



November 21, 2017

Mark Morgan  
17428 Southwest 36 Street  
Miramar, Florida 33029

**Re: Documents and Information Request Regarding Land Use Plan Amendment (LUPA) PC 18-2; Miramar**

Dear Mr. Morgan:

This letter acknowledges your November 15, 2017, electronic mail "Formal request for documents and information regarding Land Use Plan Amendment PC-18-2 Miramar," and your November 20, 2017, voicemail following up on the request. Although your request references documents, no specific records are requested. The only attachment, entitled "Formal Request for Information," does not reference any requested documents and solely asks questions regarding the LUPA. In consultation with the Planning Council Attorney and Broward County Office of the County Attorney, this constitutes a request to create public records that do not exist.

Florida's public records law, Chapter 119, Florida Statutes, provides a right of access to all materials made or received by a state or local government agency in connection with the transaction of official business which are used to perpetuate, communicate, or formalize knowledge. Please be advised that Broward County intends to comply fully with the public records law. Upon receipt of a request indicating the public records in our possession that are sought to be reviewed, you will be permitted to inspect and examine all such public records that are in our possession. Additionally, upon payment of the required fees, you will be furnished with such copies, verified or otherwise, as you may request at the time of your inspection and examination of the documents. Florida law permits Broward County to charge for copies and for extensive use of information technology and resources in complying with a request for public records.

Broward County's policy is to provide the first fifteen (15) minutes of assistance time at no charge. Thereafter, charges are incurred at the rate of \$2.50 per fifteen minutes (or portion thereof). Charges for extensive use of information technology and resources are as follows: \$0.021785 per minute of CPU time, \$0.00049 per page for CPU read/write time, and \$0.00113 per line for printer time. Photocopy costs for pages 8.5" x 14" or smaller are \$0.15 per page for 1-sided copies and \$0.20 for 2-sided copies (if such copies are made internally), with the first fifty (50) pages provided at no charge, and actual cost of copying if the copies are made by an outside vendor.

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Your inspection and examination of the documents requested is subject to the exemptions provided in Chapter 119, Florida Statutes. As you know, there is no obligation imposed on the County by the public records law or any other statute to research County records on your behalf or to arrange County records in a form useful to your purposes. Also, as you are aware, all of the records need to be reviewed so that any which are not public records are not disclosed and exempt material is redacted.

Sincerely,

A handwritten signature in blue ink, appearing to read 'BBB', is positioned above the typed name.

Barbara Blake Boy  
Executive Director

cc: Andrew Maurodis, Esq., Counsel  
Broward County Planning Council

Maite Azcoitia, Esq., Deputy County Attorney  
Broward County Office of the County Attorney



**From:** Mark Morgan  
**To:** [RECORDS](#); [Blake Boy, Barbara](#); [Von Stetina, Deanne](#); [Brunner, Scott](#)  
**Cc:** [Judy Jawer](#); [Hossein Tavara](#); [KT](#); [Jytte Nielsen](#); [Carbonell, Launa](#)  
**Subject:** Formal request for documents and information regarding Land Use Plan Amendment PC-18-2 Miramar  
**Date:** Wednesday, November 15, 2017 9:42:29 PM  
**Attachments:** [image003.png](#)  
[Information Request to Broward County Planning and Development PC-18-2 Miramar.docx](#)

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Dear Ms. Blake-Boy.

Yesterday, I appeared before the County Commission to request the tabling of this issue now scheduled for the 5 December, Commission hearing on the subject issue.

Attached please find the requested information and requested answers to critical question that remain unanswered precipitating this request. The process to formally obtain this information on the Broward County website is unclear. We have copied the “records: department to officially document this request.

We respectfully request you and your staff execute the necessary due diligence to uncover the answers to our questions, provide constructive comments, and deliver your informed recommendations to the citizenry of Broward County, and the Miramar Citizen’s Coalition representing the 10,200 signators of our petition to DENY this application. We fully expect this information and your recommendation to DENY this application will be provided to our elected officials serving on our County Commission.

In spite of our concerted 2-year effort to clarify the issues and obtain answers to many of these questions, we have been systematically stymied by responses from Miramar planners of: *“that question is irrelevant—this only a land use amendment change—that question will be answered in the platting/permitting process...”*

Considering the significant gravity underlying this application’s irreversible approval, and its impact on the residents and visitors of Broward County, we respectfully request your staff’s immediate support in answering these questions and providing comments and recommendations that are essential to our Commissioners’ to render an informed decision to either support or DENY this application. It is essential that we are afforded the time necessary to assess your responses and prepare our presentation before the Commission on 5 December.

As these questions and yet unresolved issues clearly reflect, this is a **broad regional issue** that impacts all Broward County and beyond, your staff’s immediate support in this matter is essential to the due diligence needed to properly address this matter which remains critical to all Broward County residents and visitors who deserve the assurance that their health, safety, and welfare is protected. Specific references to our Comprehensive Plan that unequivocally support this application’s denial have been previously provided, and can be delivered on request.

In conclusion, I would like to extend the cordial invitation to you, and members of your planning staff to visit my home in Miramar, located across from the beautiful lake across from the subject property, to personally witness, first-hand, the majesty, beauty, and abundant wildlife thriving in our Broward County wetland forest that is now facing irreplaceable destruction.

Respectfully requested.

Mark Morgan

17428 SW 36<sup>th</sup> St

Miramar, FL 33029

954-704-3401 (home)

305-205-8276 (cell)



Miramar Citizens Coalition

## Formal Request for Information

Questions and Information requested regarding Land Use Plan Amendment PC 18-2 Miramar

- What is the amount of fill (cubic yards) required to execute the proposed **4-year** development including the extensive road network additions and improvements required to comply with the 2018 revised Florida State Construction Code flood elevation requirements-- to include storm-water management, road construction, homes/underground utilities construction elevations?
  - o Records indicate this area is located in a "Special Flood Hazard" coastal flood zone "AH" with an elevation of 2.5 ft. NAVD 88 (4 ft. NGVD 29.) 2018 Florida Construction Code mandates a minimum of 8.5 ft. NAVD base elevation for residential homes, and 9.5 ft. elevation for the development's planned community center/non-residential buildings/roads and parking lots. What is the estimated cubic yards of total fill required for this development? What are the estimated compaction, erosion rates, and loss to storm-water runoff?
  - o What is the estimated total of cubic yards of fill required by this entire 4-year project including roads and lake filling?
  - o Considering the average dump truck capacity is 10 cubic yards, how many dump truck loads will be required to deliver the needed fill?
  - o Considering this fill will be required throughout the entire **4-year** life-span of this project, with a majority occurring at the beginning, how many dump truck loads will be required at various phases of this project? A project of this magnitude will require an army of construction workers and vehicles. How much additional traffic will these workers and vehicles add to existing traffic congestion at the designated phases of this prolonged **4-year** project?
  - o Considering that the only ingress-egress route of these trucks from the nearby Miami-Dade quarry is I-75 to Miramar Parkway to 172<sup>nd</sup> Ave, what impact will this steady stream of dump truck traffic have on existing traffic congestion over this **4-year** period?
  - o As the supplying quarry will be adding additional blasting events to support the stated fill requirements, how many additional blasting events will be needed to deliver the required fill? What will be the average weekly increase over existing scheduled blasting events?
  - o Due to the combination of the area's low-elevation, porous lime rock strata, and ground saturation, neighboring homes are suffering extensive damage due to the effects of the nearby quarry's blasting events. These events have are magnified by the soil characteristics and estimated to equate to the momentary shocks of a 6.0 earthquake. These blasting events not only create startling and stressful noise pollution impacting residents, pets, and wildlife, but result in significant damage to nearby homes-- specifically foundations, walls, patios, driveways, and roads. Will the County mandate this proposed development's foundations, and structures be reinforced with seismic force-resisting systems such as helical piles, extended rebar foundations, and additional structural wall widths and reinforcement requirements similar to the Earthquake Zones Construction Code mandated by the State of California?
  - o The planned widening of 172<sup>nd</sup> Ave will eventually result in lane closures and redirection of thousands of vehicles to detour around Everglades High School, and passed Glades Middle School, and Dolphin Elementary School, rejoining Miramar Parkway at the already congested intersection of Dykes Road. In addition to the added dump truck/construction vehicle traffic, what impact will this development have on the access to these schools, and the ability of emergency response vehicles response time in case of an emergency?
  - o Hundreds of school children are bussed to these schools. With the nearest bus stop located at the corner of Miramar Parkway and 172<sup>nd</sup> Ave, what will be the safety threat to these children walking (and biking) to school?
  - o As Broward County receives funding for the "**Safe Ways to School**" Program, will the dangers posed by this **4-year** construction project violate the intent and established safety standards mandated by this program resulting in the withholding of funding?
  
- The developer plans to expand roads along 172<sup>nd</sup> Ave and along the western and northern edges of the adjacent private property that has undergone extensive mitigation and preservation, which is now designated as "protected" (immanent domain claim.)
  - o These estimate 4 miles of new 4-lane roads will include turn lanes, bike paths, sidewalks and utility easements requiring filling a significant portion of the surrounding private lakes. What are the estimate fill requirements for this aspect of the project?
  - o What percentage of this fill will be deposited into the lake, and what will be the impact on the aquatic and wildlife that now thrive in this eco-system?
  - o Considering the obvious loss of storm water absorption now performed by this wetland forest, has this reduced lake's "Floodway" been assessed to determine its ability to handle the additional storm water due

to the lack of wetland's absorption? Is the compounding of the reduced floodway size and increased storm water runoff meet the floodway requirements of the revised December 2017, 6<sup>th</sup> edition, Florida Building Code?

- What is the estimated cost to taxpayers to “acquire” this private lakefront “protected” property that contains high-quality sawgrass, red bay trees, swamp bay trees, lichens, and other native vegetation?
  - o This area’s ecotone is the documented breeding ground for endangered freshwater mussels, scrub jays, gopher tortoise, while providing nesting/feeding areas for protected herons, egrets, whooping cranes, wood storks, ibis, and osprey. This area also supports the migration of duck, geese, swan, and bald eagles, and home for a variety of amphibians, turtles, and reptiles including the occasional transiting American Alligator. Residents have been requested to take photographs of the burrowing owls that have been reported in this area’s ecotone. How will the developer “reimburse” residents and visitors for the loss of the enjoyment of this areas wildlife, serenity, beauty, and the significant environmental benefits now afforded by this wetland forest?
  - o While these wetlands and mitigated lake areas are supposedly “protected” under several Federal and State environmental and wildlife protection laws, as well as our County Comprehensive Plan, what is the estimated cost to the developer to purchase the full range of Mitigation Bank Credits to “reimburse” Broward County tax-payers for the loss of these intrinsic and tangible benefits?
  - o Our research and discussions with planners and local environmental experts indicate that there are no “open” mitigation banks in Broward County. Where and what mitigation bank(s) will these credits be purchased from, and how will these purchased credits benefit Broward County taxpayers who will forever lose the beauty of the sawgrass, red bay, swamp bay, lichens and other protective vegetation?
  - o While other classified “exotic, non-native” vegetation exists on this property, they all contribute to purifying our air, water, and deliver significant flood protection that supports the many goals, objectives, and policies of our County’s Comprehensive Plan and BrowardNext Vision:
    - Removing an estimated 30 million pounds of toxic greenhouse gases
    - The planned destruction of this wetland forest will release an estimated 50 million pounds of sequestered gases from this forest’s lush trees, vegetation, roots
    - protects the hundreds of surrounding homes from flooding that absorbed Hurricane Irma’s 10 inches of rainfall in 24 hours, with an estimated 50 million gallons that inundated the property and surrounding protected private mitigation areas—and effectively absorbed by these wetlands. Without the protection now afforded by these wetlands, how will the developer “reimburse” residents and taxpayers from the next hurricane’s impending flooding and subsequent property damages?
    - Given the predicted increasing intensity of regional storms due to Climate Change and sea level rise, and the fact that even the best attempts to control erosion are largely ineffective during such significant weather “events” (hurricanes, tropical storms, heavy afternoon thunderstorms;) over the course of this 4-year development project, how much of this fill will erode away and pollute the interconnected network of lakes that run throughout all west Broward County, and feeds into the Everglades, which becomes a source of our drinking water?
    - How will the developer “reimburse” tax-payers for the damages caused by this impending Flint, Michigan type disaster?
- Given our experience with the dust and debris from the construction on I-75 that is closely supervised by the FDOT, driver visibility is often reduced to “Zero,” with dangerous rocks and debris littering the highway as a result of trucks dumping fill, and heavy-equipment grading. Even given the watchful supervision of the FDOT, and the use of water dispersing trucks to “mitigate” these hazards, they are still too frequent.
  - o How much hazardous dust and particulate matter will be generated from the extensive **4-year** construction project?
  - o Even with a generous 50% mitigation rate, using the Federal Transportation study estimates, the dust and particulate matter generated by the construction site alone, without regard to road extensions, widening, and the that generated by deforestation and land clearing over this **4 years**, is a shocking 50,000 tons that will blanket adjacent homes, schools, lakes, and roads. How does the developer intend to reimburse residents, students, and visitors that will be unable to enjoy the use of their homes and outdoor school events and activities? How will the developer compensate residents and taxpayers from the damage caused to their schools homes, gardens, and yards? How will the developer compensate taxpayers for the damage and suffering from the inevitable loss of air conditioning systems that will result from the **4 years** of

dust and particle matter fouling? With an estimated 40% of all children, and 30% of all adults suffering from respiratory conditions, how will the developer compensate residents and students for their suffering and medical expenses as a result of this prolonged exposure to toxic dust and particle matter that can be life-threatening to the elderly and individuals with severe chronic respiratory ailments?

- o Similarly, regarding the excessive **4-year** exposure of students and residents to this project's unbearable, prolonged noise pollution, how will the developer reimburse students and residents to the damages and loss of enjoyment of their homes due to noise levels caused by this **4-year** project? A recent environmental study determined that the noise pollution generated by this **4-year** project will exceed over the twice the World Health Organization's recommended levels. With documented proof that such prolonged exposure can result in life-long learning disabilities, sleep disturbance, increased stress levels, and overall health; how will the developer reimburse and compensate our students, educators, and residents who cannot function at their jobs?
- What "mitigation credits" does the developer propose to purchase to compensate residents, visitors, and students from the impending air pollution, water pollution, flooding, health, lost time and productivity, and deprivation from the enjoyment of their homes?
- Alternatively, what would be the similar environmental impacts and fill requirements of establishing this development in the elevated areas of "Historic" Miramar located a reasonable distance from public schools? Without the need for deforestation or fill, how quickly could this project be completed? Funding and incentives could be offered to the developer including support to install on/off ramps from Miramar Parkway and the Turnpike. Moreover, a significant portion of this development could be allocated for low-income households. This would be a far more meaningful solution than the meager \$192,500 the developer is now proposing to pay.
- Likewise, obtaining available *Florida Forever* Funding, which currently has \$700 million allocated for such wetland preservation, could be matched with available EPA and National Park Service funding. Such an initiative to acquire this property would represent a significant "tax rebate" to Broward County taxpayers and historic symbol of the Commissioners' commitment to our environment, or people's welfare, and advance the mandates of our Comprehensive Plan and BrowardNext Vision.
  - o This initiative represents a far better use of this funding over currently appropriated millions that are being sent to the uninhabited and desolate areas of Lake Okeechobee.
  - o With an assessed value of \$13.5 million, this wetland forest area could be established as Broward County's only existing, open Mitigation Bank. This reserved area would attract credit payments that are estimated \$50 - \$100 million, which is now given away to Miami-Dade County.
  - o A considerable portion of this new revenue stream could be allocated to the County as "general purpose/administrative expenses" -- much to the welcome relief of over-burdened taxpayers.
  - o This proposal supports many Broward Comprehensive Plan Goals, Objectives, and Policies. Faced with the alternative of the applicant's proposed development that clearly threatens everyone's health, safety, and welfare, local residents would heartily welcome the creation of a naturally sustainable energy center on this property as supported by the Comprehensive Plan and Broward Next Vision.

- **Comments?**

- **Recommendations?**

Respectfully requested,

Mark Morgan  
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