

ITEM #50

**ADDITIONAL MATERIAL
PUBLIC HEARING**

MARCH 20, 2018

SUBMITTED AT THE REQUEST OF

PLANNING COUNCIL

Lindor, Vayola

From: Blake Boy, Barbara
Sent: Monday, March 19, 2018 1:22 PM
To: Lindor, Vayola; Jardine, Arlene
Cc: Cepero, Monica
Subject: FW: Agenda Item 50: Land Use Plan Amendment PC-18-2 Miramar-- Applicant has failed to identify environmental and water quality impacts



Additional Agenda Material for PH Item 50.

Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6982 (direct) www.Broward.org/PlanningCouncil

"There is nothing good or bad but thinking makes it so." – William Shakespeare

From: Mark Morgan [mailto:mmorgan@armpocket.com]

Sent: Monday, March 19, 2018 1:20 PM

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

Cc: Judy Jawer <judyjawer@gmail.com>; Carbonell, Launa <LCARBONELL@broward.org>; Azcoitia, Maite <MAZCOITIA@broward.org>; Andrew S. Maurodis <amaurodis@wsh-law.com>; Holness, Dale <DHOLNESS@broward.org>; Furr, Beam <BFURR@broward.org>; Geller, Steve <SGELLER@broward.org>; Lamarca, Chip <CLAMARCA@broward.org>; Udine, Michael <MUDINE@broward.org>; Bogen, Mark <MBOGEN@broward.org>; Rich, Nan <NRICH@broward.org>; Sharief, Barbara <BSHARIEF@broward.org>; Ryan, Tim <TRYAN@broward.org>; Ralf Brookes <ralfbrookes@gmail.com>

Subject: Agenda Item 50: Land Use Plan Amendment PC-18-2 Miramar-- Applicant has failed to identify environmental and water quality impacts

Dear Ms. Blake Boy.

In accordance with requirements for land use plan amendments as stated in Exhibit 2 of your provided report, the applicant has failed to demonstrate how this proposed development will not adversely impact Broward County residents and our environment:

*"In review of land use plan amendments, the County **requires the applicant to demonstrate that the project will not increase... area-wide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities.**"*

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

Hurricane Irma's recent tropical deluge of 10" in 24 hours was effectively absorbed by this 120 acres of wetlands. That's an estimated 32 million gallons of water that the applicant now proposed to funnel into the small adjacent lake that contains the Silver Lakes Wetland Mitigation Area. The applicant has failed to address how such flooding will be controlled.

According to Florida Code, this entire area, and miles of planned surrounding roads must be elevated (filled) to a height of 8.5 feet, which for over the 4-year period of construction/destruction, will require millions of yards of fill to be trucked into the site, further adding to the traffic congestion that plagues southern Broward County. The applicant has failed to address the impact of this additional construction and dump truck traffic during this period before their "planned traffic improvements" will be implemented.

Moreover, the applicant's proposed construction of new/widened roads with sidewalks, bike lanes, and a 15' utility easement surrounding this development is now planned to encroach on the Silver Lakes Wetland Mitigation Area, and filling in much of the adjoining narrow lake which is the habitat for dozens of documented endangered and protected species.

Clearly, the applicant has failed to demonstrate that this proposed development will not adversely impact flooding, water quality, or environmentally sensitive lands. **The scheduled hearing on item 50 should be tabled until the applicant has met the burden of proof as specified by County mandates.**

With other more suitable locations available in Broward County for the applicant to build his development, why does he need to destroy our wetlands?

Respectfully submitted for your immediate action.

Mark Morgan
Miramar Citizens' Coalition



Miramar Citizens Coalition

From: Mark Morgan [mailto:mmorgan@armpocket.com]

Sent: Wednesday, November 22, 2017 11:37 AM

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

Cc: 'Judy Jawer' <judyjawer@gmail.com>; 'Carbonell, Launa' <LCARBONELL@broward.org>; 'Azcoitia, Maite' <MAZCOITIA@broward.org>; 'Andrew S. Maurodis (amaurodis@wsh-law.com)' <amaurodis@wsh-law.com>; 'dholness@broward.org' <dholness@broward.org>; 'bfurr@broward.org' <bfurr@broward.org>; 'sgeller@broward.org' <sgeller@broward.org>; 'clamarca@broward.org' <clamarca@broward.org>; 'mudine@broward.org' <mudine@broward.org>; 'mbogen@broward.org' <mbogen@broward.org>; 'nrich@broward.org' <nrich@broward.org>; 'bsharief@broward.org' <bsharief@broward.org>; 'tryan@broward.org' <tryan@broward.org>

Subject: RE: Formal request for information regarding Land Use Plan Amendment PC-18-2 Miramar

Dear Ms. Blake Boy.

We are painfully aware that no documentation exists addressing the unanswered questions and the underlying facts behind this requested critical information. The applicant's purposeful omission of this yet undisclosed information reflects the potentially damaging impact its revelation will carry in the Commissioners' 5 December vote to approve or DENY this application. It is imperative that the underlying facts and answers to these critical questions be uncovered and presented BEFORE this hearing.

As stated previously, the documented responses to our multiple requests to the City of Miramar were answered with "irrelevant... that is not important...this will be addressed in the platting and permitting phase... that will be answered by

agencies at the County, State, or AEC levels." All unacceptable and violates the intent, if not the letter, of the laws regarding due process and information disclosure. This clear failure of due diligence in delivering this crucial information is irresponsible and demands your office's immediate attention and correction.

Absent this pivotal information, the irreversible, devastating impact of this application's approval will have far-reaching effects on all Broward County:

1. The impending threat of 4 long and painful years of construction-quarry site traffic will further exacerbate the existing congesting Miramar Parkway and I-75.
2. The clear danger this 4-year steady stream of trucks will have on our students (and residents) walking and biking to the 3 adjacent schools violating the mandates of the "Safe Ways to School Program."
3. The millions of yards of fill required to elevate this property to the 8.5' mandated State Development Code, filling our surrounding lakes to accommodate the site, as well as the proposed 4-lane roads and easements.
4. This project will pave over the habitat for dozens of documented protected and endangered species both on the land and in the lakes' waters that will be irreversibly destroyed and polluted.
5. The undisclosed tax-payer expense of acquiring and maintaining the surrounding land, roads, and additional infrastructure.
6. The harmful and dangerous noise and particulate matter generated by this site will have far-reaching and devastating effects on Broward County residents' and students' health, safety and welfare.
7. The applicant's undisputed claim by planners that this area is low-quality wetlands unworthy of on-site mitigation.
8. The availability of open Broward County Mitigation Banks the applicant intends to purchase credits—when no such facility exists.
9. Assessing the alternative proposal to completely avoid the catastrophic consequences facing Broward County by approving this application by acquiring this property using allocated Florida Forever and other government agency funds. Such an initiative would be the tangible proof of our County's commitment to protecting its residents and natural resources as mandated in our Comprehensive Plan and BrowardNext Vision.
10. This initiative to establish Broward County's only open mitigation bank would result in significant revenue generation while preserving this area's natural and spiritual beauty benefitting all Broward County residents and visitors.

The underlying facts, and answers to these crucial questions have so far remained undisclosed, ignored, and unaddressed. It is your office's responsibility to research these critical issues, and deliver this crucial information to our decision-makers and their constituents. Without it, our **Commissioners will be denied the necessary information needed to deliver an informed, fact-based decision.** A monumental decision that that will have far-reaching consequences for all Broward County constituents. Constituents who have entrusted in them, and in your office, the responsibility to protect our health, safety, welfare, and our environment, as mandated by our Broward County Comprehensive Plan and our County Code of Ethics.

My invitation still stands to you, your staff, and each Commissioner to come to my home on the soon-to-be destroyed adjacent lake to witness, and experience, first-hand, the pure beauty of the meadows, grassland, Cyprus, Bay, and Pine trees that are the habitat for dozens of protected and endangered species that thrive in this area. I strongly encourage you to see for yourself that the applicant's characterization of this area as a "desolate, melaleuca invested, pariah" is a duplicitous ruse and a complete misrepresentation of the facts.

Time is of the essence. Your immediate action and support is requested. I am available to assist in this critical endeavor.

Mark Morgan
17428 SW 36th St
Miramar, FL 33029
954-704-3401 (home)
305-205-8276 (cell)



Miramar Citizens Coalition

From: Blake Boy, Barbara [<mailto:BBLAKEBOY@broward.org>]
Sent: Tuesday, November 21, 2017 4:13 PM
To: 'Mark Morgan' <mmorgan@armpocket.com>; RECORDS <records@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>; Brunner, Scott <SBrunner@broward.org>
Cc: Judy Jawer <judyjawer@gmail.com>; Hossein Tavana <stoplandusechange@gmail.com>; KT <nomoreblastingrivieraisles@yahoo.com>; Jytte Nielsen <jnielsen@armpocket.com>; Carbonell, Launa <LCARBONELL@broward.org>; Azcoitia, Maite <MAZCOITIA@broward.org>; Andrew S. Maurodis (amaurodis@wsh-law.com) <amaurodis@wsh-law.com>
Subject: RE: Formal request for documents and information regarding Land Use Plan Amendment PC-18-2 Miramar

Good afternoon, Mr. Morgan—

Please see the attached correspondence regarding your email request dated November 15.

Barbara



Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6982 (direct) www.Broward.org/PlanningCouncil

“There is nothing good or bad but thinking makes it so.” – William Shakespeare

From: Mark Morgan [<mailto:mmorgan@armpocket.com>]
Sent: Wednesday, November 15, 2017 9:42 PM
To: RECORDS <records@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>; Brunner, Scott <SBrunner@broward.org>
Cc: Judy Jawer <judyjawer@gmail.com>; Hossein Tavana <stoplandusechange@gmail.com>; KT <nomoreblastingrivieraisles@yahoo.com>; Jytte Nielsen <jnielsen@armpocket.com>; Carbonell, Launa <LCARBONELL@broward.org>
Subject: Formal request for documents and information regarding Land Use Plan Amendment PC-18-2 Miramar

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 36th St
Miramar, FL 33029
954-704-3401 (home)
305-205-8276 (cell)



Miramar Citizens Coalition

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.