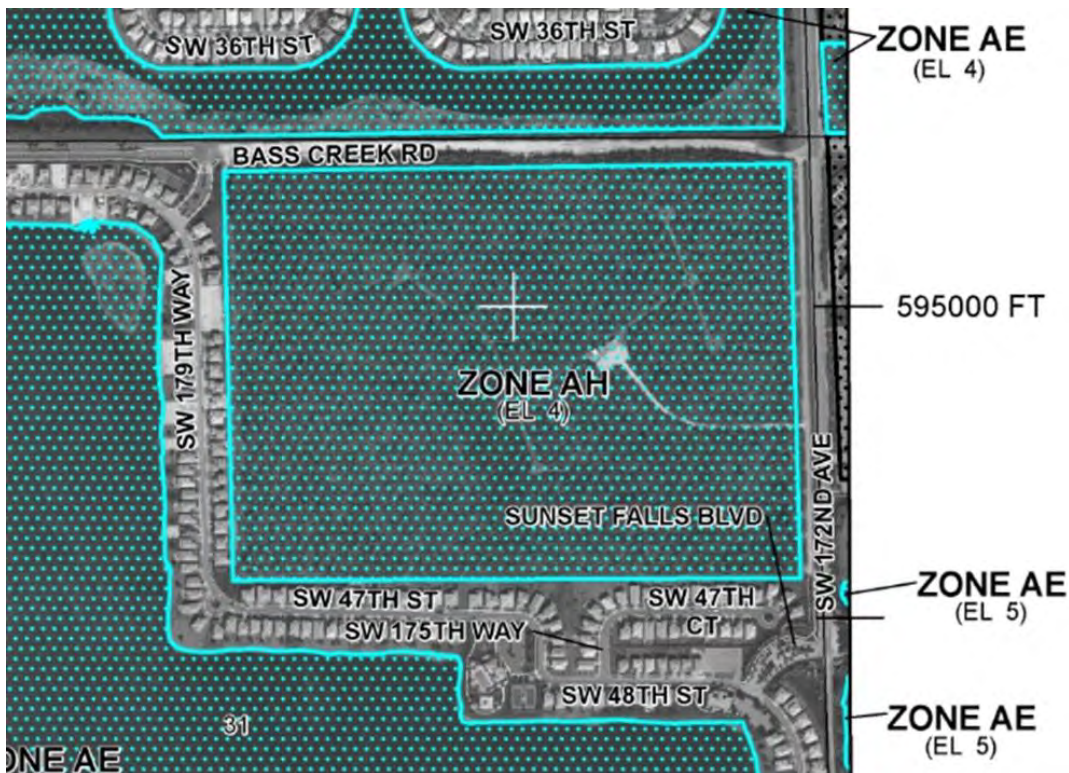
“As a preventative maintenance process to maintain water quality, the City of Miramar’s Water Treatment Plants will temporarily change the method of water chlorination. As a result, from October 7th to October 23rd, you may notice a different taste and/or odor in your tap water. Please be assured that the conditions are temporary and should not be harmful to your health; however, if you are on kidney dialysis, please consult your physician for special instructions. If you have tropical fish or other aquatic animals, contact your local tropical fish store to determine the proper treatment of the water before adding it to your fish tank.”¹⁰

Eliminating the City’s natural water purification system afforded by this 120 acre wetland forest would be extremely short-sighted, potentially dangerous, and not in the best interests of its residents. Particularly considering this area and its surrounding lakes are **located in potentially dangerous flood zones**.

Subject Property and Surrounding Areas Located in Designated Flood Zones

Contrary to the information Lennar provided City Planners in their application for the Land Use Plan Amendment, Miramar’s last remaining wetland forest is located in **“Special Flood Hazard Area” AH¹¹** indicating an **expected water level rise up to 3 feet above normal** in the event of a dangerous storm¹².

Broward County Flood Zone Map¹³

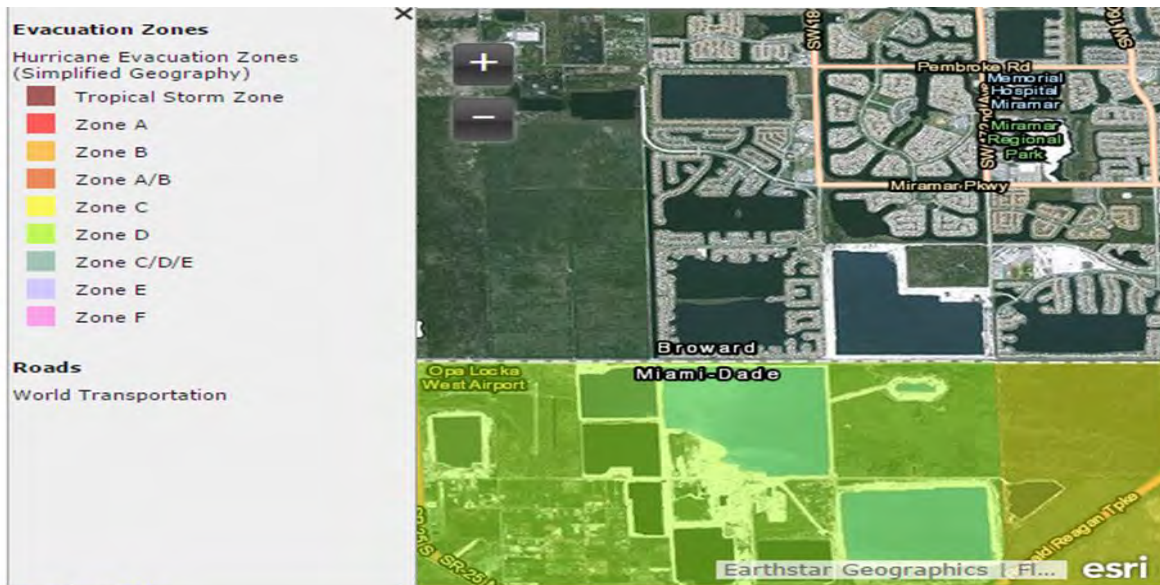


The lakes and canals surrounding this property (depicted in green) are the designated “Floodways” which now buffer, absorb, and transfer our annual over 60 ” of tropical rainfall to the neighboring waterways and into Everglades Buffer Zone located less than one mile from the surrounding area. Recognizing the importance of stormwater management and flood way protection, Florida Building Code 2014.5 dictates this floodway **“must be reserved in order to discharge the base flood.”¹⁴**

Additionally, Broward County depicts the area’s 4’ elevation above sea level based on the antiquated National Geodetic Vertical Datum of 1929 (NGVD 29) which was replaced by FEMA in 2007 with the more accurate North American Vertical Datum of 1988 (NAVD 88) for determining standardized publishing of flood elevations. Local government’s refusal to institute these more accurate standards represents a significant threat to all Broward

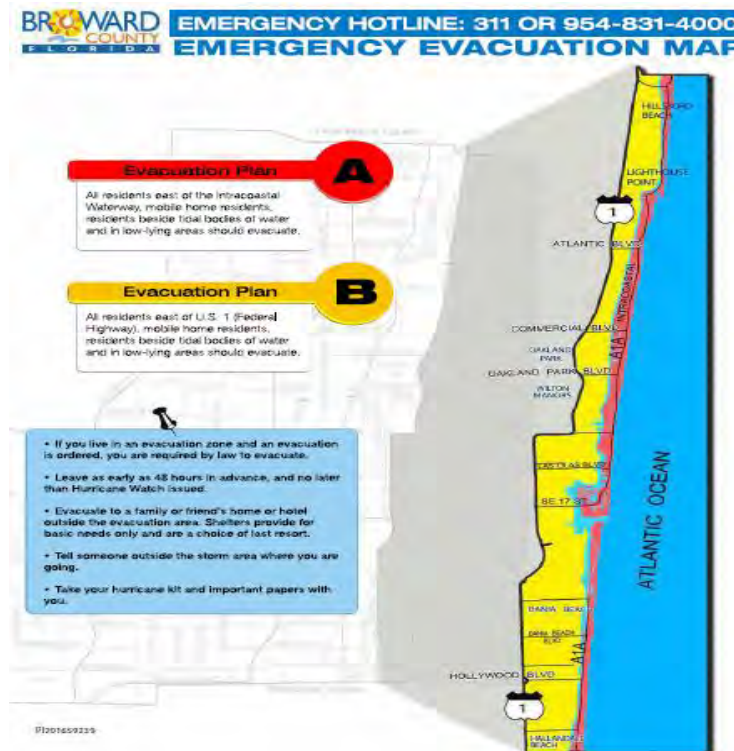
County residents. According to the 2007 US Geological Survey’s Control Station Report for Boca Raton Station 103, the actual **elevation difference is an alarming 1.5 feet lower, and more prone to dangerous flooding than previously determined** using the old NGVD 29 standard.¹⁵ The implications of such an oversight can be catastrophic in light of Broward County’s failure to recognize the threat of deadly hurricanes and storm surge. **Potential Storm Surge Devastation facing Miramar**

As the following Miami-Dade Evacuation zone map indicates, Miramar borders a Hurricane 3 level storm surge evacuation zone as depicted in yellow.¹⁶ Inexplicably, **Broward County has failed to recognize the life-threatening threat such storms poses to Miramar residents.** The Broward County Evacuation Map (below) depicts the absence of any evacuation areas west of US 1-- as if there exists an invisible wall that will prevent devastating storm surge.¹⁷



[View Larger Map](#)

Evacuation Route and Zone Maps



It should be remembered that in 2005, Hurricane Katrina's Category 3 winds estimated at 125 mph created a 28' storm surge wall, which smashed into the coastline at a speed of 20 mph.¹⁸ The devastating effects of the surge extended over 20 miles inland resulting in 1400 deaths, wreaking over \$75 Billion in damage, and years for the devastated areas to recover.¹⁹

Located only 10 miles from the coast, the threat of a similar disaster in Miramar is real when compounded with intense rainfalls like the 14 inches of torrential rain Hurricane Katrina dumped over southern Florida in 24 hours.²⁰

Miramar's 120 acre wetland forest serves as a valuable guardian and mitigating barrier to these life-threatening storm effects for thousands of Miramar residents. Destroying this valuable community asset and replacing it with an unnecessary and unwanted 385 single-family home development would be an irresponsible act that would expose local residents to dangerous and potentially life-threatening levels of toxic pollution.

Unlawful Toxic Pollution Lennar's Proposed Development will inflict on local schools and residents

The Florida Air and Water Pollution Control Act of 2012 (FS 403.021) defines Pollution as *"the presence in the outdoor atmosphere or waters of the state of **any substances, contaminants, noise, or manmade or human-induced impairment of air or waters...** which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property."*²¹

Florida Law further mandates, *"It is hereby declared that the prevention, abatement, and control of the pollution of the air and waters of this state are affected with a public interest, and the provisions of this act are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state."*²²

Noise Pollution will endanger local churches, schools, local residents and pets

Lennar's proposed 4-year construction project will subject local churches, Everglades High School and Dolphin Elementary School students, staff and over 2,500 local residents and their pets to dangerous levels of noise and dust that pose a significant health danger to this existing densely populated area.

Everglades High School is located less than 100 feet from Lennar Corporation's proposed construction site, which will take over four years to complete. The noise, dust, and debris from the destruction of this 120 acre forest generated by chain saws, chipping grinders, and other heavy equipment, will be immediately followed by four years of dangerous and health threatening construction noise and dust in direct violation of Florida's Air and Water Pollution Control Act.²³

Supporting Florida's Air and Water Pollution Control Act, the World Health Organization declares, *"**Noise is an underestimated threat that can cause a number of short and long-term psychological and physiological effects such as sleep disturbance, cardiovascular effects, poor work and school performance, and hearing impairment. Impairment of early childhood development and education caused by noise may have lifelong effects on academic achievement and health.**"*²⁴



The World Health Organization further warns that noise is a leading environmental problem, and recommends **schools and their surrounding communities maintain noise levels below 45 decibels.**²⁵ Clearly, Lennar’s proposed development locate next to local schools would create noise pollution that would impact our children’s health and learning environment, clearly in violation of Florida law.

With hundreds of fast-moving dump trucks and other heavy construction vehicles and workers exposing our children and local residents to unhealthy and unsafe noise levels, while generating hazardous, noise and dust-filled learning and living environments.

Noise Levels of Construction Equipment at 50 feet:²⁶



| | |
|---------------------|---------------|
| - Pile Driver: | 101 dB |
| - Rock drill: | 98 dB |
| - Paver: | 89 dB |
| - Jackhammer: | 88 dB |
| - Truck: | 88 dB |
| - Grader: | 85 dB |
| - Pneumatic Hammer: | 85 dB |
| - Bull dozer: | 85 dB |
| - Concrete Mixer: | 85 dB |

World Health Organization’s mandated outdoor noise level: **45 decibels.**

Life-threatening Construction Dust and Particle Matter Pollution generated by Lennar’s Proposed Development

An even more egregious violation of Florida’s Air and Water Pollution Control Act would be the resulting toxic dust and particle matter pollution this development would inflict upon Everglades High School students and the surrounding community. The EPA has labeled “dust generation” as air pollution, containing excessive fugitive dust and particulate matter (PM) emissions can significantly impact human health.²⁷ According to the Asthma and Allergy Foundation of America, **40% of all children, and 30% all adults** in the US already **suffer from a respiratory illness.**²⁸ Introducing an immense construction site into a densely populated area as proposed by Lennar will pose a life-threatening environment for thousands of Miramar students and local residents.



Fugitive dust particles generated by construction sites like Lennar's, are comprised mainly of soil minerals (i.e. oxides of silicon, aluminum, calcium, and iron), but can also consist of pollen, and plant spores released during deforestation.²⁹ Surrounding trees, vegetation, aquatic life, lakes and streams located near a massive construction site as proposed by Lennar will also suffer life-threatening effects. Chemical contamination carried by construction dust particles essentially suffocates plant leaves and surrounding vegetation, and prevents oxygen for diffusing into water resulting in similar suffocation in local aquatic life.³⁰



Particles can be so small that they pass through the nasal passage, travel to the deepest parts of the lungs, and cause damage. To compound the problem, toxic and cancer-causing chemicals can attach themselves to PM and can produce much more profound effects when inhaled. The tiniest of particles can even pass through the lungs into the bloodstream. People most at risk from breathing particulate pollution are children, the elderly, and people with respiratory or heart disease. Healthy people can be affected as well, especially outdoor exercisers. Fugitive dust and **particulate matter emissions have been linked to: Asthma, Emphysema, Chronic Obstructive Pulmonary Disease, Chronic Bronchitis, and Heart Disease.**³¹

Wind generation of dust particles can cause the erosion and contribute to the soiling and discoloration of personal property, requiring monetary costs for repeated cleanup activities. Constant fugitive dust soiling can lead to adverse effects on property values.³²

EPA published studies have estimated the amount of particulate emissions (dust) generated from construction sites like Lennar's proposed development.³³ These reports identified the amount of dust and particle matter generated by construction site area clearing, outside fill delivery and compaction, wind erosion, road creation, housing construction, and the particulate emissions generated by construction vehicles. Applied to this specific site, EPA estimates that clearing a 120 acre forest, introducing the 3.5 million cubic yards of fill required to elevate this 3' flood zone to the city code mandated 8' elevation (NAVD 88), create 2 miles of residential roads, and build 385 large, single-family homes over a 4-year period would generate over **50,500 tons of toxic dust and particulate matter pollutants** that would rain down on Miramar residents and our local schools over a four-year period. (Exhibit A)

120 acre wetland forest and Surrounding Ecotone's "Wetland Benefit Index" Calculation



With a Wetland Benefit Index (WBI) of .91 -- this area deserves preservation. (Exhibit B)³⁴

Miramar's Comprehensive Plan Conservation Element Policy 7.3 states:

"The City shall distribute land uses in a manner that avoids or minimizes to the greatest degree practicable, the effect and impact on wetlands... Wetlands with a WBI value greater than or equal to 0.8 ... all land uses except for conservation uses are incompatible."³⁵

This area's WBI is established according to Broward County Wetland Benefit Index, Procedures for Evaluating Wetland Benefit Index Criteria, which complies with Section 27-337 of the Aquatic and Wetland Resource Protection Ordinance, Standard Operating Procedure No. 008, October 25, 1995. In spite of the obvious benefits of removing toxic gases from the air we breathe, and purifying the water we drink, this outdated and anachronistic methodology and capricious Florida statute classifies this property's Melaleuca tree as an "invasive exotic." Ignoring the Melaleuca's over 450 commercial and medicinal uses it is commonly called the "Tea Tree."³⁶ Melaleuca oil is a natural, analgesic, antiseptic, and antioxidant with immune system stimulating benefits. Melaleuca oil is also commercially used as a natural, insecticidal, decongestant, anti-inflammation, antiviral, and digestive benefitting treatment for many common health issues.³⁷ Referred to as a, "medicine cabinet in a bottle," this property's Melaleuca wetland forest and its surrounding ecotone provides significant benefit to the surrounding community and its indigenous wildlife population.³⁸

Impact of 120 acre development's stormwater runoff and landscaping fertilizers leeching into local lakes

Nationwide, polluted runoff and storm water is considered to be the greatest threat to clean water.³⁹ Anything that enters a storm sewer system is discharged untreated into the water bodies we use for swimming, fishing and, in some cases, drinking water. Stormwater collection systems are connected to canals that flow either to larger regional lakes, rivers, wetlands or to the ocean significantly impacts on South Florida's water quality.⁴⁰

The loss of this forest's natural filtration to development will cause profound groundwater changes with developments such as Lennar's lead to greater increases in flooding during and immediately after South Florida's

typical afternoon tropical down-pours. Many native fish and other aquatic life cannot survive when these conditions prevail.⁴¹

Destroying this 120 acre wetland forest will forever eliminate this areas many benefits to the community, while replacing it with 385 homes and miles of roadways will expose local residents, lakes, and wildlife to life-threatening consequences. The danger posed by this development's stormwater runoff, and landscaping fertilizer leeching will predictably result in the poisoning of this area's surrounding lakes, and now plentiful wildlife.⁴²



Urban stormwater runoff (or "non-point source pollution") washes chemicals (oil, gasoline, salts, etc.) and litter from surfaces such as roadways and parking lots into streams, wetlands, rivers and oceans. The more impervious the surface (e.g., concrete, asphalt, rooftops), the more quickly pollutants are washed into our community waterways. Drinking water, aquatic life and the health of our entire ecosystem can be adversely effected by this process.⁴³

Currently, the dense natural landscape of this wetland forest's trees and underbrush acts as mini-reservoirs, controlling runoff at the source. In light of Miramar's over 60 inches of annual rainfall, the existing natural landscape reduces the millions on gallons of polluted runoff that would otherwise flood the surrounding area by⁴⁴

- Intercepting and holding rain on leaves, branches and bark
- Increasing infiltration and storage of rainwater through the tree's root system
- Reducing soil erosion by slowing rainfall before it strikes the soil

The porous and varied terrain of natural landscapes like this wetland forest and its grasslands traps rainwater and allows it to filter slowly into the ground. In contrast, impervious (nonporous) surfaces like roads, parking lots and rooftops prevent rain from infiltrating into the ground. Most of the rainfall remains above the surface, where it runs off rapidly in unnaturally large amounts. This 385 home development and miles of paved streets and parking lots will contain a single storm sewer system that will concentrate runoff through smooth, straight conduits. This runoff gathers speed and erosional power as it travels underground. When this runoff leaves the storm drains and empties into the adjoining lake, its excessive volume and power will blast out the shoreline, damaging vegetation and wiping out aquatic habitat. These increased storm flows carry sediment loads from construction sites and other denuded surfaces and eroded shorelines.⁴⁵

Non-point source stormwater pollution such caused by this proposed development will increase the pollutants carried into nearby lakes, which feed into the Everglades and our drinking water supply. The pollutants include:⁴⁶

- Oil, grease and toxic chemicals from vehicles
- Trash and litter carelessly thrown onto streets
- Pesticides and nutrients from lawns and gardens
- Heavy metals from roof shingles, motor vehicles and other sources
- Viruses, bacteria and nutrients from pet waste and failing sewer systems
- Thermal pollution from dark impervious surfaces such as streets and rooftops
- Sediment



This development's stormwater runoff not only transports these pollutants into our surrounding lakes, but also carry higher water temperatures from streets, roof tops and parking lots, which can prove deadly to aquatic life, wildlife populations, kill native vegetation, and foul our drinking water supply.⁴⁷

This planned 385 home development and miles of neighborhood roads now plans to channel these millions of gallons of polluted runoff into a single culvert severely which will result in eroding neighboring protected natural lands and area residents' lakeside properties. This unabated runoff will deposit toxic effluent into the neighboring lakes that feed into the Everglades.⁴⁸ In addition, this proposed development will continually dump dangerous fertilizer compounds like nitrous oxide and phosphates that will further add to the pollution of Miramar's and water supply with catastrophic consequences.

Impact of 120 acre development's fertilizers, herbicides and pesticides polluting our groundwater and local lakes

Nutrient pollution is one of America's most widespread, costly, and challenging environmental problems. Nutrient pollution in ground water can be harmful, even at low levels as fertilizers produce nitrous oxide when absorbed into soil. Nitrous oxide is 300 times more dangerous than carbon dioxide, with infants and young children particularly vulnerable to nitrogen-based nitrates in drinking water.⁴⁹ Lawn fertilizers containing pesticides, herbicides, dissolved salts and nutrients are a major source of pollutants in South Florida area waterways, especially considering our heavy tropical summer downpours that wash these toxic sediments into our water supply.⁵⁰



Too much nitrogen and phosphorus in the water causes algae to grow faster than the ecosystem can handle. Significant increases in algae harm water quality, food resources and habitats, and decrease the oxygen that fish and other aquatic life need to survive.⁵¹

The combination of Miramar's interconnected lakes warm temperatures, almost stagnant water flow, and residential over-use of yard chemicals makes this area especially perceptible to the growth of harmful algae blooms. Algae blooms cover surface water with a thick green slime that eliminates oxygen in the water, suffocate and eventually kill aquatic and land wildlife that depend on a healthy oxygen-rich ecosystem. Algae blooms are also harmful to humans, pets, and plants due to its extreme toxin contents and bacterial growth that contaminates plant life, lakes and ground water supplies. When this algae and other organisms die and decompose, they generate a harmful and unpleasant odor that permeate the air over vast distances.⁵²

Miramar's lakes, canals, and our entire water supply is at risk of contamination because of its shallow depth, high soil porosity, and location in densely a populated area. Recent consensus has been reached among Federal and State agencies that the south Florida ecosystem, and the Everglades in particular, should be protected in order to protect our drinking water supply.⁵³ **Allowing Lennar to replace Miramar's last remaining 120 acre wetland forest with 385 single-family homes ignores the serious health and safety risks this development will inflict upon local residents and our drinking water supply.**



Slimy Toxic algae cyanobacteria blooms pollute the St. Lucie River.⁵⁴ It's happened before- it can happen again.

Other South Florida community planners and decision-makers have made the catastrophic mistake of ignoring the serious threats posed by over-development, as now facing the City of Miramar. As recently as last summer, over-development resulted in excessive deposits of phosphates and nitrogen to pour into nearby lake, canals, and rivers causing massive toxic cyanobacteria algae plumes. Described by local residents as "Smells definitely like a toilet"; It's like "dead, rotten fish." ⁵⁵ Residents also blamed the algae for headaches, respiratory issues and even rashes. This avoidable disaster prompted Governor Scott to **declare a state of emergency** in Martin, St. Lucie, Palm Beach, and Lee Counties.⁵⁶ If only local decision-makers (Development Review Committees, Planning and Zoning Boards, and City Commissioners) understood the risks and consequences of their fateful decision to destroy existing natural lands, like Miramar's 120 acre wetland forest, and replace them with developments like Lennar is proposing, **such a disaster and the many pending lawsuits against local governments -- all could have been avoided.**

Miramar's Reliance on Under-funded and over-burdened Governmental Agencies

Government agencies at all levels are facing severe budgetary constraints, and being tasked to do more- with less. The City of Miramar shares this challenge requiring inter-agency support to perform many necessary municipal functions.⁵⁷ City Planners acknowledge they lack the resources and expertise to perform critical tasks, as reflected in the lack of scrutiny given to ensuring the completeness and verifying the accuracy of Lennar's LUPA application responses⁵⁸.

Regrettably, the city decision-makers of these now disaster-stricken areas, faced with the same budgetary and resource constraints, blindly delegated their entrusted responsibility to protect residents to under-staffed and over-burdened county, state, and federal agencies to "make the right decision." This abrogation of authority and responsibility resulted in the governor declaring a state of emergency. **The City of Miramar is now at the same cross-road.**

Government agencies simply lack the planning and monitoring resources needed to protect its citizens and perform their mandated responsibilities. In Broward County, the Environmental Protection and Growth Management Department responsible for preventing similar disasters in their jurisdiction confessed in its 2012 Environmental Benchmarks Report":

"Since 2009, monitoring data for many of the (environmental) benchmarks was unavailable, reflecting economic pressures on government to reduce staff and cut costs."⁵⁹



Likewise, this report identifies that **Broward County has no algae bloom monitoring** due to funding and contract issues with Nova Southeastern University who performs these and other important services.⁶⁰ Sadly, this important Broward County report has not been published or made available in over 5 years, which is likely attributed to budget and staffing cutbacks. Coupled with their failure to update the Broward County Hurricane Evacuation and Disaster Preparedness Plans to reflect the increased threat of sea level rise and storm surge, Broward County is not equipped to determine the true impact and impending disastrous consequences this proposed development will have on the residents of Miramar.

Prima facie evidence suggests the disaster-stricken cities and counties along the St Lucie river assumed the risks associated with over-development by relying on proven past paradigms of “crossing their fingers-hope for the best” by approving proposed developments such as Lennar’s.⁶¹ Motivated by the hope that the additional tax-revenue generated from these new developments would provide the much needed funding to support the growing needs of their communities and governments, this short-sighted and miscalculated assessment reflects the disastrous consequences of this misguided mandate to “Grow at All Costs.” What these cities and decision-makers failed to recognize is that their tax revenues and community’s property values could have significantly grow organically by efforts to preserve, rather than develop, their natural open space.⁶² **A valuable lesson to be heeded by Miramar decision-makers.**

Land Value Increase in properties located near Nature Preserves and open areas

The Office of Legislative Research (ORL) recently released a report determining the impact of preserving open space on property values. According to the Impact report, the economic contributions of public park land and open space are twofold:⁶³

1. They often increase nearby property values (resulting in more property tax revenue)
2. They avoid the costs associated with providing municipal services to residential developments that might otherwise be located on the site.

The ORL report further notes that homebuyers are generally willing to pay more for property located close to parks and open space stating the real estate industry found that 77.7% of home buyers rated natural open space as either “essential” or “very important.”⁶⁴ In one such instance, **home values increased over 32%** when located next to a natural preserved greenbelt, similar to the area now under consideration by City of Miramar decision-makers.⁶⁵ Sadly, last summer’s toxic algae cyanobacteria blooms that enveloped the St. Lucie River could have been avoided. This catastrophic disaster and the declaration of a state of emergency with pending legal action serves as a harbinger for Miramar’s decision-makers, who now find themselves in the same situation. The compounding failures of local governments’ failure to protect the public interest and safety by failing to comply with state statutes and their own Comprehensive Plans, could have averted this disaster—and avoid such future catastrophes. Miramar decision-makers must consider Lennar’s application as contrary to the criteria listed in Florida statute 373.414 and **must be denied.**

Florida Statute: 373.414 “Additional criteria for activities in surface waters and wetlands”

(1) As part of an applicant’s (*Lennar*) **demonstration that an activity regulated under this part..., is not contrary to the public interest.**

(a)... **the governing board or the department shall consider and balance the following criteria:**

1. Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
2. Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

3. Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
5. Whether the activity will be of a temporary or permanent nature;
6. Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of s. 267.061; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity.

Local Miramar residents and the nearly 10,000 signators of the petition to stop this proposed development, have clearly expressed this proposed development is contrary to their public interest reflecting their lost all faith in bureaucratic governmental agencies to protect them from future tragedy as befell the residents impacted by the St Lucie River disaster.⁶⁶ The recent performance failures of these “trusted” agencies in their failure to anticipate the disastrous consequences of developments like Lennar’s, exemplifies the critical importance of the City of Miramar’s Planning and Zoning Board to not add to the workload of over-burdened agencies by wasting their scarce remaining resources, and our tax-payer dollars **by denying the proposed Land Use Plan Amendment application #1502812 now!**



Recommendations

1. Deny Lennar’s proposed Land Use Plan Amendment application #1502812, and do not transmit for further consideration.
2. City of Miramar’s Planning and Zoning Board, and duly elected Commissioners place the health, safety, and quality of life of the City’s residents ahead of its quest for growth and increased tax revenue in all future planning initiatives.
3. Preserve this vital community asset for future generations by administratively recognizing this area as a “protected area of special interest.” Absent efforts for the donation of this non-commercially viable property from current owners, secure state and federal funding now available for establishing the “Miramar Nature Preserve.”
4. Transform the campaign promises Miramar Commissioners, and the goals set forth in their Comprehensive Plan by encourage Lennar to use their estimated \$20M allocated to acquire this 120 acre wetland forest property, and locate their proposed development into East Miramar. Collaborate with County, State, and Federal elected officials and agencies to propose an attractive offer of tax incentives and set-asides that will entice Lennar to build in East Miramar.

5. Collaborate with County, State, and Federal elected officials and agencies to update and modify Miramar's hurricane evacuation plans and routes, with reference to NAVD -88 sea level heights for all future codes, ordinances, and planning regulations.

Exhibit A:

Toxic Dust (PM) generated by Destruction and debris removal of Existing 120 Acre wetland Forest over 48 months⁶⁷



PM emissions were estimated using calculations generated using EPA derived formulas. PM emissions from demolition, site preparation, and general construction, truck transport of debris, delivery and dumping of fill, bulldozing, compacting, and indirect emissions from transport and construction vehicles were determined for the estimated 4-year period.

Assumptions:

- 50% of PM generation reduced by constant watering and other industry standard dust mitigating techniques
- 120 acres of average 50' tall trees and underbrush must be cleared
- Root systems averaging 10' below surface to be removed
- Total trees, roots and underbrush to be cleared = 20 vertical foliage yards
- Chipping and compacting ratio (C²R): 20 to 1
- 580,800 yd³ of debris to be removed
 - 120 acres= 580,800yds² x 20 VFY ÷ 20 (C²R)
- Dump truck capacity of 10 yd³ = 58,080 truckloads for debris removal
- 3.5 million yds. of fill required to elevate property to code
- Total Site Traffic volume of 2,157 trips/day
- PM/1000 gal diesel fuel (equipment)
 - Heavy Construction — 0.42 tons/acre/mo.
 - Other Construction — 0.265 tons/acre/mo.

EPA estimated PM generation from debris removal (includes mitigation) over 12 months

- Particulate emissions for deforestation and chipping: 1.2 tons/acre per month: 1,728 tons
- Wind erosion: .4472 tons per acre per year (pg. 4-15): 53.7 tons
- Vehicle emissions: 6048 tons
- 58,080 Vehicle Track-Out PM generation: 0.0309 ton/day: 11.3 tons

Total Emissions: 7410 tons

EPA estimated PM generation from **site preparation** over 48 months

- 3.5 million yds. of fill required to elevate property to code
 - Dump truck capacity of 10 yd³:
 - .0309 ton/day Track-In PM generation generated by 350,000 truckloads : 60.1 tons
 - Wind erosion: .4472 tons per acre per year 214.7 tons
 - Vehicle Emissions including bulldozing, compaction and grading: 36288 tons

Total Emissions: 36,563 tons

EPA estimated PM generation from **roadway development** over 48 months

- .42 tons PM per acre/month: **Total Emissions: 2419 tons**

EPA estimated PM generation from **home site construction** 385 homes on 120 acres over 48 months

- Construction site PM: .032 tons per acre/month: 184.3 tons
- Site Traffic volume of **2,157 trips/day**
 - Heavy Construction equipment — 0.42 tons/acre/mo. 2419.2 tons
 - Other Construction — 0.265 tons/acre/mo. 1526.4 tons

Total Emissions: 4130 tons

TOTAL PM/ DUST EMISSIONS OVER 48 MONTHS: 50,522 tons

Any proposed development of this densely populated area with two nearby schools would expose thousands of residents and our children to the direct toxic effects of dangerous particle matter and dust emissions in direct violation of the City of Miramar’s Comprehensive Plan’s MANDATE TO PROTECT RESIDENTS’ HEALTH, SAFETY, and AND QUALITY OF LIFE.

Exhibit B- Potential WBI based on restoration of site

WETLAND BENEFIT INDEX WORKSHEET

Points possible
EAI Scientific Points Assessment

1 Fish and Wildlife Value/Diversity (Select as many as apply)
Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|---|---|---|
| Fish or shellfish | 1 | 1 |
| Waterfowl or wading birds | 1 | 1 |
| Furbearer | 1 | 1 |
| Amphibians, aquatic macroinvertebrates & reptiles | 1 | 1 |
| Endangered or threatened fauna | 2 | 2 |

2 Hydrophyte Dominance
Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|-------------|---|---|
| > 80 % | 3 | 3 |
| > 65% < 80% | 2 | |
| > 51% < 65% | 1 | |

3 Intactness of wetland community (IAW 62-340.300(2)(d) "D" Test)
Apply to Freshwater, Saltwater, brackish and VOLUNTARILY created mitigation)

| | | |
|-----------------------------|---|---|
| Unaltered | 5 | |
| Altered Hydrology A. Slight | 4 | 4 |
| B. Moderate | 3 | |
| C. Extreme | 2 | |

4 Connectedness surface water hydrology (Select one category)
Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|--|---|---|
| Major connection (Flowing water or floodplain) | 5 | 5 |
| Minor connection (runoff collection point, etc.) | 3 | |
| Isolated from surface water system | 2 | |

5 Connectedness , location in Ecotone landscape (Select one category)
Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|--|---|---|
| Located within or directly contiguous to a significant natural area over greater than 25% of the parcel boundary. | 5 | 5 |
| Located directly adjacent to a significant natural area by less than 25% of the parcel boundary | 3 | |
| Located within 3000 feet of a significant natural area and separated by suitable natural lands, or forming a direct corridor with or between other | | |

| | | |
|--|---|--|
| significant natural lands | 2 | |
| Located more than 3000 feet from a significant natural area and separated by unsuitable lands, or developed areas only | 1 | |

6 Hydroperiod

Apply to Freshwater systems

| | | |
|--|---|---|
| > 5 months inundated or saturated | 3 | 3 |
| > 3 months < 5 months inundated or saturated | 2 | |
| < 3 month inundated or saturated | 1 | |

7 Soils

Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|--|---|---|
| Organic soil classified hydric soil, or required replacement soil in mitigation areas > / = 12" or any thickness over bedrock or caprock | 5 | 5 |
| Organic soil classified hydric soil, or required replacement soil in mitigation areas > / = 6" - 12" | 4 | |
| Soil classified as hydric soil, or required replacement soil in mitigation areas > / = 1 < 6" | 3 | |
| Organic soil classified hydric soil, or required replacement soil in mitigation area < / = 1" | 2 | |

8 Native, Non-exotic or mitigation plant cover

Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|-------------|---|---|
| > 95% | 4 | |
| > 75% < 95% | 3 | |
| > 25% < 75% | 2 | |
| > 10% < 25% | 1 | 1 |
| > 10% | 0 | |

9 Habitat Diversity

Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|----------------------------------|---|---|
| > 3 communities embedded in site | 5 | 5 |
| 2 or 3 communities | 3 | |
| One community, mosaic | 2 | |
| One community, monoculture | 1 | |

10 Habitat Diversity within 1000 feet

Apply to Freshwater, Saltwater, brackish and mitigation systems)

| | | |
|---------------------------------------|---|---|
| > 3 alternative habitats available | 3 | 3 |
| 2 or 3 alternative habitats available | 2 | |
| One alternative habitat | 1 | |

highest point score possible = **44**

40

WBI = 0.91

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EXHIBIT N

28 September 2017

Subject: Miramar Citizens' Coalition Corrections to Broward County Planning Council Planning Agency comments regarding Broward County Land Use Plan Amendment PC 18-2

Thank you for providing Dr. Hossein Tavana, a member of the Miramar Citizens' Coalition, with your staff's preliminary comments to Broward County Land Use Plan Amendment PC 18-2, in the City of Miramar.

While many of us are still coping with the effects of Hurricane Irma, we have reviewed this document, and as concerned citizens of Broward County would like the responsible agencies to correct the errors in the Broward County Planning Council's report identified herein. Likewise, many agency responses and comments were vague and require more detailed explanation and clarification.

Evidently, the City of Miramar has failed to present you with our group's reports, findings, and recommendations that were formally submitted for the record and were to be transferred to all reviewing agencies. This critical information developed by our group and Earth Advisor's Inc, is encapsulated in the attached report. Along with our presentation given to the Miramar Planning and Zoning Board, and also officially submitted for the record, clearly demonstrates this proposed Land Use Plan Amendment violates Broward County's and the City of Miramar's Comprehensive Plans, while running contrary to the "Broward Next" plan.

Report Errors:

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT (EP&GMD COMMENTS PC 18-2
Page 2

1. **"increase by 337 PM peak hour trips per day"**
 - A. **Incorrectly assumes 48 homes generating traffic exist today**
2. **"No existing or potential odor or noise concerns. Incorrectly determined to have only a moderate impact on air quality."**
 - A. **Fails to consider the 4-years of dump truck and construction traffic transiting local roads to deliver the estimated 4 million yd³ of fill needed to raise 120 acres 5 feet required to comply with State Code. (estimated at 1000 trips per day of heavy diesel trucks)**
 - B. **Will generate over 50,000 tons of toxic dust and particulate matter**
(Source: Earth Advisors, Inc commissioned report and addendum presented to City of Miramar for inclusion into the official record.)
 - C. **Violates Broward County Comprehensive Plan Objective 13.2. To reduce greenhouse gas emissions and protect and improve the air quality throughout Broward County to meet the National Ambient Air Quality Standards (NAAQS) contained in the Clean Air Act**
 - D. **Dangerous speeding trucks passing Everglades High School and Dolphin Elementary School located adjacent to subject property does not promote the use of bikeways and pedestrian traffic as recommended by the Air Quality Program. Approving this amendment is tantamount to **Reckless Endangerment** of our children who walk and bike along these already busy streets.**

Page 3

3. **"no known Hazardous Material facilities located on the property"**
 - a. **Facility number 15433 is a FEMA hazmat storage site located on property (17500 SW 41st St, Miramar, FL. 33029)**

Page 3

4. **"Specially Designated Areas do not exist within the boundaries of the proposed amendment site."**
 - A. **In discussions with Mr. Ryan Goldman at Broward County Wetlands, the Broward Prop App Folio #514031010010 shows the GIS overlay info to be majority wetlands designated as ESL (Environmental Sensitive Lands) by Broward County. ESL includes native trees as well as wetlands.**
 - i. **Applicant must show wetlands impacts were either "avoided or minimized" before getting approval from Broward County. This has not be accomplished.**
 - B. **Earth Advisors Inc's commissioned study and addendum report established this area's ecotone as High Quality wetlands with a **Wetland Benefit Index (WBI) of .91.****

- i. Broward County Comprehensive Plan Conservation Element mandates that **any area with a WBI greater than .80 is not appropriate for development.**
- C. Policy 13.11.5. *Broward County shall distribute land uses in a manner that avoids or minimizes, to the greatest degree practicable, the effect and impact on wetlands. Those land uses identified in Table 13-A as being incompatible with the protection and conservation of wetlands and wetland functions shall be directed away from wetlands.*

**TABLE 13-A
Compatibility of Land Uses
Relative to the Wetland Benefit Index**

| WETLAND BENEFIT INDEX | LAND USE COMPATIBILITY |
|---|--|
| Wetlands with a Wetland Benefit Index (WBI) value greater than or equal to 0.80 | There is a rebuttable presumption that all land uses, except for conservation uses, are incompatible. |
| Wetlands with a WBI value less than 0.80 | All land uses are compatible, provided that the wetland impact compensation requirements of Chapter 27, Article XI, are satisfied. |

SOURCE: Broward County Code of Ordinances, Chapter 27, Article XI, Aquatic and Wetland Resource Protection

- D. Goal 13.0. *Conserve, and protect the beneficial use of the natural resources of Broward County and the County's use of resources so as to provide and maintain a level of environmental quality that protects and promotes the public health and safety, and sustains environmental quality and energy conservation*
- E. ***Upland Resources: If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources***

F. Wetland Review (page 7)

Describe the characteristics and quality of wetlands present on subject property. Unknown at this time. A wetland delineation site inspection would be required.

See Earth Advisors, Inc WBI report (**Ecotone is "High Quality with WBI of .91."**)

- h. ***Para 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?*** No

1. Article XI, Chapter 27 of the Broward County Code of Ordinances:
(Ord. No. 90-49, § 1(27-11.01), 12-18-90; Ord. No. 93-49, § 1, 11-23-93)

§ 27-331. Declaration of intent

The board desires to avoid water pollution and the resultant environmental degradation by protecting the Everglades wetlands and waters of Broward County (county) because of their value to the maintenance of the quality of life, public drinking water supply, flood storage, groundwater recharge and discharge, recreation, propagation of fish and wildlife, and the public health, safety and welfare, and hereby declares that:

- (1) ***It is the purpose and intent of this article to maintain the functions and values provided by aquatic and wetland resources so that there will be no overall net loss in the functions and values and to strive for a net resource gain in aquatic and wetland resources over present conditions.***
- (2) *The alteration of existing regulated aquatic or jurisdictional wetland areas may have an adverse environmental impact on the waters of Broward County and on the ecological functional values provided by those areas which causes adverse impacts to the people and biota of Broward County.*

wetland alteration activities in the waters or wetland resources of Broward County may by themselves have a minor impact, the cumulative effect of several otherwise unrelated changes can result in a major impairment of aquatic or wetland resources.

This adverse impact must be regulated by avoidance as the first priority, minimized as a second priority, or mitigated as a third priority.

THIS ASSESSMENT SHOULD BE PERFORMED BEFORE THE APPLICATION IS APPROVED!

Page 3 Report Comments Continued:

- 5. The project site is **not included in the Protected Natural Lands Inventory and not adjacent to a site in the inventory. INCORRECT**



Page 3

- 6. The proposed land use designation is **not expected to have an impact on marine or riverine resources**
 - **4 years of toxic dust (+50,000 tons) and stormwater silt runoff into Miramar's network of connected lake**
 - **385 homes pouring pollutants into the narrow lake north of the property**
 - **Phosphates, fertilizers, herbicides, and pesticides will create ideal conditions for cyanobacteria algae blooms like St Lucie River.**

Page 4

7. The County also strongly discourages those amendments which would place additional residential and non-residential development **at risk of flooding from sea level rise.**

8. The proposed amendment site is located within the Federal Emergency Management Agency (FEMA) **flood insurance zone AH with NAVD 88 elevation of 4.**

2010 NGVD 29 maps also show 4' elevations. Before NAVD 88 Standard implementation. If this is incorrect, actual elevation could be 2.5 feet elevation and a very serious flood hazard-- MUST CONFIRM

9. The Priority Planning Areas for Sea Level Rise Map **(IS OUT OF DATE-SEE MIAMI-DADE Storm Surge Evac Map Earth Advisors Report Addendum, page 5)** identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2060. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities. **MUST BE ACCOMPLISHED BEFORE BROWARD COUNTY APPROVAL.**

10. **Surface Water Management:** compliance with the criteria established for the District and Broward County should result in reducing the potential danger from flooding and maintaining the quality of surface waters.

COMPLIANCE NOT PERFORMED. APPROVAL SHOULD NOT BE GRANTED UNTIL COMPLIANCE IS ASSURED!

Page 5

11. **Water recharge:** The proposed land use designation would involve a minor percentage of impervious area. **The change in recharge capacity resulting from development under the proposed designation would be minor.**

- a. (Page 9) A typical value for an impervious area produced by this type of development is approximately 25 percent.
- b. Page 10 under “recharge” states it is 20% (Which is it? ANSWER: both are INCORRECT!)

THIS AREA’S ECOTONE IS NOT TYPICAL! THIS ENTIRE AREA IS NOW 100% WETLAND FOREST (0% IMPERVIOUS) TO BE REPLACED WITH CONCRETE SLAB HOMES, SIDEWALKS, AND MILES OF ROADS WHICH ARE 100% IMPERVIOUS!
Meaning: Serious Flooding from storm water runoff and Toxic Cynobacteria Algae Blooms

12. **NatureScape Program** – [CP Policies 4.4.8, 13.3.5, 13.3.7, 19.4.11; BCLUP A.02.01] – NatureScape is about creating (and preserving) Florida-friendly landscapes that conserve water, protect water quality, and create (preserve) wildlife habitat. **So why destroy it and replace it with unwanted development?**

13. (page 13) Item 7 – Analysis of Historic Resources
There are **no previously recorded** archaeological or **historical resources** within or adjacent to the subject property. 1. The subject property is located within City of Miramar outside jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). The property owner/agent is advised to contact the municipality to seek project review for compliance with municipal historic preservation regulations.
REFERENCING A SUBJECTIVE BROWARD COUNTY HISTORIC RESOURCE DOCUMENT IS INSUFFICIENT REVIEW.
The City of Miramar does not feel that broadcasting Radio Marti to millions of freedom loving Cubans for 30 years is historically significant. Thousands of South Florida Cuban exiles would strongly disagree!

Affordable Housing.

14. (page 14) The application does not include a professional study and/or report which compares the existing supply of affordable housing units with the projected needs. Before a determination on consistency with Policy 2.16.2 can be made, County staff respectfully requests the following provisions of the BCLUP’s, Administrative Rules Document, Article 10.4 be addressed (before approval.)

- a. **Miramar’s Comprehensive Plan identifies developing East Miramar as a priority. There is plenty of area (non-wetland) in East Miramar where “affordable housing” to be development by Lennar could be located. Do not allow this development be inserted in the midst of an already dangerously over-developed area.**
15. (page 15) **Item 10 - Hurricane Evacuation Analysis**
The amendment site is not located in a Hurricane Evacuation Zone based on the Broward County Land Use Plan’s “Natural Resource Map Series Eastern Broward County: Hurricane Evacuation Zones”.
- a. *The nearest local government is Unincorporated Miami-Dade County*
See Earth Advisor’s Report. Miami Dade County shows a Cat 3 Evac Zone. Nothing from Broward County
 - b. *The proposed amendment site is well-served by pedestrian and bicycle facilities. Bike lanes and sidewalks are provided on both sides of SW 172nd Avenue. NOT TRUE.*
16. (page 16) **BCT recommends:** *that any proposed development on the amendment site is designed to provide safe movement for pedestrians and bicycles including connectivity to the existing sidewalk/bicycle network and bus stops adjacent to the amendment site.*
- a. **Thousands of fast-moving dump trucks and heavy construction equipment will inundate these streets EVERY DAY for over 4-years, followed by 3000 daily trips from this site. This recommendation cannot be instituted if this application and development is approved!**
17. **Broward County Water Management Division:**
The drainage information in the package is essentially correct.

WHAT DOES THIS PACKAGE SAY? HURRICANE IRMA DEMONSTRATED THE INDISPENSIBLE VALUE OF THIS AREA’S ECOTONES. WITHOUT IT, MANY MIRAMAR RESIDENTS WOULD HAVE SUFFERED FLOODING DAMAGE.

18. **School Consistency**
SUCH AN ASSESSMENT MUST GO BEYOND OCCUPANCY NUMBERS. (even though 500 children are crammed into temporary trailers at Everglades High School and forced to eat outside due to lack of cafeteria space.)
OUR SCHOOL BOARD SHOULD IDENTY THE HEALTH AND SAFETY DANGERS POSED TO OUR CHILDREN ATTENDING THE 4 NEIGHBORING SCHOOLS. EVERGLADES HIGH SCHOOL’S 2500 STUDENTS TO BE LOCATED LESS THAN 100 FT FROM THIS SITE’S 4 YEARS OF AIR POLLUTION (+50,000 TONS OF TOXIC PARTICULATE MATTER) AND NOISE POLLUTION (OVER TWICE THE RECOMMENDED WORLD HEALTH ORGANIZATION’S ESTABLISHED LIMITS.) BROWARD COUNTY SCHOOL BOARD’S FAILURE TO ADDRESS THESE SERIOUS DANGERS IS TANTAMOUNT TO CONTRIBUTORY NEGLIGENCE AND RECKLESS ENDANGERMENT!

19. **Traffic.**
Incorrectly assumes there are 48 existing homes already generating hundreds of daily trips.

20. **CompPlan supports preserving this property and denying this land use application**
- a. Policy 13.8.5. *The County shall pursue opportunities for the conservation and/or preservation of native vegetative communities, including fee simple acquisition, dedication in lieu of park impact fees, provision of greenspace at the time of site plan review, and reduction in property taxes.*
 - b. Objective 13.9. *Broward County shall maintain or increase the functions and values of wildlife habitats and marine habitats.*
 - c. Objective 13.10. *Increase the quality and connectivity of regionally significant wetland resources.*
 - d. Policy 13.10.1. *Optimize siting of mitigation projects to enhance their relationships with other wetlands.*
 - e. Policy 13.10.2. *Integrate wetlands into regional stormwater drainage/water management practices to provide necessary hydrology.*
 - f. Policy 13.10.3. *Participate in land acquisition/greenway programs to improve connectivity of effective size of wetland/upland systems.*

- g. *Policy 13.10.4. In cooperation with the private sector, site entrepreneurial mitigation banks in the most appropriate locations.*
- h. *Policy 13.10.5. When feasible, lands where activities could impact areas essential to Everglades restoration, as identified by the SFWMD, shall not be designated in future land use categories that would increase density or intensity*
- i. *Objective 13.11. Ensure through effective management, the long-term functions of wetlands.*
- j. *Policy 13.11.4. Broward County through the provisions in Broward County Code of Ordinances, Chapter 27, Article XI., Aquatic and Wetland Resource Protection, shall continue to protect and conserve wetlands and the natural functions of wetlands through implementation of the Environmental Resource License Process, seeks to avoid and minimize impacts to wetland function, and where impacts are unavoidable, requires replacement of lost function through mitigation.*

Clarifications needed BY Broward County Staff

1. ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

- a. *If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must the applicant is required to relocate suitable trees.*

Why does Broward county believe trees are important?

- b. *Any trees permitted for removal must be replaced.*

How are permitted trees identified?

- c. *If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees.*

How do you define a “suitable” tree

Land clearing: the removal of non-native tree and shrub species when the soil is left relatively undisturbed

Tree: Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter of at least three inches or more when measured at a point four and one-half feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.

Tree abuse:

(5) Destroying the natural habit of growth which causes irreparable damage and permanent disfigurement to a tree such that, even with re-growth, the tree will never regain the original characteristics of its tree species, or is a danger to the public or property; or

(8) Nuisance trees including the following are **not exempt from tree abuse regulation**: Schefflera, Melaleuca, Brazilian Pepper (Florida Holly). Australian Pine and Norfolk Island Pine may be topped provided that the upper branches are progressively tipped so as to duplicate the natural form.

Recent research has shown that clumps of trees may be interconnected underground via fungal hyphae, facilitating the exchange of nutrients, carbon, and water. In a study of a dry Douglas-fir forest in British Columbia, researchers created a map of one such belowground network. One of the trees on their study site was linked to 47 other trees!

901.11.13. Nuisance vegetation (exotics): The eradication of nuisance vegetation (exotics) existing on site is required on all sites, including abutting rights-of-way, prior to the issuance of a certificate of occupancy. Privately owned natural areas shall be included in this requirement.

Tree survey: A sealed survey prepared by a Florida licensed Landscape Architect or land surveyor which shows, in addition to all boundary information, the exact location, size, botanical and common name, and

diameter of all trees at least three inches in diameter measured four and one-half feet above ground level within the area affected by the development except that groups of nuisance trees as defined herein may be designated as "clumps", with the predominant type shown. The tree species noted on the tree survey shall be certified by a landscape architect. The expense of the survey shall be borne by the applicant.

Tree Spatial Patterns in Forests Part II: How they develop, why you should care, and how to emulate them
Posted on [September 9, 2014](#) by [Max Bennett](#), Oregon State University
<http://blogs.oregonstate.edu/siskwoods/2014/09/09/tree-spatial-patterns-forests-part-ii-creating-maintaining-complexity/>

Tree credit: The utilization of native dicotyledons measured at inches of caliper or native palm trees of equal size for off-site replacement trees for sites being developed. This credit only applies for a five-year period from date of planting of trees to be utilized for tree credit. This credit is for the inches at planting and is available only for off-site replacement.

901.6.7. In accordance with subsection 506.3, a development waiver from these street tree requirements This value is established at \$300.00 for two caliper inches as amended from time to time

2.2. Detecting tree clumps For each mapped dataset, forest spatial structure was characterized in terms of open gaps, solitary trees, and clumps of two or more trees, which are typical structural components of fire-dependent forests (Larson and Churchill, 2012). The degree of tree clumping was analyzed in ArcMap 9.3 using a clustering algorithm that assigns trees into clumps or singles based on the presence of adjacent trees within a user-defined distance from the stem location (Plotkin et al., 2002; Larson and Churchill, 2008; Abella and Denton, 2009; Sánchez Meador et al., 2011; Larson et al., 2012). Following methods suggested by Larson and Churchill (2008), we assessed tree clumping at inter-tree distances ranging from 1 to 9 m. Tree clumps were categorized as small (2–4 trees), medium (5–9 trees) and large (10 or more trees), the same categories used by Larson et al. (2012) and recommended by (Churchill et al., 2013)

https://www.fs.fed.us/psw/publications/north/psw_2013_north001_lydersen.pdf

Forest Ecology and Management 304 (2013) 370–382

Quantifying spatial patterns of tree groups and gaps in mixed-conifer forests: Reference conditions and long-term changes following fire suppression and logging Jamie M. Lydersen a,† , Malcolm P. North a,b , Eric E. Knapp c , Brandon M. Collins a aUSDA Forest Service, Pacific Southwest Research Station, 1731 Research Park Dr., Davis, CA 95618, United States b John Muir Institute, University of California, One Shields Ave., Davis, CA 95616, United States cUSDA Forest Service, Pacific Southwest Research Station, 3644 Avtech Parkway, Redding, CA 96002, United Stat

“Those who fail to learn from the past are doomed to repeat it.”

– **George Santana**



Miramar Citizens Coalition

Dear Ms. Blake Boy and Mr. Brunner:

I have attached some documents indicating how residents were misled when the City approved the transmittal of Lennar's application to the County.

1. The first attached file is a video clip of the City Commission meeting on June 21, 2017. Mr. Eric Silva, Director of the Community and Economic Development Department for the City of Miramar, states condition 9 as:

“Coordinate roadway level of service analysis with Broward County”

This very cunningly-worded condition is, at best, misleading if not flatly dishonest. Not only did the City staff and officials ignore all the reported LOS of E and F's in the analysis conducted by the developer himself, they falsely implied that Miramar Parkway is a County road and compliance with LOS falls in the County's jurisdiction.

2. Furthermore, in the minutes of this meeting, there is NO record of the specific content of Mr. Silva's presentation. Here is the extract from the meeting minutes.

“Community & Economic Development Director Eric B. Silva presented the proposed ordinance, as illustrated in the backup provided, including the 14 conditions as detailed.

The City Manager recommended approval.”

3. However, in the official list of conditions sent to Broward County, this condition is listed as:

“(9) As a part of the Broward County Land Use Amendment application process, the Owner/Developer will be required to evaluate long-range level of service conditions resulting from the proposed land use change. The City will coordinate with the Owner/Developer and County during the County's review of the Land Use Plan Amendment.”

4. More specifically, condition 4 states:

“(4) Intersection of Miramar Parkway & Southwest 160 Avenue and Segment of Miramar Parkway from Southwest 160 Avenue to Interstate-75 (“I-75”): The analysis indicates that both of these facilities are projected to experience transportation/roadway Level of Service (“LOS”) deficiencies in the future following project buildout. The analysis indicates that the opening of the Pembroke Road overpass is anticipated to alleviate these conditions. Although the opening of this overpass will likely divert some traffic away from Miramar Parkway, the exact traffic impacts of the overpass are unknown. Furthermore, it will provide an opportunity for diversion from some of the movements at the intersection of Miramar Parkway and Southwest 160 Avenue, but other



Miramar Citizens Coalition

movements, such as northbound right turns, may not see much, if any, relief. The Owner/Developer shall conduct monitoring studies at this intersection within ninety (90) days of the opening of the Pembroke Road overpass and Miramar Parkway bridge reconstruction, whichever event is later in time, with an analysis to be available prior to land use plan amendment approval. If the study indicates that LOS failures still occur after Pembroke Road overpass completion, the Owner/Developer will be required to complete improvements required for the intersection and movements to operate at LOS "D", or better, prior to issuance of first certificate of occupancy ("CO"). Prior to the issuance by the City of the last 100 COs on the Subject Property, the Owner/Developer must conduct traffic monitoring studies at this intersection. If the study indicates that LOS failures still occur, the Owner/Developer will be required to complete any additional improvements required for the intersection and movements to operate at LOS "D" or better prior to issuance by the City of last CO for residential development on the Subject Property, or by not later than January 1, 2022, whichever event first occurs."

While both the Pembroke Road overpass has been completed and Miramar Parkway Bridge has been reconstructed, the residents do not feel any significant improvements in their peak hour commute. Furthermore, Pembroke Road already operates at unacceptable levels of service during peak hours, which is very obvious from the extended long queues and delays at its intersection with Dykes Road.

- a. According to condition 9, we would urge that the Broward County Traffic Engineering Department to review the submitted traffic report and to specify the needed actions to improve the level of service *to D or better* of all movements at all intersections and stretches of roads in the study area.
- b. In reference to condition 4, and to save tax payers money, we cordially ask that the Broward County Planning Council to require these studies on LOS be conducted in this phase. The elements in question include:
 - Miramar Parkway and its intersections from Dykes Road to the I-75 interchange, including the on- and off-ramps to West Miramar, and
 - Pembroke Road at the intersection of Dykes Road

Furthermore, we urge that Broward County Traffic Engineering Department, as a trusted and unbiased entity, supervise this study. Otherwise, based on our experience with the City of Miramar and their review process, the tax payers have to shoulder the majority of the costs for the required improvements.

Best regards,

On behalf of Miramar Citizens Coalition Inc.
Hossein "Zane" Tavana, PhD



Miramar Citizens Coalition

Enclosures:

- Full minutes of the City Commission meeting on June 21, which also shows that the overwhelming number of residents spoke in opposition to this land use amendment.
- Video clip of the meeting.
The full video of the meeting can be accessed at:
<https://miramar.legistar.com/Calendar.aspx>





MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING

JUNE 21, 2017

7:00 P.M.

The regular meeting of the Miramar City Commission was called to order by Mayor Messam at 7:03 p.m. in the Commission Chambers, Miramar City Hall, 2300 Civic Center Place, Miramar, Florida.

Upon call of the roll, the following members of the City Commission were present:

Mayor Wayne M. Messam
Vice Mayor Winston F. Barnes
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne
Commissioner Darline B. Riggs

The following members of staff were present:

City Manager Kathleen Woods-Richardson
City Attorney Jamie Cole
City Attorney Elen Gantner
City Clerk Denise A. Gibbs

PLEDGE OF ALLEGIANCE

A MOMENT OF SILENCE

PRESENTATIONS & PROCLAMATIONS

Presentation: Kids and the Power of Work (KAPOW) City recognition. (Learning for Success, Inc. President John Casbarro)

CONSENT AGENDA

On a motion by Commissioner Colbourne, seconded by Commissioner Chambers, to approve Consent Agenda Items 1a, 1b, 1c, 1d, 1e, 2, 3, 4, 5, and 6, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

1a. Minutes of Commission Workshop of May 30, 2017.

Approved

1b. Minutes of Special Commission Meeting (R. Pena) of June 7, 2017.

Approved

1c. Minutes of Special Commission Meeting (M.P. Bordeau-Guispe) of June 7, 2017.

Approved

1d. Minutes of Special Commission Meeting (B. Calderbank) of June 7, 2017.

Approved

1e. Minutes of Special Commission Meeting (G. Jarrette) of June 7, 2017.

Approved

2. Temp. Reso. #R6460 approving the award of Bid 17-010 for **hauling & disposal services of lime sludge** at the **East Water Treatment Plant** (“EWTP”) to H&H Liquid Sludge Disposal, Inc., in an annual amount not-to-exceed \$68,000 for an initial two-year term, with three additional one-year renewal options. *(Utilities Director Jody Kirkman and Interim Procurement Director Alicia Ayum)*

Resolution No. 17-147

3. Temp. Reso. #R6461 approving the purchase of **membrane elements** for the **West Water Treatment Plant** (“WWTP”) from Dow Chemical/Filmtec Corporation in an amount not-to-exceed \$185,000 for FY2017. *(Utilities Director Jody Kirkman and Interim Procurement Director Alicia Ayum)*

Resolution No. 17-148

4. Temp. Reso. #R6463 approving the **City of Hollywood Large User Agreement Accounting Practice Change** for GASB 68; authorizing the City Manager to execute the Large User Agreement Accounting Practice Change for GASB 68. *(Utilities Director Jody Kirkman and Finance Director Claudia Dixon)*

Resolution No. 17-149

5. Temp. Reso. #R6462 approving the purchase of **police radios and accessories** from Motorola Solutions, Inc., in an amount of \$73,289 for FY 2017, through the utilization of the Broward County Sheriff's Office Master Purchase Agreement No. 12-29077/JHJ. *(Police Chief Dexter Williams)*

Resolution No. 17-150

6. Temp. Reso. #R6466 approving an agreement with Municipal Code Corporation for **utility bill printing and mailing services** through the utilization of the City of Ormond Beach Competitive Agreement, in an annual amount not-to-exceed \$260,000 which includes \$195,000 for postage and \$65,000 for monthly services; authorizing the City Manager to execute the Utility Billing Agreement for a term effective August 3, 2017 through September 22, 2019. *(Finance Director Claudia Dixon and Interim Procurement Director Alicia Ayum)*

Resolution No. 17-151

End of Consent Agenda

RESOLUTIONS

7. Temp. Reso. #R6486 approving the award of Invitation for Bid No. 17-009, entitled "**Ansin Sports Complex-Phase III**", to the successful bidder, Alexander & Johnson Project Management and Development, Inc.; authorizing the City Manager to execute the proposed agreement with Alexander & Johnson Project Management and Development Inc., in an amount not-to-exceed \$283,875, and allocating a Construction Contingency Allowance of \$30,000, for a total project cost of \$313,875. *(Construction and Facilities Management Director Luisa M. Millan and Interim Procurement Director Alicia Ayum)*

Construction and Facilities Management Director Luisa M. Millan reviewed the subject resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you for the presentation. Are there any members from the public that wish to comment on this item? Hearing and seeing none, back to the dais. Are there any questions or comments for staff on this item? If not, I'll entertain a motion.

COMMISSIONER CHAMBERS: I just have a question, because in my agenda backup, we have three bidders, and one was extremely low.

MS. MILLAN: Yes. He was found nonresponsive.

COMMISSIONER CHAMBERS: From what they said, he didn't provide the documents necessary to go with the bid.

MS. MILLAN: I'd like to turn that over to the Procurement Department who were the ones that analyzed the bids for a response.

MS. AYUM: Good evening Mayor, Vice Mayor, Commissioners, staff, the bidder produced a bid sheet that was not complete. They were not complete. All the line items were incomplete.

COMMISSIONER CHAMBERS: But they had a total price.

MS. AYUM: Yes.

COMMISSIONER CHAMBERS: Is there anything to compare from that bidder to the second bidder?

MS. AYUM: No. No. Their line items were incomplete. There's no way that they could have had a full line of items if they didn't fill out the line items properly.

COMMISSIONER CHAMBERS: Thank you.

MAYOR MESSAM: Are there any other questions? Commissioner Colbourne.

COMMISSIONER COLBOURNE: On Ansin Park, I was just concerned about the parking there. Does any of this construction alleviate the parking there or produce more parking, or is there another contract coming up soon?

MS. MILLAN: The scope under this contract does not include any parking work.

COMMISSIONER COLBOURNE: Do we have plans for a parking area there, or to improve the parking there?

MS. MILLAN: I don't believe so. I have not seen anything in the capital projects.

COMMISSIONER COLBOURNE: Whenever they have games there, I see that there's an enormous amount of parking on the street, and the street is not open now, so there is some areas where they can park, so I'm just concerned, as once that road is opened, where will those individuals park. So if we don't have something in place, it seems to warrant something in place.

MS. MILLAN: I'm going to defer to the Parks Department to answer your question, Commissioner.

COMMISSIONER COLBOURNE: Thank you.

MR. MAJOR: Commissioner Colbourne, good evening, Ricardo Major, Assistant Director of Parks & Recreation. What we have now is an inter local agreement with the school next door, so anytime the school is not in use, we ask to be able to secure the parking from the school. I think there are some future plans. I am not sure of the plans, but there is plans just a little ways there to construct the I-95 parking area over there. I'm not sure exactly where that is right now, but that is supposed to be something that will alleviate the parking there.

COMMISSIONER COLBOURNE: Very well, thank you.

MAYOR MESSAM: If there aren't any other questions, I'll entertain a motion.

On a motion by Commissioner Chambers, seconded by Commissioner Colbourne, to approve Resolution #R6486, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Resolution No. 17-152

ORDINANCE

8. **FIRST READING** of Temp. Ord. #O1661 considering Application 1502812 to **amend the Future Land Use Plan Map of the Comprehensive Plan** to change the Land Use Designation of approximately 120 gross acres from "Rural" Residential to "Irregular (3.21)" Residential on property located in tracts 1, 2, 3, 4, 5, 11, 12, 13, 14, 15 and 16 of the Florida Fruit Land Company's Subdivision Map No. 1, Plat Book 2, Page 17, Public Records of Dade County, Florida, located in Section 31, Township 51 South, Range 40 east (17500 Southwest 41 Street), at the southwest corner of Bass Creek Road and Southwest 172 Avenue; providing findings; providing conditions of approval/site specific policies; providing for transmittal, interpretation, and severability; and providing an effective date. *(Continued from the meeting of 05/03/17) (Community & Economic Development Director Eric B. Silva)*

Community & Economic Development Director Eric B. Silva presented the proposed ordinance, as illustrated in the backup provided, including the 14 conditions as detailed. The City Manager recommended approval.

MAYOR MESSAM: Thank you, Mr. Silva.

Dennis Mele, the applicant's representative, mentioned when the applicant went before the Planning & Zoning (P&Z) Board, there were ten conditions, all of which the applicant agreed to comply. Due to concerns expressed at the P&Z meeting, the applicant agreed to two additional conditions, one to do benign trapping of any animals prior to clearing the site, and, two, the applicant agreed to follow the City's landscape and tree regulations. He stated two more conditions were added in the recent week, noting the normal practice by the County for such projects was to set the conditions for approval at the beginning of the process. However, for the proposed project, a number of conditions were attached that provided for additional study as the project process went forward. He said, in this way, for instance, if they found traffic conditions were worse than predicted, improvements could be made. Mr. Mele remarked one of the study items was for the applicant to look at the effect of the Pembroke Road overpass on diverting traffic from Miramar Parkway, as it was anticipated that the overpass would alleviate traffic congestion on Miramar Parkway. The applicant agreed to do the study and do any mitigation that might result from the study. Additionally, he said residents expressed concern that the second right-turn lane from northbound 160th Avenue to eastbound Miramar Parkway was already needed. The applicant agreed to still do the study, and build the turn lane, as detailed in condition 13. Regarding condition 14, he stated the County's NatureScape Broward Program had been effect for a number of years, and the idea was to use the type of landscaping that would encourage birds and other small wildlife to live in the area. He thought the City desired the applicant to mimic the landscaped area across the street, as it attracted birds and wildlife. He and other members of the project team went on to give a PowerPoint presentation on the subject project and the various enhancements added in response to staff conditions and to address residents' concerns, highlighting the following:

- The original application was for 537 single-family homes
- Staff identified that a number of variances would be required and preferred the project to require no variances
- The applicant was required to do a detailed study of the plants and animals currently occupying the site, and the results showed there were no endangered or threatened animal species on the site, as confirmed by their biologist. These results had been forwarded to City staff and would be provided to the County and State of Florida throughout the process
- If passed by the City Commission, the amendment would move on to the Broward County Planning Council, a 20-member advisory board appointed by the County Commission, after which the matter moved to the County Commission, then the amendment would be sent to State agencies for review

- The School Board would again review the plans, despite the fact that they already reviewed them and wrote their report
- After the amendment left the State, it would go back to the Broward County Planning Council, then the County Commission, and then come back to the City
- The numerous steps would establish the maximum amount of units the applicant could build on the subject site, but not the layout, site plan, etc. The applicant still had to come back to the City for rezoning, platting, and site planning
- The 14 conditions of approval mentioned by Mr. Silva would follow the applicant throughout the process
- The wetlands on the subject site were a very low quality, as the area was covered primarily by Melaleuca and Brazilian pepper
- The applicant had to get three permits, as was usually required whenever wetlands were a part of a site to be developed: from the County, from the South Florida Water Management District, and from the Army Corps of Engineers
- The wetlands were of such poor quality, that the recommendations the applicant received thus far was the wetland mitigation should be an offsite wetland bank
- Their efforts to determine the animal species occupying the site included looking for the actual animals, and evidence of animals, such as tracks, spore, etc.
- The School Board's report indicated the existing level of enrollment for the affected three area schools, high, middle, and elementary, all had sufficient capacity to accommodate all the students that would come from the proposed development, meaning there was no issue of overcrowding
- Traffic improvements included those currently being done by the State, the County, and the applicant, and all improvements being done by all the above mentioned entities far exceeded the impact from the proposed development
- All the applicant's roadway improvements would be completed prior to the first home being completed in the subject development
- The County did a traffic signal warrant analysis in 2015 at the intersection of Bass Creek Road and 172nd Avenue, and they determined the intersection did not satisfy the warrant.
- If a traffic signal was deemed unwarranted, the best solution was a roundabout, and the worst was a stop sign, which was what was currently at the intersection
- If the County later determined a traffic signal was warranted, the applicant agreed to pay for the signal, and that agreement stayed in effect for two years beyond the issuance of the last certificate of occupancy
- The plan was to do 385 units rather than the original 537 units, which meant all traffic numbers declined with the reduced number of units plan, but all the traffic improvements asked of the applicant were based on the plan for 537 units
- The process for the applicant's proposed development was the same all existing residential developments went through
- The applicant offered to meet with every existing development around the proposed development numerous times, but some refused the offer.

MAYOR MESSAM: Thank you, sir. Staff does that conclude presentations for staff and the applicant?

MR. SILVA: Yes.

MAYOR MESSAM: At this time, if there are any members from the public that wish to comment on this item, you have the opportunity.

PUBLIC PARTICIPATION (7:30 P.M. – 8:00 P.M.)

MAYOR MESSAM: What we do is, when we have a break on the second meeting of the month, we have a time service public comment and participation at 7:30. Since we've gone past that time, we have a break now, so we do want to pause before public comment on item number eight. So if there are any members from the public who wish to make comments, not regarding item number eight that we're discussing right now, this is the time now to come forward. I didn't see anyone else sign on the sheet for that item, but just in case if anyone came in. Seeing none, we'll resume our public hearing.

Agenda item eight cont'd.

MAYOR MESSAM: At this time, if anyone from the public that wish to comment on item number eight, this is the opportunity to do so now.

Ralph Brooks indicated he was board-certified in city, county and local government, stating he represented numerous Miramar residents on the subject issue. He detailed his experience serving as legal counsel and litigating land use issues in Florida, noting the residents and he requested some information they had yet to receive, nor had he read the noticed advertising for the subject hearing, so he could not offer an opinion as to compliance with the statute. The plans a developer had should not replace those the City envisioned for a particular area, and one of the requirements was that a plan amendment should remain consistent with the Comprehensive Plan. He mentioned the City's future land use element policy 6.10 stated the City should consider and minimize the effects of land use amendments on wetlands and native upland resources to the largest extent practicable. He believed this had not occurred in the subject case.

Robert Garcia, 18282 SW 33rd Street, Miramar, stated in his 20 years as a resident of the City, he served on numerous community boards for Silver Lakes, and his number one priority was to preserve the quality of life of the residents. He believed the best way to alleviate the detrimental impact of the proposed development was for the Commission not to allow it to move forward, regardless of the roadway improvements, etc. the applicant promised. Residents were relying on the Commission to make decisions that protected their quality of life in Miramar.

Jeffery Flam, Miramar resident, said during his 20 years of residency in Miramar, he watched the community and the quality of life in the City change, including changes in land use development that he did not sign up for when he moved to Miramar. He felt the City was changing for the worse, and he thought this was evident by large number of residents who turned out for the present meeting, as compared to when the matter previously came before the Commission. Lennar was not the Commission's constituents, the residents were. He claimed the residents were disrespected at the P&Z meeting when the subject matter was heard, stating some people on the dais were sleeping, while others walked out the room, and it seemed all the P&Z Board members had made their decision on the matter prior to the meeting, and did not listen to the residents' concerns. Mr. Flam stressed that the residents wanted no more changes, so if the area was zoned for 45 houses, then that was what should be built.

Jytte Nielsen, 17428 SW 36 Street, Miramar, stated their property was located directly across the street from the site of the proposed development. She urged the Commission to deny the subject application, continue to protect the quality of life of the City's residents, and take steps to protect Miramar's wetlands and the general environment. She was opposed to the subject development, asking the Commission not to ignore the petition of over 9,000 signatures, of which 1,500 were Miramar residents directly impacted by the effects of proposed development.

Kate Tobon, 4905 SW 165th Avenue, Miramar, stated she was vice chairperson of the Media Outreach of the West Miramar Coalition group, mentioning there were no apartments or condominiums in the Riviera Isles, as claimed by the applicant's representative; there were 155 single-family homes. She indicated no mention was made of other projects already planned for subject area that would impact existing residents' quality of life, such as the nursing home that would be located between Dolphin Bay Elementary and the Catholic Church, and the amphitheater at the Miramar Regional Park with an entry on 172nd Avenue, across the street from Dolphin Bay Elementary. These would all increase the traffic counts. Ms. Tobon remarked on the applicant's attorney dismissing the residents' concerns regarding blasting in his claim that there was no blasting in Miramar. She acknowledged there was no blasting in Miramar, but the City was well aware of residential communities in Miramar whose homes were being impacted by the effects of blasting in Dade County. She wondered if the City Commission passed the subject amendment if they intended changing the City's building code to include guidelines for homes that might be subject to the blasting vibrations, or were they prepared to have the residents of 385 homes complaining about the adverse effects of blasting on the structures of their homes. Ms. Tobon added when the School Board did its report, Dolphin Bay Elementary was not included, and they were operating at full capacity. She claimed that school had to cancel their VPK program with the City, as they had no room. It was clear the residents near the proposed development were against amending the City's land use to accommodate the applicant's plans, and she urged the Commission to deny the application.

Mark Morgan, 17428 SW 36th Street, Miramar, said times had change over the years, with less space on which to build, and the Commission's failure to deny the subject application would place thousands of Miramar residents in documented health and safety dangers. This was substantiated by the report from the study done by the residents' environmental expert that outlined threats and dangers if the subject development proceed. He said these included 50,000 tons of toxic dust that would be generated over the four years of construction, and the threat of an algae bloom outbreak in area's lakes. He urged the Commission, as the residents' representatives, to deny the subject application.

Balmes Rosa, Miramar resident since 1998, reminded the Commission that Miramar was not in a bubble, so traffic impacts traffic from outside residential and commercial developments further affected Miramar, along with those from Miramar residents themselves. Residents were relying on the Commission to protect their quality of life.

Trudy Zadlowskus (ph), resident of Marina Isle, Silver Lakes, Miramar, for 20 years, stated her husband and she were very happy and proud residents of Miramar. The subject site was a wonderful, untouched example of nature with wildlife, water birds, etc. They often went out on the lake in their pontoon boat, as it was very peaceful and quiet. She urged the Commission to deny the application.

Nicholas Vermont, 3120 SW 187th Terrace, Miramar, showed a three-minute video en lieu of speaking to the Commission, a copy of which was entered into the record.

Judy Jawer, 3120 SW 187th Terrace, Miramar, stated previous residential projects in Miramar occurred when the City was a fledgling community with much less congestion in traffic, schools, etc. She said a sound, impartial traffic study was lacking to assess the true impact of adding 385 homes, including the inevitable rerouting of cars to the proposed Bass Creek Road and the roundabout. The infrastructure improvements proposed by Lennar seemed woefully inadequate, as many residents moved to Miramar to enjoy a quiet, homey atmosphere, to live in a city with comfortable living standards. She claimed, of the 385 units, 65 percent were landlocked, and as the proposed single-family units would be smaller than those in nearby developments, they would likely lower the value of existing homes. Ms. Jawer urged the Commission to allow only development proposals that met the vision and standard that improved the attractiveness of Miramar and enhanced residents' lifestyles. Building less but more luxurious homes would increase property values, and still yield tax revenue for the City.

Hossein Tavana, 3672 SW 163rd Avenue, Miramar, stated he held a degree in transport engineering, and he was a licensed professional engineer in Texas. He mentioned being sure the Commission and staff were familiar with him, due to his communications via letters, documents, emails, and coming before the Commission to speak. He said he represented over 200 residents who participated in one of the petitions he led that opposed the proposed land use amendment. He examined the traffic reports prepared by Lennar and reviewed Kimley-Horn's recommendations, a firm representing the City

and its residents' interests. Mr. Tavana claimed the traffic report was full of omissions and misrepresentations, none of which the Kimley-Horn consultant mentioned, and he stated a simple search online would reveal that Kimley-Horn had a close relationship with Lennar, as the latter hired Kimley-Horn or consulted with them on various projects. All key points in the subject area during a.m. and p.m. peak hours would operate at unacceptable levels of service of E, F, and even G. He urged the City Commission to remove Kimley Horn, halt the proposed application, and require the applicant to do the traffic monitoring and analysis 60 to 90 days after the new Miramar bridge was completed, so the residents and City knew what was required to improve the level of service on area roadways.

Patricia Lara, Miramar resident and president of the Nautica community association, said she represented the 840 homes directly affected by the subject development. She said, despite the area being already congested, residents could accept the building of 48 homes, the designated number for the subject site. Their community would be directly affected, as one of their entrances was on 172nd Avenue. She echoed the opposition to the proposed land use development voiced by previous residents, urging the Commission to preserve the residents' quality of life.

Kelly Garcia, 18282 SW 33rd Street, Miramar, echoed opposition to the City Commission approving the proposed application, which including detrimental effects to the environment, traffic congestion, etc.

Angelica Burke, 16227 SW 23rd Street, Miramar, stated she was indirectly affected by the proposed development, and urged the Commission to deny the application because of its potential to exacerbate existing traffic congestion, and the environmental and quality of life impacts voiced by her fellow residents.

Julie Abbuhl, 16528 SW 39th Street, Miramar, stated she lived in the Nautica community, adding she lived in numerous places in South Florida where development was allowed to get out of control. If a project required 14 conditions to be built, then maybe the proposed development was a bad fit for the surrounding community, and the application should be denied. The City should stick with residential development proposals more in line with the 48 homes determined by staff as best for the site.

Christine Lambert, 17758 SW 36th Street, Miramar, said she was a longtime resident, and she concurred with her fellow residents that allowing the number of homes to increase from 48 to 385 was too high a cost to the quality of life of existing residents in the surrounding areas. She implored the Commission to respect and protect the best interest of the residents and deny the subject application. Many residents moved to Miramar so they could get to their jobs in Miami, and it was already taking them 45 minutes to traverse three miles to the I-75.

Angel Marquez, 3181 SW 189th Avenue, Miramar, remarked on moving from Chicago to the City, and thought that Miramar was becoming a little Chicago, so he urged the

Commission to deny the subject application, and hold future developers to build the 48 homes the City planned for the subject site. He claimed Lennar's ethics were questionable, as evidence of how little they cared about their customers could be seen in an online search that showed numerous complaints against Lennar.

Matthew Sera, Miramar resident, spoke in defense of the environment and the need to respect and protect the land on which the applicant wished to build the proposed development. The 120 acres filtered the water and supported wildlife, etc., so he urged the Commission to deny the subject application.

Kurt Diener, 3141 SW 192nd Avenue, Sunset Lakes, Miramar, echoed opposition to the applicant's proposed amendment and development, stating it would only add to the existing problems of traffic congestion. He urged the Commission to deny the application, to maintain green spaces and preserve the wildlife in the area, and to represent the best interests of their constituents. The 48 homes designated as proper for the subject site should be retained, or build a park and/or nature center.

A female resident echoed the concerns voiced by previous residents, urging the Commission to deny the subject application.

Sarah Garcia, 4987 SW 167th Avenue, Miramar, reiterated the extent to which traffic congestion posed a problem for many Miramar residents in the subject area. If the Commission was continuously hearing residents speak of traffic congestion, they should understand what they were asking for. She said residents were being exposed to too much stress, dealing with the effects of the nearby blasting on their homes, traffic congestion, and other day-to-day issues. There were new laws that allowed residents to send their children to different schools, which meant students could be coming from areas other than Miramar, adding to the congestion on the roads and in schools. She said these possibilities must be taken into consideration when determining the impact of the subject development. The 48 homes designated for the site was all existing residents should be subjected to and no more.

Nasif Alshaier, 3940 SW 149th Terrace, Miramar, stated he had been a Miramar resident since 1993 and witnessed the City's progression, which had been good. He urged the Commission to maintain that progress by not approving the subject application, and keeping the development of the subject site to no more than the designated 48 homes for all the reasons already stated by his fellow residents.

MAYOR MESSAM: I think that's all of our comments. Before we allow the applicant to respond to some of the public comments, I just would like to commend the community for coming out this evening and expressing your input and your sentiments toward this development, and thank you for making this a respectful process, in terms of getting your information out, so definitely appreciate that.

Mr. Mele responded to the public input as follows:

- The plan was internally consistent, as the subject development was compatible with the surrounding communities in terms of density and geography
- All wetland impacts would be assessed at the time of the wetland work, and whether 48 or 385 homes were built, the site would be completely cleared of existing vegetation
- The School Board performed the study that estimated the number of students the proposed development would generate, and all students attending a Broward County public school gave their address, so the accuracy of their numbers were repeatedly proven within a ten percent margin
- The petition contained inaccuracies; for example, the applicant was not removing endangered wildlife, the wetlands were not pristine, and none of the animals mentioned in the petition were actually located on the subject site
- When he spoke of existing density similar to or more than the proposed development, he meant Riviera Isles, which he knew had only of single family homes, as well as Country Lakes and Huntington in that calculation
- When they did a traffic study for a land use amendment, they included existing development and anything under construction or approved, as if they existed. When they did traffic analyses, they included the amphitheater, church, etc.
- The algae bloom was not relevant to the applicant's proposed development, as that was a situation where fresh water was released from Lake Okeechobee and mixed with the brackish water from St. Lucy River that then went through the sugar fields
- The subject site was neither a conservation area nor preserved land; it was private property owned by Univision Corporation that was used for radio towers.

MAYOR MESSAM: Excuse me, sir. Sir, if you can please turn your audio device off. We really need decorum in the meeting to conduct an orderly meeting. So, please, I'm pleading with the public to allow that process to take place. If we have persistent interruptions, I will be left no alternative but to have you dismissed from the Commission meeting, and we shouldn't have to go through that. So, please, let's respect everyone's opportunity to present their case and their comments. Thank you, sir, really appreciate your cooperation. Yes, sir.

Mr. Mele resumed his rebuttal:

- On the matter of unforeseen congestion at the traffic circle, the roadway improvements proposed by the applicant anticipated traffic that would pass through the area
- The applicant would welcome someone appointed by the City to monitor the applicant's trapping activities
- There were no alligators on the site, as the property had no lakes, so pictures presented as evidence of wild life showing an alligator and a bird wading through a lake was of some other location

- Before the amendment came back for second reading, the ramps at the bridge on Miramar Parkway would be completed
- The present action was the first reading to allow the amendment to go forward for review by the State and the County, and the Commission was not under obligation to approve the amendment on second reading if dissatisfied with the results of the input from the State and County
- There was a bald eagle nest just south of Pines Boulevard between 184th Avenue and 196th Avenue. The eagles returned every fall, but they were not nesting on the subject property, and this was well documented, as the City of Pembroke Pines had a camera pointed at the nest, and it was on their website
- On the issue of Lennar being unethical, when the Chinese drywall crisis occurred years prior, many builders went bankrupt, yet Lennar fixed every home that had Chinese drywall, regardless of the stage and time of completion.

Recess/Reconvene

MAYOR MESSAM: At this time, we've had our presentation from staff and the applicant, and we've had public comments from the community, and now it's back to the dais for any questions or comments from the staff or the applicant. So, at this time, if there are any questions or comments from the dais. Vice Mayor Barnes, you're recognized.

VICE MAYOR BARNES: I want to extend a very warm welcome to all who took the time out to be here this evening. If only because since you've got here, you have a better understanding of how the Commission meetings are run and operated. If nothing else, you've learned that this evening. I'm sorry also that there was a bit of disruption on the part of a number of people who got a little bit impatient, and it is understood. We live in this City. I have no illusions, whatsoever. My fellow Commissioners will tell you that I'm not beholden to anybody at all in the City of Miramar but the residents. It is my belief, it is my conviction, and it has guided me in the years that I've sit on this Commission way longer than a lot of people here. What I beg of you though is have a deeper understanding of the process. I already expressed a number of opinions with the developer in meetings that we've held over the months. I implore you to understand that this is a process. For example, were we to go ahead and move with this, it wouldn't come back to us for another six months, eight months. What we're saying is please allow the process to work. No, we are not passing the buck. Yes. I expect and understand that. What you would have ended up with hereafter thought is an understanding that you have forced us to examine all the options, and go through all of the processes. That does not mean that we are abdicating our responsibility, far from it. Again, I'm giving you the commitment. I have no doubts whatsoever that you decide whether I'm here or not. That is not the point. The point is, let us exhaust the processes that are at hand, and move forward. No, again, I'm repeating, we're not asking anybody to make this decision for us. We will make this decision when the time has come. And that is my promise.

MAYOR MESSAM: Thank you, Vice Mayor Barnes. Any other comments or questions? Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. First of all, I would like to thank everyone for coming out here and speaking today. You have really touched on a lot of different points, and I appreciate you coming out. I think one person said it was the first time out here today. Again, if it's for nothing else, it's for you to have an opportunity to be here. I always encourage residents to engage in the community, and this is a result of engaging. You have an opportunity to let us know how you feel, and I'm listening and I've heard all of what's being said. I am concerned about traffic in the City of Miramar, just as you are concerned. I do have a question for the developer, is it the attorney. I am concerned about the traffic, and I do realize that we have a lot of projects that are currently on the way. Can we get that slide up again or was it the City that had slide with all the projects that we have? Can we show that now? While they're looking for that, my other concern is on outreach. Can you go over again how much outreach was done? How much communication you've had with the individuals here today, and the different communities?

MR. MELE: Thank you. First, we had three community meetings, one at the Sunset Lakes Community Center on 186th Avenue, and two in these chambers, and they were very well attended. We also reached out to every one of our neighboring communities on numerous occasions: Sunset Lakes, Silver Lakes, Sunset Falls, Riviera Isles, Nautica. Only two of those communities invited us to attend their homeowners' meetings, and that was Sunset Falls and Silver Lakes. The others either did not respond to our request or said we were not welcome to attend. And we had numerous requests of the presidents of the associations and the property managers, both on telephone and on email, numerous requests over periods of months, and only two invited us to come in.

COMMISSIONER COLBOURNE: I hear what you're saying, and I see what the residents, the signs that they're making.

MR. MELE: I don't know if the residents know the responses that we received from their presidents and property managers, because they're all incorporated associations, so the method that one uses to reach out is through the board of directors and through the property managers. But I'll renew that request tonight. If any of the communities are willing to meet with us between tonight and the time we come back, we will go as many times as they want to every single one of them. So if the neighbors that are here tonight are not aware that their presidents or property managers are not allowing us in, come and talk to me, give me your name and number, and we'll reach out directly. But we can't come into a gated community unless we're allowed in.

COMMISSIONER COLBOURNE: Well, I appreciate that. I am glad to hear what you just stated, because I think there needs to be more outreach. There needs to be more communication with the residents. I don't have the answers. I realize that they are private communities, so I don't have the answers. But if this is approved tonight, before this comes back to us, I would expect a lot more communication between you and the residents. I can't tell you how to make that happen, but I am hopeful that you would find a way to communicate. And I say that, because it's clear that there hasn't been enough

conversation. You're not close enough together. Residents are asking for many different things, and showing many different concerns, and you're saying things that are different from what they are saying as well. So I would really like that if this is approved tonight, that when you come back, that you're closer together.

MR. MELE: You have our commitment that we'll meet with any of the communities that whenever they want to do it. If they don't allow us to come into their communities, we'll find a neutral location, perhaps a City building or something we can meet at, but we'll meet with anybody.

COMMISSIONER COLBOURNE: Now I do understand that there's one person on the Planning & Zoning that voted against this project?

MR. MELE: Yes, there was a six to one vote to recommend approval.

COMMISSIONER COLBOURNE: Do we know who's nominee, is he on the committee, who nominated him for that committee?

MR. MELE: I'm not sure, but I'm guessing you know.

COMMISSIONER COLBOURNE: I do believe that Nasif is my appointment.

MR. MELE: Right. He was the gentleman who spoke here this evening.

COMMISSIONER COLBOURNE: Yes. So I ask that you, and I want to make sure that you speak to all these residents here, but please make sure that you speak to him.

MR. MELE: Okay. If he's still here, I'll make sure that I get his number, and he gets mine.

COMMISSIONER COLBOURNE: I have a great respect for him, and I know that he takes his role very seriously on that committee, so I really encourage you to communicate with the residents, but please make sure to speak with him as well.

MR. MELE: I will.

COMMISSIONER COLBOURNE: I thank you very much. One more, on the traffic issue, did we get that slide?

MR. MELE: Is that the one you were looking for?

COMMISSIONER COLBOURNE: Not really, but that would probably do. Not that I can see it from where I'm sitting either, but my point is we have a number of improvements that are happening now, and we do expect those improvements completed before then?

MR. MELE: Yes. Remember we had showed a slide that all of these improvements, one of them is already done, that's the overpass of Pembroke Road. One of them is going to be done this summer; that is the new ramp configuration at Miramar Parkway and I-75. One of them is going to be done next year, that's the I-75 express lanes, and then all of the improvements we're making, only one of which is shown here, that being the Bass Creek Road alignment. But the 172nd Avenue improvements, the traffic circle, the turn lanes, all of our improvements are required by County ordinance to be finished before we get our first CO. So everything you see on this map, plus the other ones that were added, and I neglected to add the latest one, which is the second left turn lane from northbound 160th to Miramar Parkway, are all going to be completed before we get our first CO.

COMMISSIONER COLBOURNE: I am concerned about the traffic. I am concerned about the fact that in the City of Miramar, there is no way to exit out west, because Pembroke Road stops, and you have to go through Pembroke Pines, you have to go north. It does not go all the way through. I didn't see that project there for the opening of Pembroke Road. It is something that needs to be addressed, and I realize that it's not yours to address, but I'd certainly like to see, if this development moves forward this evening, that there is some discussion about contributing to the opening of Pembroke Road, because it is clear that it will add some traffic. And we do already have a condition. I do hope, and I know our residents will want the same as well, that when those projects are completed that are currently on the way, that it does, in fact, improve traffic, because they're not just here to stop this project. I do believe they're here because they are experiencing issues with traffic, so I would certainly like to see that there is some contribution towards another way of getting out of Miramar Parkway that would really ease the traffic, and get it off of Miramar Parkway. Ease the traffic in the City of Miramar.

MR. MELE: We understand.

COMMISSIONER COLBOURNE: Thank you. I would say that if we were here to approve this project tonight, I would not be in support of this project, because of the things that I've just mentioned to you: the outreach, and the traffic studies that are currently ongoing, and they're not completed, I cannot see the results of them yet. So just to let you know, if it does move forward, there's no guarantee that I will be voting for it. It's definitely contingent on the evaluation of those things that are currently happening.

MR. MELE: I understand.

COMMISSIONER COLBOURNE: Thank you.

MAYOR MESSAM: Thank you, Commissioner Colbourne. Commissioner Riggs, you're recognized.

COMMISSIONER RIGGS: Thank you, Mayor.

MAYOR MESSAM: Before you speak, if you wish to speak, if you can just indicate so on your device, so it lets me know, so I can rank the order, thanks.

COMMISSIONER RIGGS: Thank you, Mayor. Thank you to our Miramar residents for coming out and showing your concerns and your opinion. So, first and foremost, I would like to say that, as your advocate, I hear you, and I want you to continue to be happy here in the City of Miramar, and to continue to enjoy the quality of life that you value. So, in saying that, I am supporting you, I'm on your side on this aspect. But there are a few things that I would like you to keep in mind and think about. So, for example, one thing is the fact that we can't stop building forever. We just can't. Even once we're completely built out, we will be demolishing and reconstructing. That's just the process. We have to keep the wheel going. And, second, is the revenue. The revenue is not more important than your quality of life, don't get me wrong. What I'm saying is, if you were here on Monday at our budget meeting, you would see that we need the revenue. We cannot stop revenue on an ongoing basis from coming to the City. And if we're even considering doing that or making that a habit, because we're growing, we would have to consider raising millage. And although that may not impact you tremendously, it does impact some within the City tremendously, so those are the things that you have to think about, but you do have my support in stopping this from moving forward. So please do know that, at the end of the day, in conclusion, I hear you as an advocate for you, and I am on your side. Thank you.

MAYOR MESSAM: Thank you, Commissioner Riggs. Commissioner Chambers, you wish to comment?

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. I just want to say thank you to all residents that came out tonight to show your support for your community. I know you all believe in your community, you want to keep it the way it is, and you do not want to lose the natural environment around your community. You know, I remember when I used to live I Chapel Trail, and to try to find a restaurant to eat, we had to drive all the way to Aventura Mall just on a Sunday or during the week. And now I enjoy the many restaurants and shopping around the area. And there's something going on here. I remember when I used to enjoy just driving along Miramar Parkway or Pembroke Pines on the weekend and there's no traffic, and it's not so anymore. It's traffic every day of the week now. Sunday, Saturday, when you thought you would expect when there's no traffic. So there's a lot of movement. People moving in, construction. They have a shopping mall being built, and so forth. I'm not sure which way we're going, and each day South Florida is just changing, and I'm hoping it's for the better. We can all enjoy the community, the different activities and so forth that we have here. And I'm in support of Commissioner Colbourne with more dialog with the applicant. I think we need to have more discussion as to what's entailed. We have a disagreement, as it is, as to what's on the property, the wildlife, the kind of plants, and so forth. And so we need to have more dialog, and I wish we can do that before we come back for other approval. So that's something I would encourage our residents and the applicant to get together, so we can have more constructive dialog as to how we move forward. Now I'm very pleased that

the applicant agreed to the second turning lane coming from south on Dykes Road to make that right to go east on Miramar Parkway. I, for years, live in the area, and experience that difficult task of trying to make a right turn from people coming from Dykes Road south, very painful, extremely. And if that second lane will help, that will be greatly appreciated. Also, the bird sanctuary that they would put in if their place did get built. That's something I think I need to see happen one day, so I'm very pleased that they agreed to that. I'm here to work with the residents, work with the applicant, to see how we can move forward, so I'm encouraging everyone to get together, have a good discussion, and then we could come back and have more dialog before the final approval. Thank you so much.

MAYOR MESSAM: Thank you, Commissioner Chambers. As I stated earlier, I would just like to thank the community for your engagement in this process, and coming out to voice your concerns. Because we, as elected officials, and I do know for myself, that it's always welcomed and beneficial to understand the position of our residents, how they see whatever the issue may be, and specifically with this issue. When the applicant contacted my office several months ago about their proposal for this project, I'll share with you what I told them. I mentioned that I had reservations about the proposal. And I said that for me to support this development, several conditions would have to be met. The first condition I mentioned to them was that, "You need to find out how the residents feel about this project. You need to educate them on what you're proposing, you need to take the comments and feedback from them, whether it's good or bad, because, at some point, you'll be at the Commission meeting to address it. Contact every single homeowners' association, talk to their boards, invite individuals to the public meetings." That was one of the first charges. The second issue and concern I raised to the applicant was that I'm very concerned about the traffic, because of all the elected officials on the Commission, I'm the only commissioner or elected official as the Mayor that lives west of Palm, I think, so I know the conditions. Not only do I know it as a resident of Sunset Lakes, I know it as a driver, I know the conditions as a runner. So when I hear comments about how long it can take to drive, and it can take a long time, so I know if someone is exaggerating, because I'm there and I'm in it. And I know if someone is not necessarily being truthful in regards to how long it takes. I've had driving experiences that have ranged anywhere from five minutes to, perhaps, 30 minutes, depending on the conditions on 75. One accident on the Turnpike southbound, or at the Palmetto, ripples effect to Miramar Parkway, and it doesn't stop at Miramar Parkway, it goes up to Pines, Griffin, Sheridan, it all depends. So I say traffic has to be addressed, and you're going to have a problem improving that, however you're planning to mitigate traffic, because there are so many moving targets. You have a current I-75 express construction project going on. You have the Miramar Parkway overpass going on. Pembroke Road overpass isn't completed. Now this is how many months back we've been talking. So getting resident input, getting some grasp of what the traffic would look like, and ensuring that you are as flexible as possible to make sure that this development doesn't negatively impact the community. And, at that time, it was 500 homes. So that was the end of that discussion. Fast forward. In recent discussions, as studies have been completed, reviewing emails from residents, comments, meetings with staff, and I've had some conversations with many community

leaders out west. And they'll affirm what I'm about to say. Even as a resident, as a mayor, on the surface, if tonight, having to decide to give due process, I don't know if I could approve this. But as the Mayor, I have to allow due process. So, as a resident, I know what's going on, I know what you're experiencing, because I live with you, and I'm there. But as the Mayor, and with anyone providing a viable application, going through that process, that is how I will be evaluating this process. How are they addressing it? Did they speak to the community? How are they addressing traffic? And what would be the density of this project? Were the three main factors, which I think is a fair process to objectively look at this scenario, and this application. The applicant met with me yesterday, and I stated to them even before looking at this application, there are some things right now that I have concerns with, even our staff's conditions. One, right now, going northbound on Dykes Road to go to Miramar Parkway, I've personally witnessed the congestion to turn and going east on Miramar Parkway. That's even before you put shovel in the ground, so there's nothing in our proposal that addresses that. It will only compound that. And the condition that the staff made was to have study done to see if it's warranted. I said, "Well, that doesn't make sense. I can go out there right now and tell you that it's backed up. In fact, we have to have officers out there, because of residents who bypass the turn lane, drive the middle lane, and try to make a right around, causing hazardous conditions. So I said, "I don't see the rationale of us studying Pembroke Road to see how much traffic has come off Miramar Parkway to go on Pembroke Road to determine if we need a right-hand turn." Just as a starter, before even evaluating it, there has to be something done. We know it needs a right-hand turn before you even build the project. So I see now tonight that they've just already have agreed to bypass the study to put the right-hand turn. My second issue was that, okay, the roundabout at 172nd and Bass Creek Road. I'm not a traffic engineer, I don't know if it's better to have a light there, a lighted intersection or a roundabout, and it was explained regarding Broward County's requirement that even if they wanted to put a light there, Broward County wouldn't permit it unless it meets these criteria. So I don't know what the residents would prefer better, light or roundabout. So I said to be flexible to the community if this moves forward, whatever works best for the community, whether it's a roundabout or a light, be willing to put that there, if it's going to facilitate better commutes. And these are just nonstarters before even moving forward. As was explained earlier, in terms of the process and due process, if we go through this process, and before they get CO on any single unit, we have to know, one, the current improvements that are taking place with I-75 express, the overpass on Miramar Parkway and I-75, we don't even know what that baseline is. So all the studies that have been done does not -- we haven't reset the baseline. How are the improvements impacting traffic today? I think we need to know that. I think we need to know that, because being objective, as a commuter, I know traffic is backed up. But, to be fair to the applicant, I need to know what's the baseline. To be fair to the resident, to be able to say, based on the improvements, we have a new baseline, and our studies show it doesn't work. Then I have a basis to say, "Traffic hasn't improved, and your development is going to make it worse." Or if the study comes back and says there has been significant improvement, and the level of traffic is acceptable, then that's a factual element that we can use in this process. So I'm going through these steps to allow the residents to know how I'm looking at approving or denying this

application. Because of the conflicting comments in regards to the applicant saying that they've reached out to every HOA, and only two met with them, and residents shaking their heads, I don't know how many board members are here. I see one board member, president of Nautica. So we have a couple of presidents and board members here, and I would encourage members to ensure your board of directors invite the applicant to speak to your homeowners association about this project. Because you deserve to get information about the project. I just think that you as a resident should know, to be able to hear from the applicant, so you can voice, because I tell you, all the conditions from staff and many of the conditions have come from feedback from the community. So to not have your voice heard, I think does not allow you an opportunity to really have your thoughts and your sentiments fully engaged in the process. So I encourage each community to meet with the applicant during this process if it should move forward. And, finally, I've lived in Sunset Lakes for 17 years, waited two years for the house to be built. Went under contract in 1998, the first home my wife and I have ever owned. As our first home, Miramar was the city we chose. In 1998, I never thought I would be sitting here in this seat as the Mayor. And, raising a family in west Miramar, I think of any elected official, which all of us care about the community, I think of all elected officials that live in the community, in the most western community on Miramar Parkway have a personal perspective of what's the current situation. And I will not sacrifice my quality of life, personally, for any applicant. That's why I was very blunt, very straightforward, and very stern with the applicant. I've met with them three times in my office, and probably all the meetings, probably the one they dreaded the most coming to mine. So you can trust that at the end of the day, that if the important factors that impacts us all are not addressed. When all governmental stakeholders have had an opportunity to provide us with factual information to factor into this decision, when it comes back, if it should move forward, that I will not be supporting moving forward on this item. That is my commitment to the residents. And what I will ask my neighbors is to just if you have, with so much dignity and so much respect in this process in communicating your sentiments. That we get the community informed and engaged about this project, and truly look at it from an objective process, because any one of us, because we don't like something can find any millions of reasons to say, "Don't support it." But let's objectively look at the process, and get our community engaged in the process, so that the applicant can have an opportunity to get the feedback, and if there needs to be more concessions made, we can address it at the appropriate time. But if there's no communication, and there's just no dialog, then I think that an opportunity is missed. So you have my commitment to ensure that at the end of the day, that many of these items that have been brought forward, because I will be reviewing many of the comments that have been made today. And I will be asking questions in regards to some of the issues that were raised by some of the residents that were not necessarily either reconciled, or responded to by the applicant. So that's my earnest commitment to the community and, again, I thank everyone for coming out this evening, and thank you so much for sharing your sentiments, because I'm sure it has impacted all of us, and each of us in our respective ways. We'll be taking all of this into consideration. Thank you so much.

COMMISSIONER CHAMBERS: Mayor, if I may?

MAYOR MESSAM: Commissioner Chambers.

COMMISSIONER CHAMBERS: There's something I want to say, and one of the things that we need to exercise, is honesty. And I don't think we are affecting any residents, but over the years we have been promised a lot of things. One of the things that was promised to a lot of residents when they were buying homes out west was Pembroke Road was going to be opened. It took 20 something years. It's open, and it doesn't quite relieve the traffic. That's honesty. I'm there, I live in Silver Shores for nine years. My daughter still attend the school there, I go there. My parents, they come off the ramp, it's backed up. People try to come out of Silver Shores, it's impossible, we can't get a light. So we have to really be honest and have a discussion, and be honest with our residents. I'm not one who believes in a lot of promises for traffic fixing the situation, but it's here, and people are moving here, people want to live here, so we have to address these issues. It's not going to solve everything. We've got more stores, we've got the hospital and so forth. And, like I said before, every day is traffic. But how do we move forward, how can we live with it? We have to find ways of adjusting and adapting. It's there, it's not going to go away, it's going to get worse. We have to find ways to move forward and be honest with each other, and have an honest debate. No more tricks, no more nothing, and that's where I'm at. Thank you.

MAYOR MESSAM: Thank you, Commissioner Chambers. Vice Mayor Barnes, you're recognized.

VICE MAYOR BARNES: Let me just add to a number of comments that have been made already. All the developers, when they sit to talk with me, they'll tell you the one question I ask is, "What have the residents said?" It only makes sense. In addition, there's no way I can understand the traffic situation. I'll tell you why. I work north of here. It is exactly 7.7 miles from my home, which means when I have to go to work at 5:30 in the mornings, maybe 20 minutes. If you use University Drive these days, it's 22 minutes. So to have to begin to fathom what our residents coming from the very western end of our City just to get to 75, there's no way I can understand it. But I have sought over time to empathize with our residents, because I have friends, very close friends who live in the area, and, yes, I am one of those who live in central Miramar, so it's not as if this is not understood or appreciated. I, frankly, do not think there is, in general, a solution to traffic. The Miami Herald, maybe 20 years ago, did a piece, a series of articles about traffic in South Florida, and it spoke about the need -- if you were to accommodate the traffic on I-95, for example, you would be building eight additional lanes every single year. So if a solution is not available, what are we talking about? We're talking about mitigation. And I said it to a number of residents, if I had to deal with 7:30 traffic on Miramar Parkway west of I-75, I'd probably rent a helicopter, I'd ride my bicycle or something. I really do have an understanding. But, again, I'm begging you, let us go through this process. We will do the right thing by our residents.

MAYOR MESSAM: Thank you, Vice Mayor. Seeing no other speakers coming up on the dais, I'll entertain a motion in regards to the recommendation from the City Manager and staff.

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Ordinance #O1661, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | No |
| Mayor Messam | Yes |

Passed 1st Reading

SECOND READING TBD

PUBLIC HEARINGS

9. **SECOND READING** of Temp. Ord. #O1671 approving the second budget amendment of the **Fiscal Year 2017 Operating and Capital Improvement Program Budget**; and providing for an effective date. (***Passed 1st Reading 06/07/17***) (*Management & Budget Director Norman Mason*)

Management & Budget Director Norman Mason indicated there had been no changes to the ordinance since its first reading.

MAYOR MESSAM: Are there any members from the public that wish to comment on this item? Seeing none, back to the dais. May I have a motion?

On a motion by Vice Mayor Barnes, seconded by Commissioner Colbourne, to approve Ordinance #O1671, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Ordinance No. 17-16

10. **SECOND READING** of Temp. Ord. #O1670 **amending** the **Land Development Code**; making findings; amending Section 201, providing new definitions under general terms; amending Section 202, renaming Section to specific terms; creating

new Section 203, rules of construction; amending Chapter 3 relating to Development Review procedures; amending Section 301 relating to approval process requirements; amending Section 305 relating to conditional and permitted uses; amending Sections 310, 311, 315, 320, and 322, relating to site plans, Community Appearance Board, variances, appeals, and zoning relief, zoning permits and temporary uses and structures; creating Chapter 4, Zoning, relating to use regulations and non-conforming uses and structures, specifically regulating permitted, conditional, specific, accessory, temporary, non-conforming and prohibited uses, and renaming districts; amending Chapter 7 Use Regulations; repealing Sections 701-711, and 713, relating to zoning districts, conservation, residential, commercial, industrial, employment center, commercial recreation, community facilities, recreation/open space, and utilities zoning districts, and specific use regulations; amending Sections 712, 714, and 715, relating to overlay districts, Traditional Neighborhood Development District (“TNDD”), Transit Oriented Corridor District Code; repealing Chapter 11, relating to non-conforming uses and structures; application and amendment procedures; applying new district names to the official zoning map; renumbering and relettering provisions; providing for severability; providing for inclusion in the Code; and providing for an effective date. ***(Passed 1st Reading on 05/17/17) (Principal Planner Michael Alpert)***

Principal Planner Michael Alpert discussed the changes made to the subject ordinance since first reading, as shown in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you. Before we come back to the Commission, typically, we allow if there’s any comments from the public on this item.

A male speaker 2:54:35 remarked on it being a daunting task to read the thick binder of information, stating he would not have gotten through the material without Mr. Alpert’s help to understand the language and changes being proposed. He thanked staff for taking the time to review the documents with him.

MAYOR MESSAM: Thank you. Are there any other members from the public who wish to comment on this item? Seeing none, back to the dais. Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes, thank you. During the first reading, I had requested a workshop, and I never heard anything on it, but I’m again requesting a workshop on this item. And I know we had a number of workshops between our last meeting and this one, and I know Michael Alpert has done a wonderful job on this. I know he’s done a lot of work on it, but I think it is so important when we are making changes to our Land Development Code that we truly understand what we are doing, because it’s going to impact many decisions that we will be making in the future. So I would really like to have a workshop, and truly go through these items, so that this Commission can understand it, and that didn’t take place. So I respectfully ask this Commission if we could defer this item until we have a workshop on it. I know I spoke with staff today and asked whether or not there was anything pending, whether or not it would have an issue or

conflict with anything that's going on, and they have advised me that that was not the case. If we can wait until August, and just give us some time to have a workshop on it is all that I'm requesting.

MAYOR MESSAM: I'm okay with the item. I don't have an issue with having a workshop. I understand all the amendments. I have been brief with staff. I've even provided comments in regards to some adjustments that could address our Workforce housing, in terms of allowing smaller units to be in unincorporated areas outside of the TOC. Personally, I'm okay with moving forward, but if there's consensus with the Commission, I wouldn't have any objection. Anyone else needs a workshop? If you need a workshop, raise your hand.

VICE MAYOR BARNES: No, no workshop.

COMMISSIONER RIGGS: Need a workshop.

MAYOR MESSAM: So we have consensus. So if staff can poll elected officials on the date, that would be great.

COMMISSIONER COLBOURNE: Do we need a motion to defer.

CITY ATTORNEY COLE: You'll need a motion to continue it to a date, so you need to choose a Commission meeting.

COMMISSIONER COLBOURNE: So the August meeting. I would like to make that motion.

MAYOR MESSAM: If you could hold the motion to allow the Commission to make some comments. Yes, Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: I just want to ask, do we just do workshop, or we can do individual Commissioners. Will that work?

COMMISSIONER COLBOURNE: Well, I'm proposing that we do a workshop on it. Not only do we have these items that are on here, but I know that there are some additional changes that could be included in the workshop as well, because this is just one portion of the code, but the next portion of the code, we'll be dealing with science and some other things. And if we can just get a start on that, let us know what's going on, so that we can give some feedback before you even start to dive into those changes, and I think a workshop would be appropriate.

COMMISSIONER CHAMBERS: Okay.

MAYOR MESSAM: My only question would be, in terms of the other items, is staff prepared to discuss any proposed changes or do you have specific recommendations in the items that aren't being adopted in this specific item?

COMMISSIONER COLBOURNE: I do not have any specific items, but in discussing this with staff, they were very comfortable that they could just kind of highlight some of the things that would be coming forth, in terms of changes, and that they would welcome feedback ahead of time.

MAYOR MESSAM: So on that note, will staff be ready to include the additional items in the workshop we will schedule?

MR. ALPERT: Yes, this is Phase III, which is Chapter Four, and amending Chapters Two and Three. Phase IV, the final phase, will be Chapter Five, which is all the development standards. It will also be looking at, tweaking along the way, with the chapters that we've adopted before that, one, two, three and four of the City code. In addition to helping you understand what's in Chapter Four, we would have some policy suggestions and recommendations for signs, landscaping, parking, architecture and all the development standards that we could get your feedback on, and then begin to formulate the final draft, which will come before you in the future.

MAYOR MESSAM: I just want to make sure that you have enough time between now and the 23rd to be able to have a productive discussion. So this is your opportunity now to get a later date if you need additional time. That's why I raised the question.

MR. ALPERT: I believe we'll be able to have some things in the next few weeks, yes.

MAYOR MESSAM: Great. I'm ready for the motion now.

VICE MAYOR BARNES: I already stated my position, vis-à-vis the continuation.

MAYOR MESSAM: So we can call the roll? Call the roll.

On a motion by Commissioner Colbourne, seconded by Commissioner Chambers, to continue Ordinance #O1670 to the regular Commission meeting of August 23, 2017, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | No |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Cont'd. 8/23/17

11. Temp. Reso. #R6458 approving the **Program Year 2017 - 2018 Community Development Block Grant Program Action Plan**; authorizing submission of the Program Year 2017 - 2018 Community Development Block Grant (CDBG) Program Action Plan to the U.S. Department of Housing and Urban Development. *(Community and Economic Development Director Eric Silva)*

Community and Economic Development Director Eric Silva reviewed the subject resolution, as set forth in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to comment on this item? Seeing none, back to the Commission. Are there any questions or comments, if not, I'll take a motion.

On a motion by Commissioner Chamber, seconded by Commissioner Riggs, to approve Resolution #R6458, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Resolution No. 153

12. Temp. Reso. #R6459 approving **amendments to Fiscal Years 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 Community Development Block Grant Program Action Plans**; authorizing the reallocation of funds to the Residential Rehabilitation and Micro Enterprise Programs; authorizing submission of the Action Plan Amendments to the U.S. Department of Housing and Urban Development; authorizing the City Manager or designee to take appropriate action to facilitate the implementation of the strategies resulting from the Action Plan Amendments. *(Community and Economic Development Director Eric Silva)*

Community and Economic Development Director Eric Silva went over the proposed resolution, as stated in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you. Are there any members from the public who wish to comment on this item? Hearing and seeing none, back to the dais. Any comments, questions? All right, we have Vice Mayor Barnes, you're recognized.

VICE MAYOR BARNES: Just to acknowledge the work done by staff because, as you will remember, the perennial question that keeps coming up year after year is: where can we find more funds. Always a problem, funds run out, applications move very fast, so I applaud staff for seeking to transfer this money to add to those benefits that our residents can engage in. I take very strong liking, if you would, to the CDBG funds. Before I even

lived in the City of Miramar, my mother benefited from CDBG funds, so I understand the value of it. And, again, please keep looking for more money. That's my only request.

MAYOR MESSAM: Any other comments? Seeing none from the Commission, the only brief comments I have on this issue is that I would like to encourage the residents to please pay attention to what's going on in Washington. As you know, in President Trump's proposed budget, he's proposing to eliminate CDBG funding significantly, and that would definitely be a detriment to the City of Miramar, and make it even more difficult for our staff to find funding. So my final comment is that I'm looking forward to us as a City and a Commission working with our staff to see how we can come up with some additional synergies, where we can combine the benefit and the utilization of the CDBG funds, which has its restrictions for beneficiaries, and which we can use. For example, it has to be in a certain area, and follow strict federal guidelines. However, how can we use, perhaps, some City funding to combine or to add in addition, so if someone is rehabilitating a commercial property, or the residents, that if they qualify for CDBG, if we also have some additional funding on the City's side, which means we have to find a funding source. So we have to have some discussion on, potentially, where will this funding source come from. We have the grant for \$10,000.00 if you create a job. I really think, however, if we can create a mom and pop grant, that we create from our own funding. Again, where is the funding source going to come from? But we have to have a discussion to see the benefit, because many of our business owners or property owners, their tenants, and I'm glad to see the adjustments, where some tenants can benefit from CDBG funding. But many of our businesses need assistance with marketing, they may need assistance with tenant improvement. They may need assistance with signage, or even coming up with a business plan, and the more creative we are, and the more resources we can lend to our businesses would be definitely a benefit. So I look forward to us having that continued discussion. That completes my comments, and I'll entertain a motion at this time.

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Resolution #R6459, the Commission voted:

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|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Resolution No. 154

QUASI-JUDICIAL PUBLIC HEARING

City Attorney Cole explained Miramar's procedures regarding quasi-judicial hearings, stating the rules applied to items 13 and 14.

Those providing testimony on the following quasi-judicial item were collectively sworn in by City Clerk Gibbs.

13. Temp. Reso. #R6453 considering Application No. 1604778 **Site Plan**, Application No. 1604779 **Community Appearance Board**, and Application Nos. 1604780, 1604781 and 1702883 **Variiances** for a 130-foot high **stealth flagpole telecommunications tower** on a vacant Community Business (B2) Zoned Parcel located west of University Drive on the south side of Miramar Parkway; and denying the Site Plan, Community Appearance Board and Variance Applications. *(Community & Economic Development Director Eric Silva)*

Community and Economic Development Director Eric Silva reviewed the subject resolution, as detailed in the backup. The City Manager recommended denial.

Heidi Davis, the applicant's representative, along with other team members presented the proposed project, further detailed in the backup, highlighting the following:

- The need for the proposed telecommunications tower was great due to the increasing number of residents and businesses moving to Miramar
- The tower would allow for faster, better service, and the newest technology, without which communication would be lost and productivity decreased
- The tower would be designed as a flagpole to increase coverage areas where people were experiencing poor service
- The property was owned by the same family since the 1970s, and no attempt was made to develop the site that was currently land locked with no constructed ingress or egress for access. It was used to dump trash, and homeless persons were seen sleeping against the back wall of residential properties
- The property was zoned B2 commercial and surrounded by commercial uses on the east and west, a church to the north, and residential to the south
- The applicant chose the subject site, as there was no alternative, and they had been searching the area for a site for the past three years
- Contrary to the staff's presentation, the applicant did not use the last option on the City's cell tower siting hierarchy per LDC 814.5d; they started at the top and worked their way down the list, submitting a detailed summary of their efforts with their application to staff, as noted in the backup
- The applicant typically leased property, as the area needed for a tower was small, usually about 2,400 square feet; the subject site was approximately 19,000 square feet, but the owner would only sell not lease the property, and the applicant entered into a contract for purchase
- The applicant would have preferred an alternate property that required no variances or was larger, but none were available in the area with poor coverage
- They spoke with customers in the area who said they had to go outside and down their driveway to get cellular service, which presented a public safety issue

- The subject site location was centered and distanced from the applicant's existing towers at which technologies had been improved and updated with no appreciable improvement in the service area of concern
- The service deficiency was due to the lack of a strong tower location
- They were unable to co-locate on existing towers, as they already had facilities on all the towers or structures of sufficient height in the area, but they required a location less than one mile from any existing facility
- The only other location was a self-storage facility along the Turnpike, but putting a tower or antennas so close to their antennas on the rooftop of the nearby El Palacio Hotel would cause network interference and performance issues
- The applicant would plant more lush landscaping than City code required to screen the facility from residents
- The tower would have all antennas, wires and cables located within a pole
- The City could choose to fly any flag it desired on the proposed flagpole tower
- The applicant disagreed with staff's evaluation, as they believed the subject need was based on a hardship evidenced by the applicant's search for over three years for a location, and there were no other properties available
- The applicant disagreed with staff's evaluation pertaining to the location of the tower on the subject site, as the original design was more toward the front of the property where no variance was required, but City staff requested that the tower be pushed back further into the site away from Miramar Parkway and the City's scenic corridor
- The applicant believed the strict application of the City code created an unnecessary hardship or, at a minimum, a practical difficulty, prohibiting the use of the land in a manner otherwise allowed under the code
- The applicant disagreed that the hardship was self-created, as the hardship was due to the limited availability of properties for the subject purpose
- Contrary to City staff's report, cellular towers could be a principal use on a property, and granting the variances would not prove detrimental to adjacent properties or adversely affect the public welfare
- The proposed tower was completely safe and would withstand hurricane-force winds, and in the event of a weather event beyond what could be contemplated, the tower would collapse on itself rather than outside the area
- With numerous people getting rid of their landlines and opting for cell service only, more coverage was needed, and the one-mile distance separation in the City's code was outdated
- There was currently no access to the property, so the applicant needed ingress and egress, so the applicant would have access to the property without third party interference
- The applicant disagreed with City staff that the proposed use did not meet or was incompatible with the City's Comprehensive plan and the LDC, noting though staff claimed the facility was simply not compatible with single-family residential uses located close to the site, no reason was given or evidence provided by staff as to why a tall flagpole was incompatible with residential neighborhoods

- The applicant felt the proposed use was most compatible with residential neighborhoods, as it caused no traffic, noise, light, odor, or safety issues. It was merely a pole with landscaping around it
- Although not required, the applicant reached out to the surrounding neighbors several times to inform them of the proposed application, setting up meetings at City Hall and on the property, sending notices. A survey, and over 500 letters were sent out several times to residents, yielding very little feedback
- Only a third of the property was needed for the tower, and if the item passed, and the applicant purchased the site, they would be willing to donate the two thirds of the property closest to the scenic corridor to the City of Miramar
- The applicant disagreed with City staff's recommendation for denial, and urged the Commission to approve the proposed use.

MAYOR MESSAM: Thank you. Are there any members from the public who wish to comment on this item?

Marcia Akins, 8505 Windsor Drive, Miramar, stated she was a resident of the Knolls for over 40 years, and she received no notification, though she heard a meeting was held at which only five residents attended. She was opposed to placing the subject cell tower in what she felt was the heart of the City, stating the applicant should have gotten more response and communicated with the area residents. Nothing was mentioned of the health hazard that could be presented by radiation from the tower that would be located across the street from the existing school, church and park. The presence of the subject pole would hamper the beautification process in Miramar.

CITY ATTORNEY COLE: Mayor, under our rules, since it's almost 11:00, in order to have the meeting continue past 11:00, the City Commission has to, by a four fifths vote, declare that an emergency exists as to specific items on the agenda, may continue the meeting beyond 11:00 for purposes of taking action on that emergency item or items. In any event, the motion to continue also has to provide a specific timeframe that the Commission will honor for the purposes of continuing the meeting. So you will need some motion if you want to continue past 11:00.

MAYOR MESSAM: Okay. We're in the homestretch. If we can agree to just finish out and by no later than 11:20.

COMMISSIONER COLBOURNE: Fifteen.

VICE MAYOR BARNES: Let's try for 15.

MAYOR MESSAM: Okay, 15. Can I have a motion?

CITY ATTORNEY COLE: The motion has to also say what items you're declaring the motion for. Obviously, this item. You also have the climate change one, so you can include both items.

MAYOR MESSAM: That's quick; we can include both items.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Barnes, to approve continuing the Commission meeting to 11:15 p.m. and include voting on the remaining items on the agenda, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Approved

MAYOR MESSAM: Are there any additional members from the public?

Joan Barrett, 8661 South Lexington Drive, Miramar, stated the problem she most had was that no one she spoke to in her neighborhood knew anything about the proposed use, and she went around with flyers. She was puzzled as to which residents the applicant reached out to, and she observed no homeless persons on the subject site as the applicant claimed. The most detriment of the proposed use was to the beautification of their neighborhood and property values, as locating a tower across the street from the school, a park, etc. was not a good idea. She said the applicant needed to make a better effort at informing area residents of their plans.

MAYOR MESSAM: Thank you so much, ma'am, for your comment.

Chessman Coby, 8544 Windsor Drive, Miramar, stated he too put flyers out in his neighborhood in reference to the Commission meeting, and he received no communication from the applicant about the proposed use. He asked his neighbors if they received anything from the applicant, and most of them said no, and he saw no homeless persons on the subject site. His cell signal had always been strong, and he lived in the middle between University Drive and Douglas Road. He was opposed to placing the proposed cell tower at the requested location, noting as the applicant had been denied four times, he was puzzled at their persistence.

MAYOR MESSAM: Thank you, sir. Are there any other members from the public who wish to comment on this item. Seeing none, yes, Mr. Silva.

MR. SILVA: Mr. Mayor, I just need to read one statement into the record from the staff report, and this is with reference to the policies and the code sections, and I also want to mention something in their resolution. This is on the first page of the staff report, last sentence under recommendation, second to last sentence: In addition, the proposals are not consistent with object three, policy 3.1, and objective 12, the Future Land Use Element

of the City of Miramar Comprehensive Plan, and sections 814.a, 814.c, 814.d, 814.d, 814.e, 814.f, and 814.5.f(b) of the Land Development Code.

MR. ALPERT: As the Chair of the Development Review Committee, and the Chair of the Community Appearance Board, in my professional opinion, these applications for variance, site plan, and Community Appearance Board are not consistent with the Comprehensive Plan.

MR. SILVA: And then just one note about the hardship test that the applicant mentioned, if you can just refer to page eight, and this is of the Resolution 6453, the hardship test is not if the applicant can find a good site for the cell tower. On page eight, this is item eight on the same page, it states: an undue, unnecessary hardship is a non-self-created characteristic of a property in question, where (unclear 3:51:56) virtually impossible to use the property, and for the purpose, or in the manner for which it was zoned. And then it references a couple of court cases, and it says: the Court stated that the requisite hardship may not be found unless there is a showing that under the present zoning, no reasonable use can be made of the property. So it's based on the present zoning; can anything else be done with that property.

MAYOR MESSAM: Thank you. One response.

MS. DAVIS: Yes. Quick response. Heidi Davis. The mailing list was actually provided to us by the City, so all of the addresses that were sent within 1,000 feet of the property are right here on the list, and we don't provide our own list. So 530 letters went out several times. I'm not sure if they're within the 1,000 feet, where their property is, but this is the list. There's pages of names that went to each of the residents within 1,000 feet of the property. Also, the homeless person, we were on the property last Wednesday night for a meeting that we had sent letters to come to the site, come on the site, we want to show you our plans, we want to show you what it's about. We didn't want to have them drive to City Hall, we were right there. And, actually, we woke up a homeless person that was on the property. So there are homeless people that are living on that property. Also, with regard to the Telecommunications Act, health issues, if you want to read anything about the health issues, go to FCC.org. They provide all the information about all those issues. Thank you very much.

MAYOR MESSAM: Thank you.

MR. ALPERT: I just want to make one correction to what Ms. Heidi Davis spoke. The City did not provide the mailing list. The applicants are responsible for their own notification. We approved the notice, and in this case, they did it officially twice, once for the community meeting in October, and once for this Commission meeting. A 1,000-foot radius, we do not provide the mailing list. They use Property Appraiser's information to do that. We received their certification affidavit, but we do not provide the mailing list to them.

MAYOR MESSAM: All right, thank you. Back to this dais. I see, Vice Mayor Barnes, you're recognized.

VICE MAYOR BARNES: We need to be out of here in ten minutes. I would like to share my understanding of the signs and, in fact, we spoke with the applicant a number of times, and we spoke about the signs, at least. My daughter does not necessarily agree, but I think of myself as being techy. People who will not like a cell phone tower in their backyard will purchase a home under high-tension electrical wires, and the science is easily accessible. It can be found. In addition, I think residents need to assume some of the responsibility for carriers wanting to build cell phone towers. We take these little devices for granted, but in our homes we have three tablets, we have two -- no, four laptops, maybe two desktops, that uses these facilities somewhere along the line. But, on the other hand, I have been here for a while, and it's going to be difficult for me to remember where staff suggested a denial. I cannot remember that happening. Maybe it happened, I just don't remember. But that says something to me. Staff has always from me gotten the highest regard and respect in what they do. I think, as elected officials, we also have to assume the sentiments of our residents. We have no choice. In addition, in my own neighborhood in central Miramar, a request came to us from a developer once regarding a cell phone tower that would be situated close to the old police headquarters. Simply the response from my neighbors, my fellow residents in that development, I had no choice in how I voted. And I think to have the residents come to us and say some of the things that they have said this evening, I understand their plight. We, again, as elected officials, have to start balancing out what we do in certain sections of the City, vis-à-vis, what happened in other sections of the City, and we are speaking of the older neighborhoods of the City. And I think some of the allowances that have been made in the past we probably need to put a stop to as we go forward. I understand the need for this technology, and I understand the spacing, as it as explained to me, but I think, and I continue to say, my first responsibility is to the residents of this City and, in that regard, if your cell phones start giving trouble, or your laptops won't work as fast as your tablet used to work and so on, deal with those realities. But, no, I will continue to say my first responsibility it to the residents of the City.

MAYOR MESSAM: Thank you, Vice Mayor. Any other comments? All right. Well, can I have a motion?

CITY ATTORNEY COLE: You should take separate votes on the five different applications, and the overall resolution.

MAYOR MESSAM: I thought we were taking them all together.

CITY ATTORNEY COLE: And you should also, unlike the order here, the logical order would be to do the variances first, because those are necessary in order to do the site plan and CAB, so you should probably do Application 1604780 first and the two variances, if you can.

MAYOR MESSAM: So may I have motion on Application No. 1604778, site plan.

CITY ATTORNEY COLE: Mayor, if you could.

MAYOR MESSAM: You want me to start with which one?

CITY ATTORNEY COLE: Start with 1604780, which is the first variance.

VICE MAYOR BARNES: And also to explain what the vote really is.

CITY ATTORNEY COLE: The first motion should be either to approve or deny the first variance, which is Application 1604780.

a) Application No. 1604780

MAYOR MESSAM: So may I have a motion on the first variance, Application No. 1604780.

COMMISSIONER COLBOURNE: Is the motion to approve, is that to approve the variance.

MAYOR MESSAM: It's a motion to approve the variance. Staff is recommending denial, so we're voting yes to approve, or no to deny. Is everyone clear? All right. We have an applicant seeking approval for an application, so we have variances, so we're voting on each, individual variance, and then the overall item. So we're accepting the variance or we're not; yes to accept, no to deny.

COMMISSIONER RIGGS: To accept what staff is recommending.

MAYOR MESSAM: To accept the variance request.

COMMISSIONER RIGGS: Got it.

MAYOR MESSAM: Staff is just giving us advisement on their recommendation on our decision.

VICE MAYOR BARNES: And we have to have a second to vote.

MAYOR MESSAM: Yes, we have to have a second to move the item. So I have a motion, do we have a second?

On a motion by Commissioner Chambers, seconded by Vice Mayor Barnes, to approve Application No. 1604780, the Commission voted:

Vice Mayor Barnes

No

| | |
|------------------------|----|
| Commissioner Chambers | No |
| Commissioner Colbourne | No |
| Commissioner Riggs | No |
| Mayor Messam | No |

Denied

b) Application No. 1604781

MAYOR MESSAM: May I have a motion on Variance 1604781?

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Application# 1604781, the Commission voted:

| | |
|------------------------|----|
| Vice Mayor Barnes | No |
| Commissioner Chambers | No |
| Commissioner Colbourne | No |
| Commissioner Riggs | No |
| Mayor Messam | No |

Denied

c) Application No. 1702883

MAYOR MESSAM: May I have a motion on Application for Variance 1702883?

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Application# 1702883, the Commission voted:

| | |
|------------------------|----|
| Vice Mayor Barnes | No |
| Commissioner Chambers | No |
| Commissioner Colbourne | No |
| Commissioner Riggs | No |
| Mayor Messam | No |

Denied

d) Site Plan - Application No. 1604778

MAYOR MESSAM: May I have a motion on Application No. 1604778, Site Plan?

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Application No. 1604778, Site Plan, the Commission voted:

| | |
|-------------------|----|
| Vice Mayor Barnes | No |
|-------------------|----|

| | |
|------------------------|----|
| Commissioner Chambers | No |
| Commissioner Colbourne | No |
| Commissioner Riggs | No |
| Mayor Messam | No |

Denied

e) Community Appearance - Board, Application No. 1604779

MAYOR MESSAM: May I have a motion on Application No. 1604779 for Community Appearance Board?

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Application No. 1604779, Community Appearance Board, the Commission voted:

| | |
|------------------------|----|
| Vice Mayor Barnes | No |
| Commissioner Chambers | No |
| Commissioner Colbourne | No |
| Commissioner Riggs | No |
| Mayor Messam | No |

Denied

CITY ATTORNEY COLE: On the resolution, just to make it clear, the resolution, as drafted, is denying all of them, so a motion to approve the resolution would deny all the different applications.

MAYOR MESSAM: Everyone understands?

COMMISSIONER RIGGS: I'm sorry, say that again.

CITY ATTORNEY COLE: So if there's a motion to approve the resolution, that would be a motion to approve a resolution denying the applicants, so a yes vote would be to deny all of the applications.

MAYOR MESSAM: May I have a motion.

On a motion by Commissioner Chambers, seconded by Commissioner Colbourne, to approve Resolution #R6453, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Resolution No. 17-155

14. Temp. Reso. #R6465 considering **Conditional Use** Application No. 1700525, **Site Plan** Application No. 1700524, **Community Appearance Board** Application No. 1700612, and **Variance** Application Nos. 1700526 and 1701838, for a 12,513 square foot **ABC Fine Wine & Spirits Store** located on an outparcel of the SuperTarget Shopping Center, on Miramar Parkway, east of Southwest 172 Avenue and adjacent to Miramar Regional Park. ***(Staff recommends continuance to the meeting of 07/05/17) (Principal Planner Michael Alpert)***

CITY ATTORNEY COLE: Staff's recommendation is to continue this to the meeting of July 5th. If you could have such a motion.

MAYOR MESSAM: Yes, may I have a motion to continue.

On a motion by Commissioner Colbourne, seconded by Commissioner Chambers, to continue Resolution #R6465 to the Commission meeting on July 5, 2017, the Commission voted:

| | |
|------------------------|-----|
| Vice Mayor Barnes | Yes |
| Commissioner Chambers | Yes |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Cont'd. to 07/05/17

OTHER BUSINESS

15. **Reports and Comments:**

Commissioner Reports:

- a) Temp. Reso. #R6491 **opposing** the **withdrawal** of the United States **from the Paris Climate Agreement**; committing to continue to support the principles of the Paris Climate Agreement. *(Mayor Wayne M. Messam)*

MAYOR MESSAM: This item was approved by consent, so can I have a motion?

On a motion by Commissioner Colbourne, seconded by Vice Mayor Barnes, to approve Resolution #R6491, the Commission voted:

| | |
|-------------------|-----|
| Vice Mayor Barnes | Yes |
|-------------------|-----|

| | |
|------------------------|-----|
| Commissioner Chambers | No |
| Commissioner Colbourne | Yes |
| Commissioner Riggs | Yes |
| Mayor Messam | Yes |

Resolution No. 17-156

City Attorney Reports:

NONE.

City Attorney Reports:

City Attorney Cole stated, pursuant to Section 2860118A, governing public meetings, he desired an executive session to gain advice concerning the case of Gloria Williams vs. the City of Miramar, Case No. CACE-15017086. The session would be scheduled on July 5, 2017, at 6:30 p.m. Attending the session would be the Mayor, Commissioners, City Manager, Allison Smith, Samuel Zeskind, Justin Luger, and he.

FUTURE WORKSHOP

| Date | Time | Subject | Location |
|-------------|-------------|---|----------------------------|
| 06/19/17 | 5:00 p.m. | Preliminary Budget | Cultural Arts Banquet Hall |
| 06/21/17 | 5:30 p.m. | Proposal to Refund the 2007 Utility Improvement Revenue Bonds | Commission Conference Room |

ADJOURNMENT

MAYOR MESSAM: This meeting is adjourned.

The meeting was adjourned at 11:18 p.m.

Denise A. Gibbs, CMC
 City Clerk
 DG/cp

EXHIBIT P

From: Miramar Citizens Coalition
To: [Blake Boy, Barbara](#); [Von Stetina, Deanne](#); [Brunner, Scott](#)
Cc: [Judy Jawer](#); [Kate T.](#); [Mark Morgan](#); [Jytte Nielsen](#); [Nick Vermont](#); [Angel W. Marquez Sr](#)
Subject: Coordination of Transportation and Land Use Requirements (Lennar's LUPA 1502812)
Date: Thursday, October 12, 2017 2:05:34 PM
Attachments: [Coordination of Transportation and Land Use.docx](#)

Dear Ms Blake Boy:

Following the submission of documents related to this land use amendment, since you requested that we also send pertinent highlights for your special attention, I am attaching this note and an excerpt from the City Comprehensive Plan dated August 17, 2016. We have an objection and a question regarding Objective 4 and the pursuant Policy 4.3.

Objective 4. Coordination of Transportation and Land Use specifies, if a proposed development places any trips on overcapacity links within the impact area, certain mitigation measures should apply. One of these conditions (7) states that the LOS "D" should be **guaranteed in an enforceable development agreement**.

Our objection:

The conditions written by the City are very vague and not enforceable. They have delegated to the developer to decide about the required mitigation measures and its verification while the construction is already underway or completed.

For example, the wording in Condition 4 states:

“Prior to the issuance by the City of the last 100 COs on the Subject Property, the Owner/Developer must conduct traffic monitoring studies at this intersection. If the study indicates that LOS failures still occur, the Owner/Developer will be required to complete any additional improvements required for the intersection and movements to operate at LOS “D” or better prior to issuance by the City of last CO for residential development on the Subject Property, or by not later than January 1, 2022, whichever event first occurs.”

According to my past experience as a traffic engineer, to improve the conditions around the intersection of Dykes Road, Miramar Parkway, and I-75 off and on ramps, it is very likely that an overpass, or at least some form of major reconstruction, will be required. **These requirements should be specified in detail and the enforceable guarantee should be secured NOW – and not after the permit is issued.**

Our question:

Policy 4.3

states that "Prior to application" for a building permit the applicant shall obtain a Transportation Concurrency Satisfaction Certificate. Has the developer been able to obtain this certificate from Broward County, considering that the project will add trips on links that are already overcapacity?

Most sincerely,

Hossein "Zane" Tavana

On behalf of Miramar Citizens Coalition



Dear Ms. Blake Boy:

Since you requested that, in addition to all the files, we also send pertinent highlights for your special attention, I am attaching an excerpt from the City Comprehensive Plan dated August 17, 2016. We have an objection and a question regarding Objective 4 and the pursuant Policy 4.3.

Objective 4. Coordination of Transportation and Land Use specifies, if a proposed development places any trips on overcapacity links within the impact area, certain mitigation measures should apply. One of these conditions (7) states that the LOS "D" should be **guaranteed in an enforceable development agreement**.

Our objection:

The conditions written by the City are very vague and not enforceable. They have delegated to the developer to decide about the required mitigation measures and its verification while the construction is already underway or completed.

For example, the wording in Condition 4 states:

"Prior to the issuance by the City of the last 100 COs on the Subject Property, the Owner/Developer must conduct traffic monitoring studies at this intersection. If the study indicates that LOS failures still occur, the Owner/Developer will be required to complete any additional improvements required for the intersection and movements to operate at LOS "D" or better prior to issuance by the City of last CO for residential development on the Subject Property, or by not later than January 1, 2022, whichever event first occurs."

According to my past experience as a traffic engineer, to improve the conditions around the intersection of Dykes Road, Miramar Parkway, and I-75 off and on ramps, it is very likely that an overpass, or at least some form of major reconstruction, will be required. **These requirements should be specified in detail and the enforceable guarantee should be secured NOW – and not after the permit is issued.**

Our question:

Policy 4.3 states that "Prior to application" for a building permit the applicant shall obtain a Transportation Concurrency Satisfaction Certificate. Has the developer been able to obtain this certificate from Broward County, considering that the project will add trips on links that are already overcapacity?

Enclosure:

Coordination of Transportation and Land Use

CO 12.01.00

Objective 4

Policy 4.3 The concurrency management system shall provide that a development order or permit may be issued when a roadway exceeds its adopted LOS standard provided one or more of the following mitigation measures apply:

Standard Concurrency District

1. The proposed development does not place any trips on, or create any, overcapacity links within the impact area. The impact area is a circular area, centered on the proposed development site, with a radius determined by the scale of the proposed development.
2. There is an approved action plan to accommodate the traffic impact of the development, and implementation of the plan has been committed to in a written agreement approved by the property owner(s), the appropriate municipality, and the County Commission.
3. The necessary improvements to provide a LOS "D" are under construction at the time a permit is issued.
4. The necessary improvements to provide LOS "D" are the subject of a binding executed contract for the construction of the facilities.
5. The necessary improvements for the LOS "D" have been included in the first two (2) years of the adopted state or county five-year schedule of transportation improvements and the applicable government entity makes a determination that a binding contract for the implementation of said improvements will be executed no later than the final day of the second fiscal year of the original schedule.
6. The necessary improvements for the LOS "D" have been included in the first two (2) years of the adopted municipal five-year schedule of transportation improvements and the municipality has entered into an interlocal agreement with the County, which interlocal agreement will include assurances by the municipality, upon which the County may rely, that at the time a development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of a building permit.
7. The necessary facilities and services for LOS "D" are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant

to Chapter 380, Florida Statutes; provided that road improvements required by a Development of Regional Impact (DRI) development order shall not be considered for concurrency determinations for the property outside the DRI boundaries unless conditions 3., 4., 5., or 6. above apply.

CP 12.01.10

Policy 4.3 Prior to application for a building permit, the applicant shall obtain a Transportation Concurrency Satisfaction Certificate from Broward County. The City will not accept a building permit application, nor issue a building permit, unless the corresponding Transportation Concurrency Satisfaction Certificate has been presented. The County Commission may adopt land development regulations which exempt from these requirement categories of building permits that clearly do not create additional transportation impacts.

ATTACHMENT 15

7/17/2017

UNIVISION CONTACT LOG



Community Meeting

10/19/2015 Community Meeting at City Hall, City Commission Chambers - Public Meeting for All Residents

Community Meeting

3/14/2016 Community Meeting at City Hall, City Commission Chambers - Public Meeting for All Residents

Community Meeting

9/19/2016 Community Meeting at City Hall, City Commission Chambers - Public Meeting for All Residents

Nautica

| | | |
|-----------|----------------|--|
| Manager | Yvonne Daniels | yd@miramarnauticahoa.com |
| President | Patricial Lara | pl4220@att.com |

8/17/2017 Emailed manager and confirmed meeting for Oct, 24th with community

7/28/2017 Sent response offering to meet

Sunset Lakes

| | | |
|---------|----------------|--|
| Manager | Nestor Hermida | nhermida@castlegroup.com |
| | 954-443-0994 | |

President

9/21/2017 Follow up email seeking response on offer to meet

8/17/2017 Sent email to manager requesting meeting with Board.

Sunset Falls

| | | |
|---------|-----------------|--|
| Manager | Jannette Solano | jsolano@castlegroup.com |
| | 954-435-4411 | |

9/21/2017 Follow up email on offer to meet.

8/17/2017 Sent email to manager requesting meeting
Manager responses same day letting us she would ask the board

Silver Lakes

Manager Robert Moses robert@pinespropertymanagement.com
954-438-6570

9/27/2017 Lennar provided response to email from manager and requested meeting with board

9/26/2017 Received response from manager asking for further details

9/21/2017 Sent email asking to meet again

Riviera Isles

Manager Tamica Lloyd tlloyd@exclusivepm.net
954-322-5284

9/27/2017 Responded to Tamica providing additional information and asking for meeting

9/27/2017 Tamica responded asking what the meeting was about

9/21/2017 Sent email asking to meet again

Silver Shores

Manager Amanda Fernandez afernandez@kwpropertymanagment.com

9/21/2017 Sent email asking to meet again, got bounced back need to find contact for this HOA

ATTACHMENT 16



RECEIVED
10/12/2017

ATTACHMENT 17

From: Phillip S. Gnacinski
To: [Von Stetina, Deanne](#)
Cc: [Lisa L. Wight](#)
Subject: RE: Miramar Schools
Date: Thursday, October 12, 2017 10:35:42 AM

Good morning,

This is just following up that we did speak and that we do monitor the safety of the walk routes used by students through a variety of different methods and actively try to improve those with the cities/count/state when issues are found.

Phillip Gnacinski M.S., R.E.H.S., C.S.P.
Coordinator, Health and Safety
Environmental Health and Safety
School Board of Broward County
(c) (954) 614-3719

Safe Routes to School **(excerpt from Florida Department of Transportation Website)**

What is Safe Routes to School?

Safe Routes to School is a growing movement that has taken hold in communities throughout the United States. The concept is to increase the number of children who walk or bicycle to school by funding projects that remove the barriers currently preventing them from doing so. Those barriers include lack of infrastructure, unsafe infrastructure and a lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.

Safe Routes in Florida

Walking or biking to school gives children a sense of freedom and responsibility, allows them to enjoy the fresh air and provides opportunities to get to know their neighborhood while arriving at school alert, refreshed and ready to start their day. Communities and community-based organizations are devoting increased attention to pedestrian and bicycle safety issues in an effort to improve the conditions for walking or biking to school.

Florida's Safe Routes to School (SRTS) program can help communities address their school transportation needs and encourage more students to walk or cycle to school. It strives to enable and encourage children in grades Kindergarten through High School, including those with disabilities, to walk and bike to school; to make walking and biking to school safer and more appealing, and to facilitate the planning, development, and implementation of projects that will improve safety and reduce traffic, fuel consumption, and improve air quality in the vicinity of schools. In addition to encouraging more children to walk or cycle to school, the program also seeks to address the safety needs of children already walking or biking in less than ideal conditions.

A successful program integrates safety, traffic relief, health, environmental awareness and physical activity and fitness under one program. The program encompasses routes and techniques used to encourage children to walk or cycle to or from school. We encourage schools, local transportation officials and other qualified groups to cooperate and apply to meet some of the identified needs, while they address other identified needs locally or through other methods.

ATTACHMENT 18



PARKS AND RECREATION DIVISION • Administrative Offices
950 N.W. 38th St. • Oakland Park, FL 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-357-5991

*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

August 10, 2017



To: Barbara Blake Boy, Executive Director
Broward County Planning Council

Thru: ^{DAN} Dan West, Director
Parks and Recreation Division

From: John R. Fiore, Planner
Parks and Recreation Division

A handwritten signature in blue ink, appearing to read "John R. Fiore".

Re: **Land Use Plan Amendment Comments**
October 26, 2017 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 at their October 2017 meeting. Our comment is as follows:

PC 18-2 No objections. However, regional park impact fees will be required at the time of platting, to reflect the regional park impact fees to be paid for the 385 residential dwelling units which will be permitted with this land in this land use amendment.

If you or your staff has any questions about our comments, please call me at 954-357-8133.

Broward County Board of County Commissioners

Mark D. Bogen • Beam Furr • Steve Geller • Dale V.C. Holness • Chip LaMarca • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine
Broward.org/Parks • Facebook.com/BrowardCountyParks • Twitter.com/BrowardParks • YouTube.com/BrowardCountyParks

ATTACHMENT 19



Public Works Department – Water and Wastewater Services

WATER MANAGEMENT DIVISION

2555 West Copans Road • Pompano Beach Florida 33069 • PHONE: 954-831-0751 • FAX: 954 831-3285

MEMORANDUM



August 24, 2017

TO: Barbara Blake Boy
Executive Director Broward County Planning Council

FROM: Joe Heilman
Broward County Water Management Division

SUBJECT: LAND USE PLAN AMENDMENT
PC 18-2

I have reviewed the information in the package for the referenced Land Use Plan Amendment. The drainage information in the package is essentially correct.

- PC 18-2

Our office has no objections or comments for this amendment.

Respectfully,

A handwritten signature in black ink, appearing to be "JHeilman", written over a light blue horizontal line.

Joe Heilman
Construction Project Manager
Broward County Water Management Division
2555 W. Copans Road, Pompano Beach, FL 33069
Office:(954)-831-0764
E-mail: JHeilman@Broward.org

ATTACHMENT 20

ADDITIONAL AGENDA MATERIAL BROWARD COUNTY PLANNING COUNCIL OCTOBER 26, 2017

PUBLIC HEARING PC 18-2

- Email correspondence from Mark Morgan of Miramar Citizens Coalition dated October 16, 2017.
- Email correspondence from Miramar Citizens Coalition dated October 18, 2017.
- Email correspondence from Mark Morgan of Miramar Citizens Coalition dated October 18, 2017.
- Email correspondence from Miramar Citizens Coalition dated October 19, 2017.
- PowerPoint Presentation from Miramar Citizens Coalition, Traffic Concerns – “Univision” Lennar Project.
- Correspondence from Miramar Citizens Coalition dated October 24, 2017.
- PowerPoint Presentation from Miramar Citizens Coalition, Univision 120.
- Video link submitted by Nicholas Vermont:
<https://www.dropbox.com/s/8q029yz3nznuc24/BassCreek-Part%20III%20%28For%20County%29.wmv?dl=0>
- Video link submitted by Judy Jawer:
<https://www.dropbox.com/s/mdjx6kyd62wkk2v/Dagnino%20Birds.wmv?dl=0>

From: Mark Morgan
To: [Blake Boy, Barbara](#)
Cc: [Brunner, Scott](#); [Miramar Citizens Coalition](#); [Von Stetina, Deanne](#); [Judy Jawer](#); [Kate Tobon](#); [Nick Vermont](#); [Angel W. Marquez Sr](#); [Jytte Nielsen](#)
Subject: PC 18-2 Miramar- Lennar Land Use Plan Amendment Application - Revised Staff Report
Date: Monday, October 16, 2017 7:50:19 AM
Attachments: [image002.png](#)

Good Morning, Ms Blake Boy.

As a Broward County taxpayer, homeowner, and parent, I truly appreciate your willingness to engage with the citizens of Miramar in preparing your staff's recommendation regarding application PC 18-2 Miramar. It is our earnest desire that your staff will correct the errors, omissions, and perceived willingness to disregard our County's Comprehensive Plan in your final report that previously recommended this application's approval.

Our County's Comprehensive Plan clearly mandates this application's denial.

Our ComPlan's very first stated goal **Administration Element. GOAL 1.0.** decrees:

*It is the goal of the Broward County Board of County Commissioners (Board) to provide a comprehensive planning program that will **preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience**, law enforcement and fire prevention, and **general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation**, water, sewerage, solid waste, drainage, schools, parks, recreational facilities, housing, and other requirements and services; and **conserve, utilize, and protect natural resources**.*

Likewise, **Climate Change Element. Right to Healthy and Safe Environment. Policy 19.8.5.** further directs **the denial of this application.**

" Broward County shall consider the public health consequences of climate change... The 2017 Broward County Land Use Plan, BrowardNext, recognizes the importance of regionalism and focuses on regional policy issues. As the content of the updated Plan was developed, the following visions were prioritized:

- **Climate Change Resilience**
- **World-Class Natural Resource Protection and Enhancement**

Your staff's current recommendation to approve this application clearly **violates our Comprehensive Plan and the BrowardNext vision.**

Clearly, the most beneficial use for this 120 acre wetland forest is its preservation through the establishment of Broward County's only Mitigation Bank. Addressing this alternative course of action, along with your recommendation to deny would clearly demonstrate Broward County's tangible progress towards fulfilling its commitment to transforming the BrowardNext "vision" into REAL PROGRESS that will benefit all Broward County residents and visitors.

Finally, we hope you and your staff embrace your responsibility to the citizens of Broward County in your crucial role as advisors to our County Commissioners and decision-makers by identifying in your final report the inherent shortfalls in the existing “Planning Approval Process.” As we discussed in our meeting, this “process” fails to account for issues and concerns our group has brought to your attention.

Most egregious, is the failure to account for the thousands of dump trucks, that over the **4-year** lifespan of this project, will be adding hundreds of daily trips along our already dangerously congested streets. These “pay-per-load” drivers will pose a serious threat to the safety and welfare to thousands of residents and students as they race back-and-forth to this site located directly adjacent to Everglades High School, Glades Middle School, and Dolphin Elementary School.

As we presented at our meeting, our commissioned Environmental Report estimates 3.8 million yds³ of fill will be required to comply with the 2018 Florida Land Development Code’s mandate to elevate this entire 120 acre area to the mandated 8.5 feet above sea level. Now, this property sits less than 4 feet above sea level. With dump truck capacities averaging 10 yds³ -- this continuous stream of large trucks will add to our existing unacceptable traffic congestion, generate toxic dust that will blanket our schools and homes, pollute the air we breathe, and create dangerous noise levels in our schools and homes. The time to build this development was 20 years ago when all other area developments and schools were built—NOT NOW.

4 years of exposing our children and residents to these danger is tantamount to RECKLESS ENDANGERMENT!

These impending health and safety dangers, and the subsequent liability caused by the County’s contributory negligence, poses an unacceptable risk of legal action against Broward County and its tax payers.

These catastrophic consequences of failing to **DENY THIS APPLICATION MUST BE ADDRESSED IN YOUR REPORT.**

Respectfully submitted.

Mark Morgan



Miramar Citizens Coalition

954-704-3401 (home)

305-205-8276 (cell)

Understand Your Past, Control Your Future

*“Those that fail to learn
from history, are
doomed to repeat it.”*
- Winston Churchill



From: Miramar Citizens Coalition [mailto:stoplandusechange@gmail.com]

Sent: Thursday, October 12, 2017 10:32 AM

To: Blake Boy, Barbara <BBLAKEBOY@broward.org>

Cc: Brunner, Scott <SBrunner@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>; Judy Jawer <judyjawer@gmail.com>; Kate Tobon <katerinealvarez@aol.com>; Nick Vermont <navt@comcast.net>; Mark Morgan <mmorgan@armpocket.com>; Angel W. Marquez Sr <am.concepts1@yahoo.com>

Subject: Re: Conditions 4 and 9 for Lennar's LUPA 1502812

Good morning Ms Blake Boy.

To answer your question, no. The minutes excerpt does NOT mention ANYTHING about what was presented to the residents in the meeting. That was exactly my point. The City presented one thing to the residents, and submitted something different in nature to Broward County. Nevertheless, based on condition 9, especially based on what was presented in the meeting, Broward County is supposed to examine the traffic analysis and LOS deficiencies illustrated in the developer's report, which we cordially ask to be done.

Regarding the inconsistency in the MPO traffic volumes, my guess is that in its study, MPO has assumed by the year 2040 all the network expansions and road improvements, including any transit system in the area, are fully operational. On the other hand, traffic growth is at a nominal average rate of the region.

IF that is the case, both of these conditions are unrealistic. It is well-known that long-term planning studies are prone to high margin of error, especially in fast growing areas like Miramar where comprehensive plans are amended or its required standards are violated recurrently. The inaccuracy of those forecasts can already be observed in the field, which

are reported in all traffic studies including Lennar's.

We would ask that the current and short term traffic conditions be evaluated, considering the addition of the project in question, all the proposed and approved new land uses in the area, including but not limited to the tennis complex, hotels, senior housing, and last but not least, the mega mall in the vicinity.

Sincerely,
Zane

On Thu, Oct 12, 2017 at 8:49 AM, Blake Boy, Barbara <BBLAKEBOY@broward.org> wrote:

Good morning—

Staff is in receipt of the materials that you have submitted and will include with the amendment report. However, we are unable to attach the video for the permanent file of the amendment report. I believe the minutes excerpt that you provided includes that video description. Please confirm.

Further, staff has confirmed that the anticipated volumes presented in the draft traffic analysis are consistent with the MPO's anticipated volume. We do have a call into them to discuss the discrepancy.

As we previously discussed, the amendment is scheduled to be considered by the Planning Council on October 26 at 10:00 a.m. in room 422 of the Broward County Governmental Center. The amendment report and materials will be available to the public on Wednesday, October 18 in the afternoon.

Barbara



Barbara Blake Boy, Executive Director

[115 South Andrews Avenue, Room 307](#)

[Fort Lauderdale, Florida 33301](#)

[954.357.6982](tel:954.357.6982) (direct) www.Broward.org/PlanningCouncil

“You can never plan the future by the past.” – Edmund Burke

From: Miramar Citizens Coalition [mailto:stoplandusechange@gmail.com]

Sent: Wednesday, October 11, 2017 5:52 PM

To: Blake Boy, Barbara <BBLAKEBOY@broward.org>; Brunner, Scott <SBrunner@broward.org>

Cc: Von Stetina, Deanne <DVONSTETINA@broward.org>; Judy Jawer <judyjawer@gmail.com>; Kate Tobon <katerinealvarez@aol.com>; Nick Vermont <navt@comcast.net>; Mark Morgan <mmorgan@armpocket.com>; Angel W. Marquez Sr <am.concepts1@yahoo.com>

Subject: Conditions 4 and 9 for Lennar's LUPA 1502812

Dear Ms. Blake Boy and Mr. Brunner,

On behalf of the residents of City of Miramar and Miramar Citizens Coalition, I am sending you the attached letter and associated attachments regarding conditions 4 and 9 specified by the City.

Please let me know of the actions taken or anticipated by Broward County.

Furthermore, please let me know if you received any update from the MPO regarding the expected traffic volume on Miramar Parkway.

Best regards,
Hossein "Zane" Tavana, PhD, PE (TX)

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

From: Miramar Citizens Coalition
To: [Blake Boy, Barbara](#)
Cc: [Von Stefina, Deanne](#); [Brunner, Scott](#); [Judy Jawer](#); [Kate Tobon](#); [Nick Vermont](#); [Mark Morgan](#); [Angel W. Marquez Sr](#)
Subject: MPO Results--Lennar"s LUPA 1502812
Date: Wednesday, October 18, 2017 2:44:28 PM
Attachments: [Letter to Ms Blake Boy 2017-10-18.docx](#)

Dear Ms. Blake Boy:

Thank you for your reply. However, we have serious reservations regarding item 3 and the discrepancies in the MPO analysis.

a. The fact that MPO 'cannot' find the reason for the discrepancies does not make the analysis right. The MPO's results are completely at odd with the facts on the ground, which are also reflected in the developer's report itself!

This is like a person voluntarily admitting to a misdemeanor and law enforcement releases him of all charges due to the inconsistencies in 'their' (i.e., law enforcement's) evidence. We were hoping the Broward County Planning Council would pay more attention to the rights of the victims, in this case the residents of the City of Miramar.

b. The fact that the MPO results show an **LOS C at peak hours in the year 2040** proves how inaccurate and outdated their study is! An LOS C at peak hours is consistent with a *rural* area, which West Miramar at some point in time was. It should be very obvious to you as an experienced planner or to the Broward County Traffic Engineers that this is incorrect.

c. The Planning Council staff should NOT excuse themselves from their responsibilities and shun sound judgement by simply using the given information when there are very clear discrepancies in the submitted reports.

d. We have repeatedly requested, and the City of Miramar has reflected in one of their conditions, that LOS deficiencies in the study area should be coordinated with Broward County. The City does not have the required expertise, and this condition was added after citizens realized that there was a very close relationship between the developer and the hired consulting engineers.

e. Furthermore, as I mentioned before, the City has violated its own Comprehensive Plan by postponing the requirements of meeting the LOS D, or better, prior to the Certification of Occupancy.

Excerpts from the City Comprehensive Plan states:

"...upon which **the County may rely**, that at the time a development permit is issued, the necessary facilities and services are the subject of a **binding executed contract** which provides for the **commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of a building permit.**"

Furthermore, according to the City Comprehensive Plan:

"Broward County has land use authority over the municipalities within its boundaries which is administered by the **Broward County Planning Council.**"

We have found the Broward County Planning Council members responsive, rigorous and

reliable. We would urge you to apply the same kind of rigor and accountability to this case.

I am also attaching this email as an attachment to be included in the records of this application.

Most sincerely,

On behalf of Miramar residents and Miramar Citizens Coalition,

Hossein "Zane" Tavana, PhD

On Tue, Oct 17, 2017 at 7:27 AM, Blake Boy, Barbara <BBLAKEBOY@broward.org> wrote:

Good morning, Mr. Tavana—

In response to your email, I note the following:

1. Could you please clarify the case (since in the meeting you mentioned this land is not jurisdictionally a wetland)? **There is no disputing that the site is wetland. I believe that I said that it is not designated an "Environmentally Sensitive Land" per the adopted map and data.**

2. Has there been any mitigation plan specified and approved for Lennar, should the proposed Land Use designation be approved? Shouldn't the mitigation plans be specified and agreed upon early in the process? **The applicant's commitment to environmental permitting will be memorialized in the report. In addition, as I mentioned in our meeting, it is my understanding that the applicant has had a preliminary meeting with the County's Environmental staff and was directed to the wetlands mitigation bank.**

I have a couple of follow-up questions regarding the traffic study.

3. Could you please shed some light on the MPO results after your discussion with the agency regarding the apparent inconsistencies? **The information from the Study that was submitted to the City that appears to be inconsistent with the adopted capacities and volumes is still being researched. Planning Council staff is required to use the adopted information until such time that alternative information is confirmed and accepted.**

4. In the planning stage, does Broward County consider the impact of a

land use amendment on the evacuation routes during emergencies, which are very common in South Florida? **Yes, for amendments that are in evacuation areas.**

It is hoped that this information is helpful.

Barbara



Barbara Blake Boy, Executive Director

[115 South Andrews Avenue, Room 307](http://www.broward.org/PlanningCouncil)

[Fort Lauderdale, Florida 33301](http://www.broward.org/PlanningCouncil)

[954.357.6982](tel:954.357.6982) (direct) www.Broward.org/PlanningCouncil

“You can never plan the future by the past.” – Edmund Burke

From: Miramar Citizens Coalition [mailto:stoplandusechange@gmail.com]

Sent: Monday, October 16, 2017 2:27 PM

To: Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>; Brunner, Scott <SBrunner@broward.org>

Cc: Judy Jawer <judyjawer@gmail.com>; Kate Tobon <katerinealvarez@aol.com>; Nick Vermont <navt@comcast.net>; Mark Morgan <mmorgan@armpocket.com>; Angel W. Marquez Sr <am.concepts1@yahoo.com>

Subject: Lennar's LUPA 1502812--Wetland

Dear Ms. Blake Boy,

I hope you enjoyed your time off.

If you recall in our meeting on Sept. 28, I mentioned that the Broward County Agency Report states that this land is 100% wetland. Here are the excerpts from the PC 18-2 Agency Report.

ENVIRONMENTAL LICENSING AND BUILDING PERMITTING 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]

Approximately 100% of this site is jurisdictional wetlands.

An Environmental Resource License was issued on January 2, 2013 authorizing permanent impacts to 0.19 ac and temporary impacts to 0.03 ac of wetlands for the expansion of an existing radio communications tower facility. Mitigation was provided by the purchase of 0.1 freshwater

herbaceous credit from the Everglades Mitigation Bank.

At the time, Univision obtained a license to convert part of the agricultural wetland for the expansion of their communication facility and now it is selling the land to Lennar at a higher market price, so the whole wetland be converted to a high density residential area!

[Page 7]

Wetland Review

A. Are wetlands present on subject property? Yes

B. Describe extent (i.e. percent) of wetlands present on subject property. Approx. 100%

C. Describe the characteristics and quality of wetlands present on subject property.

Unknown at this time. A wetland delineation site inspection would be required.

D. Is the property under review for an Environmental Resource License? No.

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? No.

1. Could you please clarify the case (since in the meeting you mentioned this land is not jurisdictionally a wetland)?

2. Has there been any mitigation plan specified and approved for Lennar, should the proposed Land Use designation be approved? Shouldn't the

mitigation plans be specified and agreed upon early in the process?

I have a couple of follow-up questions regarding the traffic study.

3. Could you please shed some light on the MPO results after your discussion with the agency regarding the apparent inconsistencies?

4. In the planning stage, does Broward County consider the impact of a land use amendment on the evacuation routes during emergencies, which are very common in South Florida?

Many thanks as always.

Best regards,

Zane

P.S. I am also attaching this email as an attachment, in the case it is easier to be recorded in the application file.

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

From: Mark Morgan
To: [Blake Boy, Barbara](#)
Cc: [Brunner, Scott](#); [Von Stetina, Deanne](#); [Miramar Citizens Coalition](#); [Judy Jawer](#); [Nick Vermont](#); [Angel W. Marquez Sr](#); [Jytte Nielsen](#)
Subject: FW: PC 18-2 Miramar- Lennar Land Use Plan Amendment Application - Corrected Staff Report Request
Date: Wednesday, October 18, 2017 4:59:12 PM
Attachments: [image002.png](#)
[Corrections and Comments 10_18 to.docx](#)

Dear Ms Blake Boy.

You mentioned that your staff's revised and corrected report would be available today. Can you please provide a copy?

We sincerely hope your staff has corrected all errors and omissions while addressing our concerns listed below in your final staff report. In particular, the omissions, errors, issues and concerns identified in the reports and documents provided by Dr Tavana. Notably:

1. Incomplete and inaccurate traffic assessments and oversights that fail to account for the additional **1200 Miramar DRC approved residences** that will soon exacerbate our already hopeless traffic congestion
2. The incorrect assumption that this **vacant** property is currently generating ~500 daily trips
3. The irreplaceable benefits and value this area's ecotone delivers to our community- scoring a **Wetland Benefit Index of a near perfect .91**
4. Application approval will result in **violations of Federal and State Clean Air and Clean Water statutes**, as well stated goals, objectives and policies mandated by our **County and City Comprehensive Plans**
5. Significant errors and omissions identified in the attached document
6. Consideration and comments by your staff recommending the establishment of our City's last remaining wetland forest as Broward County's only Mitigation Bank. A realistic and viable alternative course of action that would benefit all Broward County residents as **mandated by our Comprehensive Plan** and envisioned in *BrowardNext*.

As we discussed in our meeting, we implore you and your staff to **ignore the City's recommendation** to approve this application. The City of Miramar's failure to perform its due diligence, and perceived negligence in transmitting this application for Broward County's approval has resulted in complaints of alleged Florida Ethics and Sunshine Laws violations that are currently under investigation by various agencies of the State's Attorney General's office.

We encourage your thorough analysis and objective assessment of this application's impact on the beleaguered citizens of the City of Miramar with **your recommendation to DENY**.

Respectfully submitted.

Mark Morgan

Subject: Miramar Citizens' Coalition Corrections to Broward County Planning Council Planning Agency comments regarding Broward County Land Use Plan Amendment PC 18-2

Thank you for providing Dr. Hossein Tavana, a member of the Miramar Citizens' Coalition, with your staff's preliminary comments to Broward County Land Use Plan Amendment PC 18-2, in the City of Miramar.

While many of us are still coping with the effects of Hurricane Irma, we have reviewed this document, and as concerned citizens of Broward County would like the responsible agencies to correct the errors in the Broward County Planning Council's report identified herein. Likewise, many agency responses and comments were vague and require more detailed explanation and clarification.

Evidently, the City of Miramar has failed to present you with our group's reports, findings, and recommendations that were formally submitted for the record and were to be transferred to all reviewing agencies. This critical information developed by our group and Earth Advisor's Inc, is encapsulated in the attached report. Along with our presentation given to the Miramar Planning and Zoning Board, and also officially submitted for the record, clearly demonstrates this proposed Land Use Plan Amendment violates Broward County's and the City of Miramar's Comprehensive Plans, while running contrary to the "Broward Next" plan.

Report Errors:

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT (EP&GMD COMMENTS PC 18-2
Page 2

1. ***"increase by 337 PM peak hour trips per day"***
 - A. **Incorrectly assumes 48 homes generating traffic exist today**
2. ***"No existing or potential odor or noise concerns. Incorrectly determined to have only a moderate impact on air quality."***
 - A. **Fails to consider the 4-years of dump truck and construction traffic transiting local roads to deliver the estimated 4 million yd³ of fill needed to raise 120 acres 5 feet required to comply with State Code. (estimated at 1000 trips per day of heavy diesel trucks)**
 - B. **Will generate over 50,000 tons of toxic dust and particulate matter**
(Source: Earth Advisors, Inc commissioned report and addendum presented to City of Miramar for inclusion into the official record.)
 - C. **Violates Broward County Comprehensive Plan Objective 13.2. *To reduce greenhouse gas emissions and protect and improve the air quality throughout Broward County to meet the National Ambient Air Quality Standards (NAAQS) contained in the Clean Air Act***
 - D. **Dangerous speeding trucks passing Everglades High School and Dolphin Elementary School located adjacent to subject property **does not promote the use of bikeways and pedestrian traffic** as recommended by the Air Quality Program. Approving this amendment is tantamount to **Reckless Endangerment** of our children who walk and bike along these already busy streets.**

Page 3

3. ***"no known Hazardous Material facilities located on the property"***
 - a. **Facility number 15433 is a FEMA hazmat storage site located on property (17500 SW 41st St, Miramar, FL. 33029)**

Page 3

4. ***"Specially Designated Areas do not exist* within the boundaries of the proposed amendment site."**
 - A. **In discussions with Mr. Ryan Goldman at Broward County Wetlands, the Broward Prop App Folio #514031010010 shows the GIS overlay info to be majority wetlands designated as ESL (Environmental Sensitive Lands) by Broward County. ESL includes native trees as well as wetlands.**
 - i. **Applicant must show wetlands impacts were either "avoided or minimized" before getting approval from Broward County. This has not be accomplished.**
 - B. **Earth Advisors Inc's commissioned study and addendum report established this area's ecotone as High Quality wetlands with a **Wetland Benefit Index (WBI) of .91.****

- i. Broward County Comprehensive Plan Conservation Element mandates that **any area with a WBI greater than .80 is not appropriate for development.**
- C. Policy 13.11.5. *Broward County shall distribute land uses in a manner that avoids or minimizes, to the greatest degree practicable, the effect and impact on wetlands. Those land uses identified in Table 13-A as being incompatible with the protection and conservation of wetlands and wetland functions shall be directed away from wetlands.*

TABLE 13-A
Compatibility of Land Uses
Relative to the Wetland Benefit Index

| WETLAND BENEFIT INDEX | LAND USE COMPATIBILITY |
|---|--|
| Wetlands with a Wetland Benefit Index (WBI) value greater than or equal to 0.80 | There is a rebuttable presumption that all land uses, except for conservation uses, are incompatible. |
| Wetlands with a WBI value less than 0.80 | All land uses are compatible, provided that the wetland impact compensation requirements of Chapter 27, Article XI, are satisfied. |

SOURCE: Broward County Code of Ordinances, Chapter 27, Article XI, Aquatic and Wetland Resource Protection

- D. Goal 13.0. *Conserve, and protect the beneficial use of the natural resources of Broward County and the County's use of resources so as to provide and maintain a level of environmental quality that protects and promotes the public health and safety, and sustains environmental quality and energy conservation*
- E. ***Upland Resources: If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources***

F. Wetland Review (page 7)

Describe the characteristics and quality of wetlands present on subject property. Unknown at this time. A wetland delineation site inspection would be required.

See Earth Advisors, Inc WBI report (Ecotone is "High Quality with WBI of .91.)

- h. ***Para 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?*** No

1. Article XI, Chapter 27 of the Broward County Code of Ordinances:
(Ord. No. 90-49, § 1(27-11.01), 12-18-90; Ord. No. 93-49, § 1, 11-23-93)

§ 27-331. Declaration of intent

The board desires to avoid water pollution and the resultant environmental degradation by protecting the Everglades wetlands and waters of Broward County (county) because of their value to the maintenance of the quality of life, public drinking water supply, flood storage, groundwater recharge and discharge, recreation, propagation of fish and wildlife, and the public health, safety and welfare, and hereby declares that:

- (1) ***It is the purpose and intent of this article to maintain the functions and values provided by aquatic and wetland resources so that there will be no overall net loss in the functions and values and to strive for a net resource gain in aquatic and wetland resources over present conditions.***
- (2) *The alteration of existing regulated aquatic or jurisdictional wetland areas may have an adverse environmental impact on the waters of Broward County and on the ecological functional values provided by those areas which causes adverse impacts to the people and biota of Broward County.*

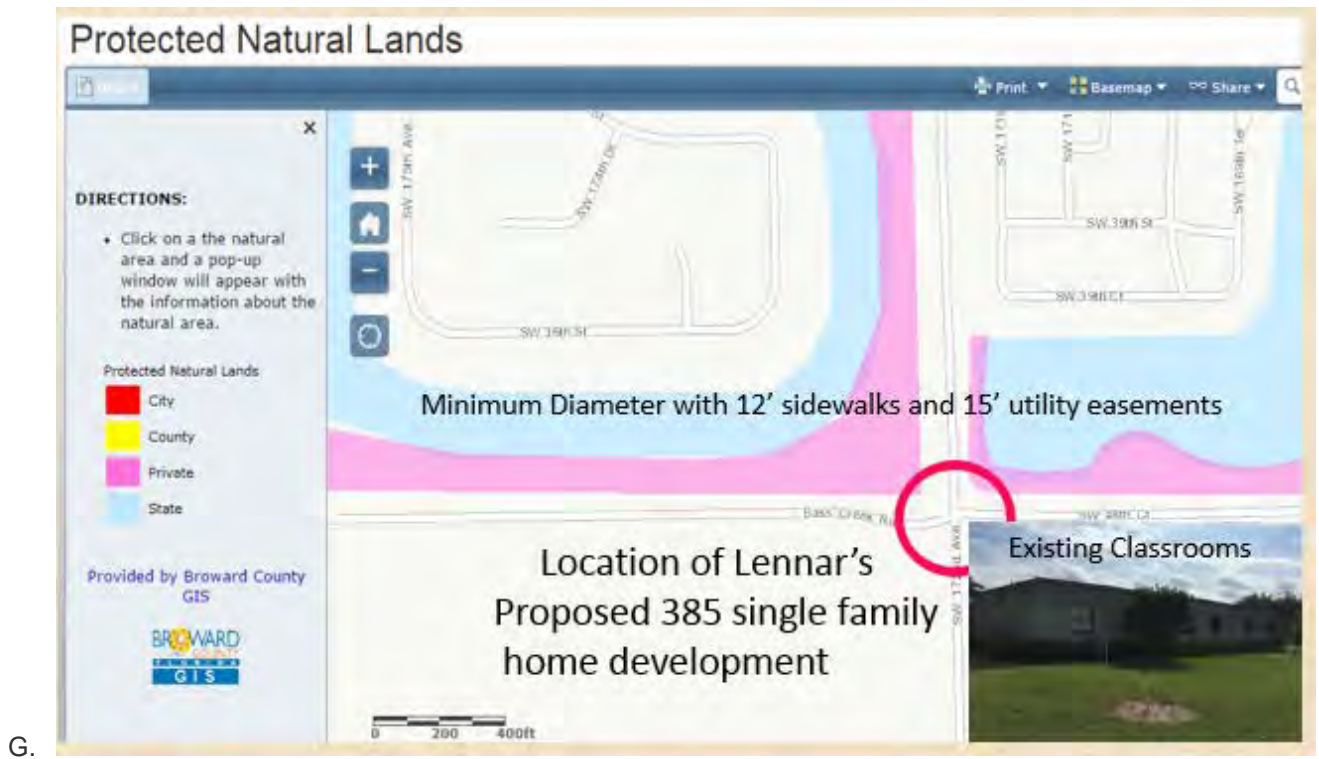
wetland alteration activities in the waters or wetland resources of Broward County may by themselves have a minor impact, the cumulative effect of several otherwise unrelated changes can result in a major impairment of aquatic or wetland resources.

This adverse impact must be regulated by avoidance as the first priority, minimized as a second priority, or mitigated as a third priority.

THIS ASSESSMENT SHOULD BE PERFORMED BEFORE THE APPLICATION IS APPROVED!

Page 3 Report Comments Continued:

5. The project site is **not included in the Protected Natural Lands Inventory and not adjacent to a site in the inventory. INCORRECT**



Page 3

6. The proposed land use designation is **not expected to have an impact on marine or riverine resources**
 - **4 years of toxic dust (+50,000 tons) and storm water silt runoff into Miramar's network of connected lake**
 - **385 homes pouring pollutants into the narrow lake north of the property**
 - **Phosphates, fertilizers, herbicides, and pesticides will create ideal conditions for cyanobacteria algae blooms like St Lucie River.**

Page 4

7. The County also strongly discourages those amendments which would place additional residential and non-residential development **at risk of flooding from sea level rise.**

8. The proposed amendment site is located within the Federal Emergency Management Agency (FEMA) **flood insurance zone AH with NAVD 88 elevation of 4.**

2010 NGVD 29 maps also show 4' elevations. Before NAVD 88 Standard implementation. If this is incorrect, actual elevation could be 2.5 feet elevation and a very serious flood hazard-- **MUST CONFIRM**

9. The Priority Planning Areas for Sea Level Rise Map **(IS OUT OF DATE-SEE MIAMI-DADE Storm Surge Evac Map Earth Advisors Report Addendum, page 5)** identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2060. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or area wide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate storm water management and drainage facilities. **MUST BE ACCOMPLISHED BEFORE BROWARD COUNTY APPROVAL.**

10. **Surface Water Management:** compliance with the criteria established for the District and Broward County should result in reducing the potential danger from flooding and maintaining the quality of surface waters.

COMPLIANCE NOT PERFORMED. APPROVAL SHOULD NOT BE GRANTED UNTIL COMPLIANCE IS ASSURED!

Page 5

11. **Water recharge:** The proposed land use designation would involve a minor percentage of impervious area. **The change in recharge capacity resulting from development under the proposed designation would be minor.**

- a. (Page 9) A typical value for an impervious area produced by this type of development is approximately 25 percent.
- b. Page 10 under “recharge” states it is 20% (Which is it? ANSWER: both are INCORRECT!)

THIS AREA’S ECOTONE IS NOT TYPICAL! THIS ENTIRE AREA IS NOW 100% WETLAND FOREST (0% IMPERVIOUS) TO BE REPLACED WITH CONCRETE SLAB HOMES, SIDEWALKS, AND MILES OF ROADS WHICH ARE 100% IMPERVIOUS!

Meaning: Serious Flooding from storm water runoff and Toxic Cyanobacteria Algae Blooms

12. **NatureScape Program** – [CP Policies 4.4.8, 13.3.5, 13.3.7, 19.4.11; BCLUP A.02.01] – NatureScape is about creating (and preserving) Florida-friendly landscapes that conserve water, protect water quality, and create (preserve) wildlife habitat. **So why destroy it and replace it with unwanted development?**

13. (page 13) Item 7 – Analysis of Historic Resources
There are **no previously recorded** archaeological or **historical resources** within or adjacent to the subject property. 1. The subject property is located within City of Miramar outside jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32). The property owner/agent is advised to contact the municipality to seek project review for compliance with municipal historic preservation regulations.

REFERENCING A SUBJECTIVE BROWARD COUNTY HISTORIC RESOURCE DOCUMENT IS INSUFFICIENT REVIEW.

The City of Miramar does not feel that broadcasting Radio Marti to millions of freedom loving Cubans for 30 years is historically significant. Thousands of South Florida Cuban exiles would strongly disagree!

Affordable Housing.

14. (page 14) The application does not include a professional study and/or report which compares the existing supply of affordable housing units with the projected needs. Before a determination on consistency with Policy 2.16.2 can be made, County staff respectfully requests the following provisions of the BCLUP’s, Administrative Rules Document, Article 10.4 be addressed (before approval.)

- a. **Miramar’s Comprehensive Plan identifies developing East Miramar as a priority. There is plenty of area (non-wetland) in East Miramar where “affordable housing” to be development by Lennar could be located. Do not allow this development be inserted in the midst of an already dangerously over-developed area.**
15. (page 15) **Item 10 - Hurricane Evacuation Analysis**
The amendment site is not located in a Hurricane Evacuation Zone based on the Broward County Land Use Plan’s “Natural Resource Map Series Eastern Broward County: Hurricane Evacuation Zones”.
- a. *The nearest local government is Unincorporated Miami-Dade County*
See Earth Advisor’s Report. Miami Dade County shows a Cat 3 Evac Zone. Nothing from Broward County
 - b. *The proposed amendment site is well-served by pedestrian and bicycle facilities. Bike lanes and sidewalks are provided on both sides of SW 172nd Avenue. NOT TRUE.*
16. (page 16) **BCT recommends:** *that any proposed development on the amendment site is designed to provide safe movement for pedestrians and bicycles including connectivity to the existing sidewalk/bicycle network and bus stops adjacent to the amendment site.*
- a. **Thousands of fast-moving dump trucks and heavy construction equipment will inundate these streets EVERY DAY for over 4-years, followed by 3000 daily trips from this site. This recommendation cannot be instituted if this application and development is approved!**
17. **Broward County Water Management Division:**
The drainage information in the package is essentially correct.

WHAT DOES THIS PACKAGE SAY? HURRICANE IRMA DEMONSTRATED THE INDISPENSIBLE VALUE OF THIS AREA’S ECOTONES. WITHOUT IT, MANY MIRAMAR RESIDENTS WOULD HAVE SUFFERED FLOODING DAMAGE.

18. **School Consistency**
SUCH AN ASSESSMENT MUST GO BEYOND OCCUPANCY NUMBERS. (Even though 500 children are crammed into temporary trailers at Everglades High School and forced to eat outside due to lack of cafeteria space.)
OUR SCHOOL BOARD SHOULD IDENTIFY THE HEALTH AND SAFETY DANGERS POSED TO OUR CHILDREN ATTENDING THE 4 NEIGHBORING SCHOOLS. EVERGLADES HIGH SCHOOL’S 2500 STUDENTS TO BE LOCATED LESS THAN 100 FT FROM THIS SITE’S 4 YEARS OF AIR POLLUTION (+50,000 TONS OF TOXIC PARTICULATE MATTER) AND NOISE POLLUTION (OVER TWICE THE RECOMMENDED WORLD HEALTH ORGANIZATION’S ESTABLISHED LIMITS.) BROWARD COUNTY SCHOOL BOARD’S FAILURE TO ADDRESS THESE SERIOUS DANGERS IS TANTAMOUNT TO CONTRIBUTORY NEGLIGENCE AND RECKLESS ENDANGERMENT!
19. **Traffic.**
Incorrectly assumes there are 48 existing homes already generating hundreds of daily trips.
20. **CompPlan supports preserving this property and denying this land use application**
- a. *Policy 13.8.5. The County shall pursue opportunities for the conservation and/or preservation of native vegetative communities, including fee simple acquisition, dedication in lieu of park impact fees, provision of greenspace at the time of site plan review, and reduction in property taxes.*
 - b. *Objective 13.9. Broward County shall maintain or increase the functions and values of wildlife habitats and marine habitats.*
 - c. *Objective 13.10. Increase the quality and connectivity of regionally significant wetland resources.*
 - d. *Policy 13.10.1. Optimize siting of mitigation projects to enhance their relationships with other wetlands.*
 - e. *Policy 13.10.2. Integrate wetlands into regional storm water drainage/water management practices to provide necessary hydrology.*
 - f. *Policy 13.10.3. Participate in land acquisition/greenway programs to improve connectivity of effective size of wetland/upland systems.*

- g. *Policy 13.10.4. In cooperation with the private sector, site entrepreneurial mitigation banks in the most appropriate locations.*
- h. *Policy 13.10.5. When feasible, lands where activities could impact areas essential to Everglades restoration, as identified by the SFWMD, shall not be designated in future land use categories that would increase density or intensity*
- i. *Objective 13.11. Ensure through effective management, the long-term functions of wetlands.*
- j. *Policy 13.11.4. Broward County through the provisions in Broward County Code of Ordinances, Chapter 27, Article XI., Aquatic and Wetland Resource Protection, shall continue to protect and conserve wetlands and the natural functions of wetlands through implementation of the Environmental Resource License Process, seeks to avoid and minimize impacts to wetland function, and where impacts are unavoidable, requires replacement of lost function through mitigation.*

1. ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

- a. *If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must the applicant is required to relocate suitable trees.*
- b. *Any trees permitted for removal must be replaced.*

How are permitted trees defined and identified?

- c. *If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees.*

How do you define a “suitable” tree?

How can any tree that is purifying our air and water along with providing immeasurable benefits be declared “unsuitable” considering the real and present dangers we face from Climate Change and Global warming.

Why does Broward County believe trees are important?

If it is because vegetation (trees, shrubs, grasses) purifies the air we breathe and the water we drink, and protects hundreds of homes from flooding, while absorbing harmful and irritating noise, and adding beauty and serenity to our communities-- then no possible number of “tree re-planting” can possibly mitigate this wetland forest’s destruction-- the only effective and viable remedy lays in this forest’s preservation as a Mitigation Bank.

Broward County’s approval to destroy our City’s last remaining 120 acre wetland forest would have devastating consequences. No “surrogate” tree replacement program can approach the priceless value this critical asset now delivers to our communities.

Furthermore, its destruction would release 30 million lbs of sequestered toxic greenhouse gases. Moreover, our inter-connected network of lakes will become quickly polluted from this proposed development’s fertilizer nutrient pollution as demonstrated in the St Lucie River disaster. The nitrogen based fertilizers, herbicides, and pesticides are 300 times more toxic than airborne greenhouse gases. Infants, small children, and the elderly are particularly susceptible to poisoning caused by these fertilizer based nitrates that collect in our heavy downpours and runoff into our lakes that become our drinking water supply.

We strongly support and encourage your staff’s recommendation to **DENY this application** and pursue the alternative course of action to establish this area as Broward County’s only Mitigation Bank which will preserve our community treasure for the benefit and enjoyment of generations to come.

From: Miramar Citizens Coalition
To: [Blake Boy, Barbara](#); [Von Stetina, Deanne](#); [Brunner, Scott](#)
Cc: judyjaver@gmail.com; [Kate Tobon](#); [Angel W. Marquez Sr](#); mmorgan@armpocket.com
Subject: Re: PC 18-2
Date: Thursday, October 19, 2017 4:38:53 PM

Ms Blake Boy

Thank you for sending us the link to the Broward County report.

I am afraid to say that after all our efforts and communication, there are many flaws and misrepresentations in this report. It seems to us meeting deadlines was far more important than fact checking.

Please let us know what the due process is to file a protest.

Thank you,
Zane

On Wed, Oct 18, 2017 at 5:35 PM, Von Stetina, Deanne <DVONSTETINA@broward.org> wrote:

Good afternoon,

The first public hearing for proposed Broward County Land Use Plan amendment PC 18-2, located in the City of Miramar, is scheduled for the Broward County Planning Council meeting of Thursday, October 26, 2017 at 10:00 a.m. in Room 422 of the Broward County Governmental Center.

The agenda and full amendment report are available on our website, or you can follow this link: <http://www.broward.org/PlanningCouncil/Documents/AdvanceAgenda/intro.pdf> Use the bookmark for Item PH 5, or advance to page 303 of 858.

Regards,



Deanne D. Von Stetina, AICP, Director of Planning

[115 South Andrews Avenue, Room 307](#)

[Fort Lauderdale, Florida 33301](#)

[954.357.6690](tel:954.357.6690) (direct) www.Broward.org/PlanningCouncil



MCC

Miramar Citizens Coalition

TRAFFIC CONCERNS ~ "UNIVISION"
LENNAR PROJECT



Traffic Concerns





Sarah Garcia, Riviera Isles



TRAFFIC + More Homes - Really????

Here we go, third day since school started and of course 30+ min to get from Riviera Isles to Miramar Parkway. Seriously do I have to leave my house 1 hour earlier every day to get to work on time. What is going to happen if Lennar Builds 380 homes in 172nd Ave...

City of Miramar Commission, PLEASE rethink your vote to proceed with the Land Use Amendment. This is not quality of Life.



24 Aug · 24 neighborhoods in General



Thank



Reply



34 Thanks - 57 Replies

Traffic Concerns

Traffic Concerns

Carey Johnson, Riviera Isles · 24 Aug

I COMPLETELY agree! Not to mention that going east on Miramar Parkway is nightmarish what with yet ANOTHER school zone and the traffic headed for I75 South.

This used to be a nice area to live in until the powers that be decided to build schools and communities on almost EVERY AVAILABLE PIECE OF GREEN SPACE! Totally ridiculous to even CONSIDER building more homes in the area. Fed up and disgusted.

Traffic Concerns

N

Nate Kloiber, Nautica · 24 Aug


I believe Mayor Messam reads these posts with reasonable regularity. I would appreciate his commenting on how he or the Commission can, in good faith and with the interest of residents living west of I-75, say that a Land Use change in favor of Lennar will improve quality of life for residents of Nautica, Riviera Isles, Sunset Lakes and all other existing western Miramar communities. I exited the Nautical gate at 8:00 this morning. At 8:35 I reached Dykes to find utter chaos with cars blocking the intersection in all directions. I gave up, turned right on Dykes, went home and worked from there. Fortunately, I have that option; many do not.

Yes, there was an accident on the Turnpike this morning, but on many school mornings there is not, and the trip from Dolphin Bay to finally getting on 75 South can still take 20 to 30 minutes. Knowingly and purposefully making zoning decisions that will, without question, add to this congestion is blatantly irresponsible on the part of the Mayor and the Commission. At minimum, they should wait to analyze the impact of the completed I-75 improvements prior to making decisions that will adversely and indefinitely affect the quality of life for thousands of residents.

Carleen Robinson, Nautica · 25 Aug

How will they fix it? Yesterday, I spent 20 minutes trying to get out of Nautica. Then another 10 minutes to get to I-75. A few years ago I asked the Mayor about putting up a light at the entrance of Nautica so we could at least control the flow of traffic. Allegedly, there was a study, and the answer was no because of costs and it's too close to the Dykes. So I asked about police to direct traffic in the morning—or at least for the first few weeks of school. They will assist with people entering Dolphin Bay, but they won't put an officer at the entrance of Nautica. It took years to get support to expand the entrance to I-75 the first time. At this rate, we'll need another lane. But by the time that happens, 5 more years will have passed.

Traffic Concerns

 Charles Clements, Lakes on The Green · 24 Aug
Wait till the biggest mall in the universe takes root next to I75. Quality of life will have to be redefined for us all. Commuting solutions will need to include personal helicopter, jetpack, and teleportation.

 Thank 9 Thanks

Traffic Concerns

Traffic Concerns



Leidy Tang Kanjanapitak, Riviera Isles · 24 Aug

It's so bad... 😭 U really have to add 30+ minutes just to get from our gate to Miramar.



Thank 3 Thanks



Allison Rub, Riviera Isles · 24 Aug

Omg the past few days have been excruciating. Whether I leave at 7am or 7:30 am it still look me 35 min just to get to 75!



Thank 3 Thanks

Traffic Concerns



Nicolas de la Cova, Huntington Bristol Isle · 24 Aug



No prior planning on behalf of city planners. There are on 2 ways to go south in western Miramar. 1 is I-75 and the other is Flamingo. You can count Red Road too but that does not solve anyone West of I-75. There is no West on ramp to turnpike and no way of getting there since the communities were built next to each other. Just poor planning.



Thanked! 4 Thanks



Carleen Robinson, Nautica · 25 Aug



How will they fix it? Yesterday, I spent 20 minutes trying to get out of Nautica. Then another 10 minutes to get to I-75. A few years ago I asked the Mayor about putting up a light at the entrance of Nautica so we could at least control the flow of traffic. Allegedly, there was a study, and the answer was no because of costs and it's too close to the Dykes. So I asked about police to direct traffic in the morning--or at least for the first few weeks of school. They will assist with people entering Dolphin Bay, but they won't put an officer at the entrance of Nautica. It took years to get support to expand the entrance to I-75 the first time. At this rate, we'll need another lane. But by the time that happens, 5 more years will have passed.



Thank 2 Thanks

Traffic Concerns

Traffic Concerns



Sarah Garcia, Riviera Isles · 26 Aug



As a person who has worked professionally with all types of leaders, the one thing I know for sure is that the successful and most valued leaders are those who truly Listen and seek to understand people. I think it is very clear that the fine residents of West Miramar do not want more changes in our community that will continue to increase traffic. I guarantee if you survey our residents (excluding the lobbyist & resident from Sunset Falls who said he was in favor of this proposal) but all the while, was just there to extract information from citizens) to pass along to his client. By the way, this is not here say, I experienced this personally. No one else wants the Lennar Housing Land Use approved. I also recognize that we need to find additional revenue for our City and that our City Representatives are having to figure out how to do this and it is not easy. I agree that we can work together to find another way.



Thanked! 8 Thanks

Traffic Concerns



Carleen Robinson, Nautica · 26 Aug

When cars are traveling north on Dykes and turn east on Miramar, they naturally cause traffic to slow down even more for those trying to get on 75 south from the west. Either add a "no turn on red" sign during certain hours, add police to direct traffic from 6:30-8:30 am, add another lane, or force the synchronization of lights in a way that makes sense. Just do something. We want action--not a bunch of talk to appease the masses. Help improve our quality of life--not diminish it.



Thank 3 Thanks



Julie Abbuhl, Nautica · Edited 26 Aug

Beyond an increased tax base for the city I CAN'T come up with a way the Lennar Development makes life better for current residents. In my opinion it will actually bring our house values down as houses built 17 years ago will have to compete with new construction. Lennar will be putting in new lights and new lanes on some roads, but only to mitigate the effects of their new houses. I would really like someone from the city to explain how this project benefits CURRENT city residents.



Thanked! 6 Thanks



Nicolas de la Cova, Huntington Bristol Isle · 26 Aug

The few times that I have gone out through Dykes to Miramar Pkwy to I-75 South has been very frustrating. There have people in the center lane make an illegal right turn, bypassing all that waited to make a proper right turn.



Thank 3 Thanks

Pablo Fernandez, Nautica

Morning Miramar to South I75 on ramp Traffic

Anything in the works to address this craziness? This is pretty bad now but I can only imagine how bad it will be when they finish all the new construction of the Mall.



3 Oct · 21 neighborhoods in General

 Thank  Reply 

4 Thanks · 56 Replies

Traffic Concerns - October

Traffic Concerns - October



Charles Dorothy Smith, Silver Lakes - 3 Oct

I have lived in Silver Lakes for 22 years and remember when Miramar Parkway didn't exist. We drive north to Pines and get on I-75. Otherwise we continue east on Miramar Parkway and make a U-turn at the light on 149 Ave and go west bound thus getting on I-75. This traffic has gotten worse with all the so called improvements recently made. What needs to be done is FIX THE TURNPIKE so traffic can flow off I-75.



Thank 4 Thanks



Julissa Parsons, Sunset Lakes - 3 Oct

Brace yourself once the new Lennar development is built that will add over 300 homes. Those cars will dump right onto Miramar Pkwy and cause total gridlock. Thank Mayor Messum for that! Hope you remember this during the next election.



Thank 9 Thanks



Nathan Wannemacher, Riviera Isles - 3 Oct

How about Miramar Finish Miramar Parkway West so we can get onto highway 27



Thank 4 Thanks

 Lori Moseley, Silver Lakes · 3 Oct ⌵

I believe we have to show active and factual based opposition to the Mall. I believe many in our community are not even aware of what we are talking about, until it is too late

 Thank 2 Thanks

 Sarah Romo, Sunset Lakes · 3 Oct ⌵

The mall is a done deal. It was approved.


 Thank

 Patricia Lara, Nautica · 3 Oct ⌵

Unfortunately FDOT and it's Traffic Engineers don't have the insight or capability of creating traffic intersections properly, so that they have to be redone. I was advised that this fiasco of 5 lanes coming from MM Pkwy and both sides of Dykes are to be given to Broward County to reconfigure. This would also include both East and West exits to MM Pkwy. from I-75. The Lennar Project will only add to our traffic situation and will be built way before the Mega Mall... Residents of Miramar, go to your Commission Meetings and voice your concerns and provide your input and suggestions for a real solution! Otherwise, your only alternative to avoid all these issues may be to move..

Patricia L., Nautica

 Thank 4 Thanks

 Tracey DeAtley, Silver Shores · 3 Oct ⌵

If you are close to Pembroke Road, take Pembroke Road to 145 to Miramar Pkwy to get to the 75 ramp. Same distance for me but 5 minutes to get from my home in Silver Shores to the ramp. Can't fix the 75 traffic though.

 Thank 2 Thanks

Traffic Concerns - October

Traffic Concerns - October



Patricia Lara, Nautica · 3 Oct

Tracey, what or where is 145? Is it a State Road? I'm at Nautica off of MM Pkwy. across from Chili's. So I would take 172 or MM to Pembroke Road to 145?

😊 Thank



Tracey DeAtley, Silver Shores · 3 Oct

When you go over the overpass of Pembroke Road you will make a right at 145 avenue, bottom of hill. Then a right on Miramar to the on ramp for 75. That's also a fast way to go north on 75. Go left past the mall into NB.75 ramp

😊 Thank 3 Thanks



Debbie Wallin, Sunset Lakes · 3 Oct

The traffic had gotten worse and the elected officials have not represented us. What do they care, they are not the ones that have the commute. It's absolutely insane that to drive 3 miles east from 184th ave, can take someone over 30 minutes just to get on the highway. Time to elect news officials!

😊 Thank 6 Thanks



Kenneth Pratti, Silver Shores · 3 Oct

It's been like that for 15 years and won't change

😊 Thank! 1 Thank





Angel Marquez, Sunset Lakes · 3 Oct

Julissa they're planning to build 385 homes and add over 3000 daily trips to Miramar Parkway. Miramar Citizens Coalition is fighting very hard to make sure it doesn't happen but everyone needs to get involved and tell the mayor and the commissioners that we don't want any additional traffic.



😊 Thank 5 Thanks

- E** Emma Fernandez, Nautica · 3 Oct


I wish they would've kept 2 lanes going onto I-75 south ramp instead of the 3 lanes merging to 1. This really makes it impossible in the mornings.

 Thank 3 Thanks
-  Angel Marquez, Sunset Lakes · 3 Oct


You may have a valid point but it's not a done deal yet and we have only started to uncover many irregularities that make a difference in dissolving the deal. But we need people going to the meetings to let them know how we all feel. No one goes to the meetings and they don't feel any pressure. It's far from over.

 Thank 6 Thanks
-  Kenneth Hilt, Sunset Lakes · 3 Oct

Angel, When I get therein 22 days, I will go to any meetings that you want!

 Thank 2 Thanks
- C** Celia Yero, Huntington Bristol Isle · 4 Oct

I was in the last meeting where they discussed the budgets for beautification and the proposed utility increases. The Lennar housing nor the worsening traffic was not discussed. The morning traffic and even pm traffic has gone worst and if lived in Huntington over 20yrs. You know of a meeting addressing street constructions

 Thank

Traffic Concerns - October

A

Adrianna Pdn, Nautica · 5 Oct

The traffic there is horrific and the drivers do not help. I see dozens of vehicles create a third line daily and when you don't allow them to cut you off, they simply take off to the light and make the illegal right turn. Aside from that fiasco, cars and semi trucks coming from the opposite side of 75 will run the light and block all lanes, completely impeding traffic from flowing naturally. This is the second time I've had a vehicle graze me attempting to make their way into the lane. Is it going to take someone losing their life to get this resolved?



Thank 1 Thank



Rick Raspall, Silver Lakes · 5 Oct

I gave up. I now head north and take the Pines entrance to head back south. Saves me about 10 minutes and a lot of frustration.



Thank

M

Mark Vedder, Miramar Pkwy · 5 Oct

Took me 45 minutes this morning- from courtyards at nautica- just to get to ramp



Thank

Traffic Concerns - October



MCC

Miramar Citizens Coalition

Things get solved if
you get involved.

THANK
YOU



Miramar Citizens Coalition

October 24, 2017

Dear Ms. Blake Boy:

On behalf of the residents of the City of Miramar and the Miramar Citizens Coalition, I would like to file an objection to the findings and recommendations contained in the report your office is submitting to the Broward County Planning Council regarding Amendment PC 18-2.

I have listed some of the misrepresentations and oversights regarding the traffic issues below:

1. The results by the Metropolitan Planning Organization (MPO) that the three roadway links mentioned on page 323 of the report – especially Miramar Parkway between Southwest 172nd Avenue and I-75 – currently operate and are projected to operate at an acceptable LOS "C" during peak hours do not match the facts on the ground, nor any recent traffic measurements, even the ones submitted by the developer!

Moreover, the current traffic volumes used by the MPO to reach these classifications are not stated in the report, nor are their sources specified.

The following results that are based on the *actual* traffic counts, are reported by Lennar for the years 2015, with projections for 2020. These results are in stark contrast with the volumes and LOS reported by the MPO, upon which your recommendations are based.

Traffic Analysis Submitted by Lennar (based on machine counts)

| | No. of Lanes | Capacity | 2015 Conditions | | 2020 Condition | | | |
|---|--------------|----------|---------------------|-----|----------------|-----|--------------|-----|
| | | | Current w/o Project | | w/o Project | | with Project | |
| | | | Volume | LOS | Volume | LOS | Volume | LOS |
| Miramar Parkway SW 160th Ave to I-75 | 6 | 5,121 | 5,037 | D | 5,561 | F | 5,742 | F |

I would strongly recommend that your office seeks advice from the Broward County Traffic Engineering Department for fact checking. We further request that you do not abandon your responsibility just because these figures are provided to you by the MPO!

We repeatedly hear the argument that your office is using the same procedure as in all other applications in the past. Past practice does not justify the outcome if the results are clearly incorrect.



Miramar Citizens Coalition

- Moreover, there are many other inconsistencies “within” the Broward County report itself. The report includes the following values for the year 2040 for two sections of roadway on Miramar Parkway:

Broward County Report: Transportation Network w/o Project: Traffic 2040

| Miramar Parkway | No. of Lanes | Capacity | Volume | LOS |
|--------------------------|--------------|----------|--------|-----|
| SW 172 Ave to SW 160 Ave | 6 | 5,121 | 4,242 | C |
| SW 160 Ave to I-75 | 6 | 5,121 | 3,937 | C |

However, the following LOS on a link—which is much closer to the site—is mentioned in passing and for “informational purposes only”?! (Page 311 of the report.)

“Miramar Parkway, between Southwest 184 Avenue and Southwest 172 Avenue, is currently operating at LOS “C,” and is projected to be operating at **LOS “F,”** with or without the subject amendment.”

Any resident, traffic engineer, or planner familiar with the area knows that the conditions on Miramar Parkway between SW 172nd Avenue and I-75 are much worse than the above link (i.e. SW 184th Avenue to SW 172nd Avenue). This is another indication that the LOS “C” for the latter link is wrong.

- Most importantly, Miramar Parkway is a divided street. For divided roadways, capacities and LOS at peak hours should be measured and reported directionally. In other words, the east bound lanes do not help westbound traffic during PM peak hours, or vice versa. Again, we would strongly recommend that you verify this fact with the Broward County Traffic Engineering Department.
- The table below shows the LOS at the intersections in the impacted area based on the analysis by Lennar, which indicates that by the year 2020, many intersections will perform at an unacceptable **LOS E or F**. This would be the case with or without the project, but would be worse *with* the project.



Miramar Citizens Coalition

| TABLE 2 Intersections Level of Service Univision 120 Acres | | | |
|--|-----------|------------------------------|---------------------------|
| Intersection/Movements | Existing | Future Traffic Conditions | |
| | | Year 2020 Without Project | Year 2020 With Project |
| Miramar Pkwy & SW 160 th Ave | D (E) | E (E) | E (E) |
| Miramar Pkwy & SW 172 nd Ave | D (D) | D (D) | D (D) |
| Miramar Pkwy & SW 184 th Ave | D (C) | E (D) | D (D) |
| Bass Creek Rd. & SW 160 nd Ave | A (B) | A (B) | B (B) |
| Bass Creek Rd. & SW 172 nd Ave ¹ | C (A) | D (A) | F (B) |
| - EB Bass Creek Rd | n/a (n/a) | n/a (n/a) | F (F) |
| - WB Bass Creek Rd | F(D) | F (E) | F (F) |

Source: Highway Capacity Manual. LEGEND: AM Peak (PM Peak)

5. Additionally, Condition 9 stated by the City of Miramar staff requires that “the roadway level of service **analysis will be coordinated with Broward County.**”

According to Objective 4 of the City of Miramar Comprehensive Plan (shown below), if a new development **places any trips on overcapacity links**, one or more of the mentioned conditions should be met. We consider the County to be responsible to make sure that these standards are followed.

We repeatedly hear the argument, that if the LOS with or without the project is E or F, no mitigation is required by the developer. Please note that **these conditions should be met even if the LOS does not change** due to the project.

Based on this Objective, please specify what mitigation measures the County has agreed to undertake or has required the City or the developer to make to improve **the LOS in the impacted area to LOS “D” or better.**

-----Excerpts from the City of Miramar Comprehensive Plan-----
 “Coordination of Transportation and Land Use (City of Miramar Comprehensive Plan)
 CO 12.01.00
 Objective 4

If the proposed development **places any trips on**, or create any, **overcapacity links** within the impact area, one or more of the following mitigation plans should apply:

- There is an **approved action plan** to accommodate the traffic impact of the development, and implementation of the plan has been committed to **in a written agreement approved by** the property owner(s), the appropriate municipality, and **the County Commission.**



Miramar Citizens Coalition

- The necessary improvements to provide a LOS "D" are under construction at the time a permit is issued.
- The necessary improvements to provide LOS "D" are the subject of a binding executed contract for the construction of the facilities.
- The necessary improvements for the LOS "D" have been included in the first two (2) years of the adopted state or county five-year schedule of transportation improvements and the applicable government entity makes a determination that a binding contract for the implementation of said improvements will be executed no later than the final day of the second fiscal year of the original schedule.
- The necessary facilities and services for LOS "D" are guaranteed in an enforceable development agreement."

-----End of excerpts-----

6. In particular, LOS E or F is like having a building on the verge of collapse. No sensible engineer or planner could justify adding more loads, regardless of its magnitude, by arguing that the LOS "remains" at E or F!

At many of these locations with LOS E or F, major reconstruction is needed to reach an LOS "D". In particular, the intersection of Miramar Parkway and SW 160th Avenue very likely may need an overpass. That is why the following item should be clarified at this stage:

Who is going to pay for an overpass – or any other "major" reconstruction – to bring the target roadways to a minimum of LOS D? Will it be the County, the City (i.e., tax payers), or Lennar, and what is the share of each party? The budget for these required constructions should be specified before the permit is issued. They cannot be postponed to the Certificate of Occupancy.

On behalf of the citizens of the City of Miramar and the Miramar Citizens Coalition, I urge the Broward County Planning Council to either deny or postpone their vote on this application until these serious inconsistencies and violations are investigated and rectified.

Respectfully,

Hossein "Zane" Tavana, PhD

Many discrepancies between the MPO LOS results and the actual measurements on the ground

Broward County: Transportation Network w/o Project: Traffic 2040

| Miramar Parkway | No. of Lanes | Capacity | Volume | LOS |
|--------------------|--------------|----------|--------|-----|
| SW 160 Ave to I-75 | 6 | 5,121 | 3,937 | C |

Traffic Analysis Submitted by Lennar (based on machine counts)

| Miramar Parkway | No. of Lanes | Capacity | 2015 Conditions | | 2020 Condition | | | |
|----------------------|--------------|----------|---------------------|-----|----------------|-----|--------------|-----|
| | | | Current w/o Project | | w/o Project | | with Project | |
| | | | Volume | LOS | Volume | LOS | Volume | LOS |
| SW 160th Ave to I-75 | 6 | 5,121 | 5,037 | D | 5,561 | F | 5,742 | F |

Miramar Parkway is a divided roadway. Capacities and LOS—especially for peak hours—should be measured and reported for each direction separately.

Existing Traffic Conditions (Lennar's Report)

| TABLE 1a Lennar Miramar Existing Traffic Conditions (Daily Volumes) | | | | | | |
|---|---------------|---------------|-----------------|------------------------|------------------|---------|
| Roadway | From | To | Number of Lanes | Year 2013 Current AADT | Level of Service | |
| | | | | | Adopted | Current |
| Bass Creek Road | SW 184 Ave | SW 172 Ave | n/a | n/a | D | n/a |
| | SW 172 Ave | SW 160 Ave | 2 | 7,200 | D | D |
| | SW 160 Ave | I-75 | 2 | 5,700 | D | C |
| Miramar Parkway | SW 184 Ave | SW 172 Ave | 4 | 18,000 | D | C |
| | SW 172 Ave | SW 160 Ave | 6 | 44,000 | D | C |
| | SW 160 Ave | I-75 | 6 | 65,000 | D | F |
| SW 172 Avenue | Bass Creek Rd | Miramar Pkwy | 4 | 10,400 | D | C |
| | Miramar Pkwy | Pembroke Road | 4 | 16,000 | D | C |
| SW 160 Avenue | Bass Creek Rd | Miramar Pkwy | 4 | 16,000 | D | C |
| | Miramar Pkwy | Pembroke Road | 4 | 26,500 | D | C |

Source: Broward County Metropolitan Planning Organization

| TABLE 1b Lennar Miramar Existing Traffic Conditions (PM Peak Hour Volumes) | | | | | | |
|--|---------------|---------------|-----------------|-------------------|------------------|---------|
| Roadway | From | To | Number of Lanes | Year 2013 Traffic | Level of Service | |
| | | | | | Adopted | Current |
| Bass Creek Road | SW 184 Ave | SW 172 Ave | n/a | n/a | D | n/a |
| | SW 172 Ave | SW 160 Ave | 2 | 684 | D | D |
| | SW 160 Ave | I-75 | 2 | 542 | D | C |
| Miramar Parkway | SW 184 Ave | SW 172 Ave | 4 | 1,710 | D | C |
| | SW 172 Ave | SW 160 Ave | 6 | 4,180 | D | C |
| | SW 160 Ave | I-75 | 6 | 6,175 | D | F |
| SW 172 Avenue | Bass Creek Rd | Miramar Pkwy | 4 | 988 | D | C |
| | Miramar Pkwy | Pembroke Road | 4 | 1,520 | D | C |
| SW 160 Avenue | Bass Creek Rd | Miramar Pkwy | 4 | 1,520 | D | C |
| | Miramar Pkwy | Pembroke Road | 4 | 2,518 | D | C |

Source: Broward County Metropolitan Planning Organization

Future Traffic Conditions (Lennar's Report)

| TABLE 2a Lennar Miramar Future Traffic Conditions (Daily Volumes) | | | | | | | |
|---|---------------|---------------|-------------------------|-------------------|-----|------------------|-----|
| Roadway | From | To | # of Lanes 2020/2035 | Short Term (2020) | | Long Term (2035) | |
| | | | | AADT | LOS | AADT | LOS |
| Bass Creek Road | SW 184 Ave | SW 172 Ave | 4/4 | 1,803 | C | 1,803 | C |
| | SW 172 Ave | SW 160 Ave | 4/4 | 5,938 | C | 3,234 | C |
| | SW 160 Ave | I-75 | 4/4 | 7,290 | C | 10,696 | C |
| Miramar Parkway | SW 184 Ave | SW 172 Ave | 4/4 | 23,962 | C | 36,737 | D |
| | SW 172 Ave | SW 160 Ave | 6/6 | 44,207 | C | 44,652 | C |
| | SW 160 Ave | I-75 | 6/6 | 57,504 | F | 41,440 | C |
| SW 172 Avenue | Bass Creek Rd | Miramar Pkwy | 4/4 | 11,223 | C | 12,986 | C |
| | Miramar Pkwy | Pembroke Road | 4/4 | 14,265 | C | 10,546 | C |
| SW 160 Avenue | Bass Creek Rd | Miramar Pkwy | 4/4 | 15,601 | C | 14,747 | C |
| | Miramar Pkwy | Pembroke Road | 4/4 | 24,657 | C | 20,709 | C |

Source: Broward County Metropolitan Planning Organization

↑
Year 2020/Year 2035

| TABLE 2b Lennar Miramar Future Traffic Conditions (PM Peak Hour Volumes) | | | | | | | |
|--|---------------|---------------|-------------------------|-------------------|-----|------------------|-----|
| Roadway | From | To | # of Lanes 2020/2035 | Short Term (2020) | | Long Term (2035) | |
| | | | | Volume | LOS | Volume | LOS |
| Bass Creek Road | SW 184 Ave | SW 172 Ave | 4/4 | 171 | C | 171 | C |
| | SW 172 Ave | SW 160 Ave | 4/4 | 564 | C | 307 | C |
| | SW 160 Ave | I-75 | 4/4 | 693 | C | 1,016 | C |
| Miramar Parkway | SW 184 Ave | SW 172 Ave | 4/4 | 2,276 | C | 3,490 | F |
| | SW 172 Ave | SW 160 Ave | 6/6 | 4,200 | C | 4,242 | C |
| | SW 160 Ave | I-75 | 6/6 | 5,463 | F | 3,937 | C |
| SW 172 Avenue | Bass Creek Rd | Miramar Pkwy | 4/4 | 1,066 | C | 1,234 | C |
| | Miramar Pkwy | Pembroke Road | 4/4 | 1,355 | C | 1,002 | C |
| SW 160 Avenue | Bass Creek Rd | Miramar Pkwy | 4/4 | 1,482 | C | 1,401 | C |
| | Miramar Pkwy | Pembroke Road | 4/4 | 2,343 | C | 1,967 | C |

Source: Broward County Metropolitan Planning Organization

↑
Year 2020/Year 2035

TABLE 2
Intersections Level of Service
Univision 120 Acres

| Intersection/Movements | Existing | Future Traffic Conditions | |
|---|-----------|------------------------------|---------------------------|
| | | Year 2020 Without Project | Year 2020 With Project |
| <i>Miramar Pkwy & SW 160th Ave</i> | D (E) | E (E) | E (E) |
| <i>Miramar Pkwy & SW 172nd Ave</i> | D (D) | D (D) | D (D) |
| <i>Miramar Pkwy & SW 184th Ave</i> | D (C) | E (D) | D (D) |
| <i>Bass Creek Rd. & SW 160nd Ave</i> | A (B) | A (B) | B (B) |
| <i>Bass Creek Rd. & SW 172nd Ave¹</i> | C (A) | D (A) | F (B) |
| - <i>EB Bass Creek Rd</i> | n/a (n/a) | n/a (n/a) | F (F) |
| - <i>WB Bass Creek Rd</i> | F(D) | F (E) | F (F) |

Source: Highway Capacity Manual. LEGEND: AM Peak (PM Peak)

- **The City of Miramar chose Kimley-Horn as traffic consultants to examine Lennar's traffic analysis.**
- **However, Kimley-Horn has a very close relationship with Lennar and in many projects they are the consulting arm of Lennar.**
- **There has been a clear conflict of interests, if not collusion, between the consultant and the developer, which has been ignored by the City staff, Mayor and the Commissioners.**

Exhibit 9:

team

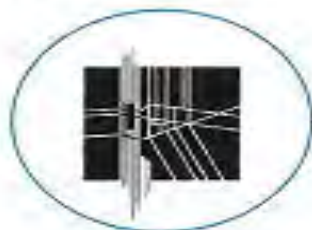
Nicollet Island East Bank Neighborhood Association (NIEBNA)

Superior Plating Site – Introduction to Concept – December 23rd, 2014



Kimley » Horn

FAEGRE BAKER DANIELS



Lennar has carefully assembled a stellar team of local firms and individuals from nationally and globally recognized firms that are very familiar with this site, its history, and its future. Lennar has worked with each of its partners on developments in the past in the MSP region

ELNESS SWENSON GRAHAM (ESG) ARCHITECTS:

- Well-established and highly-regarded local firm
- Designed some of the best multi-family and mixed use developments in MSP, including several recent high-rises.

LIESCH

- Environmental and Geotechnical Engineers
- Liesch has performed work and done studies on this site for years. They are very familiar with the site and surrounding areas.

KIMLEY-HORN

- Kimley Horn is one of, if not the, most established and sought-after civil engineering firms in the MSP region. They are very familiar with the site and surrounding areas.
- They are working on the EAW for the site.

FAEGRE BAKER DANIELS

- Real Estate and Environmental Legal Team
- FBD has real estate and environmental specialist that have years of experience working on sites similar to Superior Plating
- FBD is working with the city on the EAW and Zoning for the site.

The most important member of this development team is the Nicollet Island East Bank Neighborhood Association (NIEBNA). Our team understands the passion and importance of this site to the neighborhood and we are here to listen and generate ideas for the site.

Exhibit 10:

Lennar faces grilling from Frazier St. area residents

Roswell residents wanted answers about traffic, fate of Hispanic community

A big issue on Norcross Street especially is traffic, and residents wanted to know how **Lennar** would handle around 500 residents leaving the Lennar complex each morning.

Cassidy said **Lennar's** traffic study done by **Kimley-Horn** shows “negligible impact” to the current traffic patterns. While there will be twice the units on the property, the number of people living there will be about the same.

<http://northfulton.com/stories/Lennar-faces-grilling-from-Frazier-St-area-residents,21144>

None of These Conditions Are Met!

Coordination of Transportation and Land Use (City of Miramar Comprehensive Plan)

CO 12.01.00
Objective 4

If the proposed development places any trips on, or create any, overcapacity links within the impact area, one or more of the following mitigation plans should apply:

- There is an approved action plan to accommodate the traffic impact of the development, and implementation of the plan has been committed to in a written agreement approved by the property owner(s), the appropriate municipality, and the County Commission.
- The necessary improvements to provide a LOS "D" are under construction at the time a permit is issued.
- The necessary improvements to provide LOS "D" are the subject of a binding executed contract for the construction of the facilities.
- The necessary improvements for the LOS "D" have been included in the first two (2) years of the adopted state or county five-year schedule of transportation improvements and the applicable government entity makes a determination that a binding contract for the implementation of said improvements will be executed no later than the final day of the second fiscal year of the original schedule.
- The necessary facilities and services for LOS "D" are guaranteed in an enforceable development agreement.



Miramar Citizens Coalition

**On behalf of the residents of the City of Miramar,
we the Miramar Citizens Coalition,
urge that the Broward Planning Council either
deny this application, or
demand these inconsistencies be investigated and the
violations be rectified before the commissioners' vote.**

“Things get solved if you get involved”

