EXHIBIT 5

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 yd^3 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**

G.

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 cynobacteria 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 planamendments,* ***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? HURRRICANE 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 Norflok 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**

EXHIBIT O

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

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

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 these 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 hast 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 says 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-á-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 hose 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:

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 **Variances** 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-á-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 954-443-0994	nhermida@castlegroup.com
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 954-435-4411	jsolano@castlegroup.com

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@kwpropertymanagament.com

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

ATTACHMENT 16

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

RECEIVED
08/11/2017

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

Thru: Dan West, Director
Parks and Recreation Division

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

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.

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

RECEIVED
08/24/2017

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,

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 yds^3 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 yds^3 -- 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

MCC
Miramar Citizens Coalition
954-704-3401 (home)
305-205-8276 (cell)

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 (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)

From:	Miramar Citizens Coalition
To:	Blake Boy, Barbara
Cc:	Von Stetina, 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

Fort Lauderdale, Florida 33301

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.

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

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 yd^3 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.

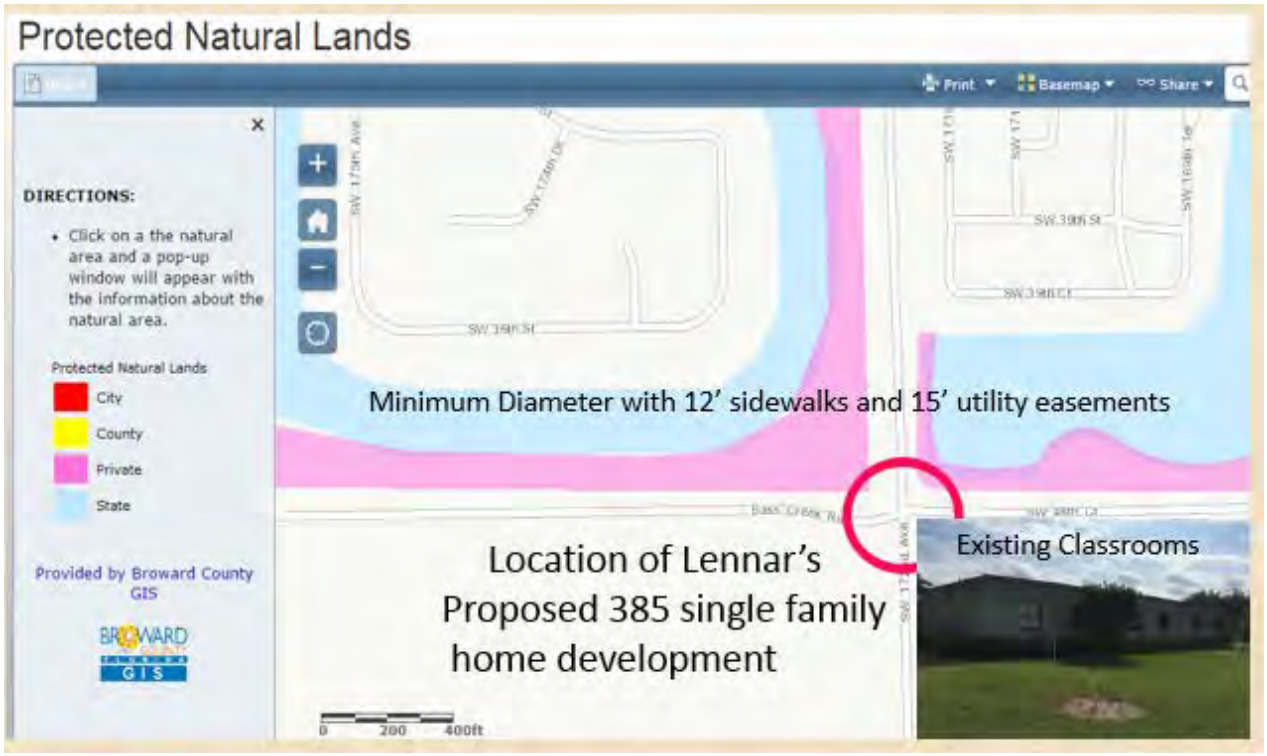
***This adverse impact must be regulated by avoidance as the first priority**, minimized as a second priority, or mitigated as a third priority.*

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**

G.



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? HURRRICANE 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 is 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:	judyjawer@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

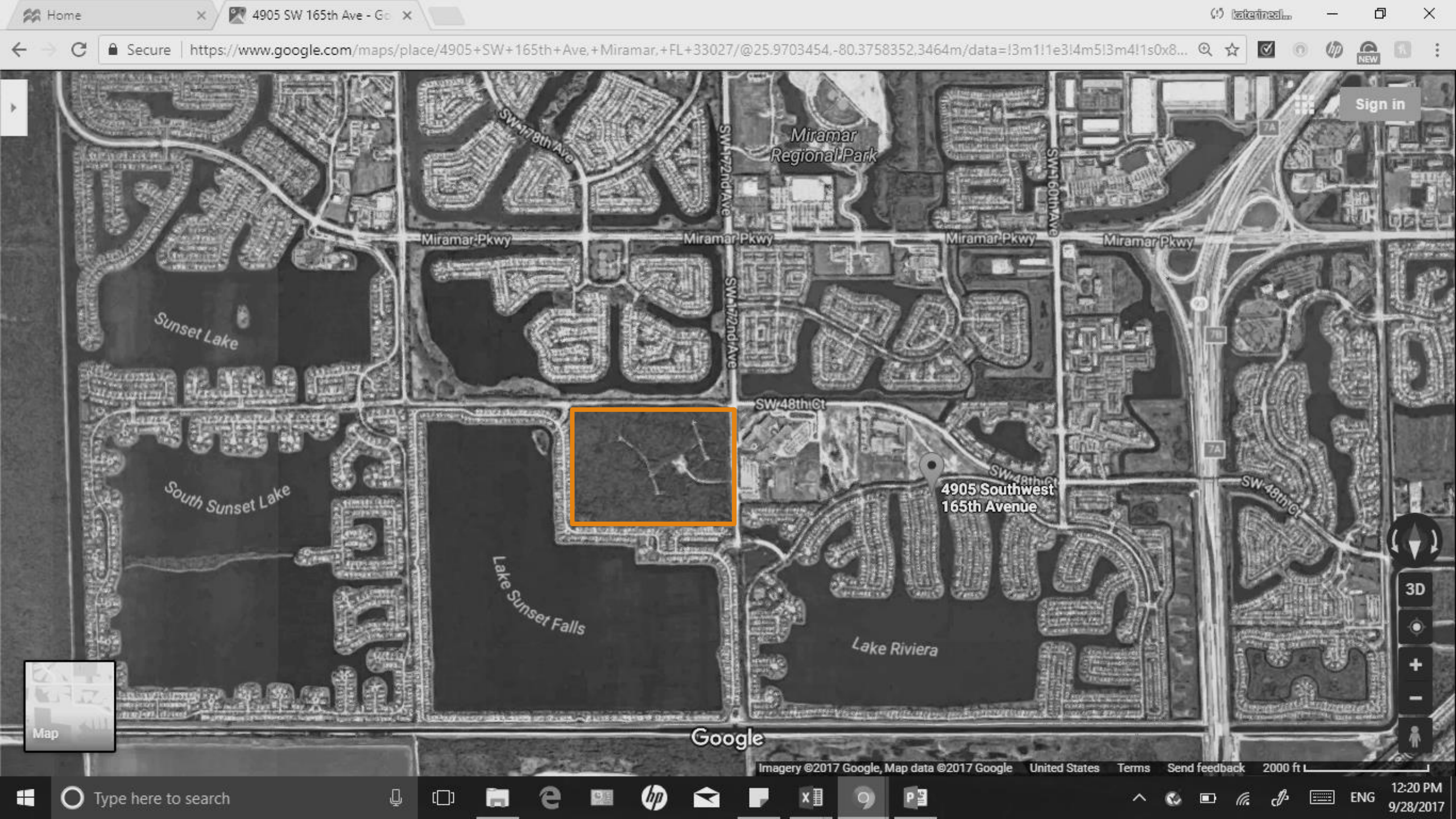
On Wed, Oct 18, 2017 at 5:35 PM, Von Stetina, Deanne <DVONSTETINA@broward.org> wrote:

> 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 (direct) www.Broward.org/PlanningCouncil

Miramar Citizens Coalition

TRAFFIC CONCERNS ~ “UNIVISION” LENNAR PROJECT

Traffic Concerns


Home
4905 SW 165th Ave - Go
Secure
https://www.google.com/maps/place/4905+SW+165th+Ave,+Miramar,+FL+33027/@25.9703454,-80.3758352,3464m/data=!3m1!1e3!4m5!3m4!1s0x8...
Sign in
Miramar Regional Park
SW 178th Ave
SW 172nd Ave
SW 160th Ave
Miramar Pkwy
Sunset Lake
South Sunset Lake
Lake Sunset Falls
Lake Riviera
SW 48th Ct
4905 Southwest 165th Avenue
3D
Map
Google
Imagery ©2017 Google, Map data ©2017 Google
United States
Terms
Send feedback
2000 ft
Type here to search
ENG
12:20 PM
9/28/2017

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.

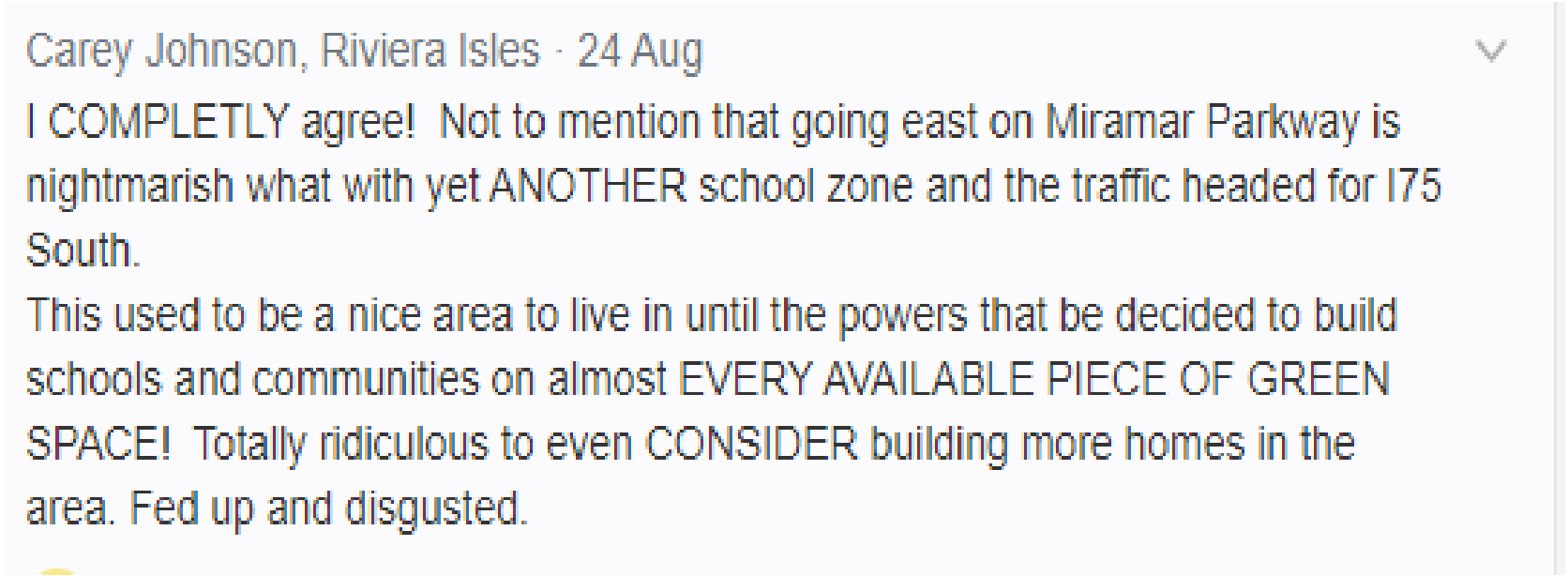
24 Aug · 24 neighborhoods in General

Thank Reply

34 Thanks · 57 Replies

Traffic Concerns

Traffic Concerns



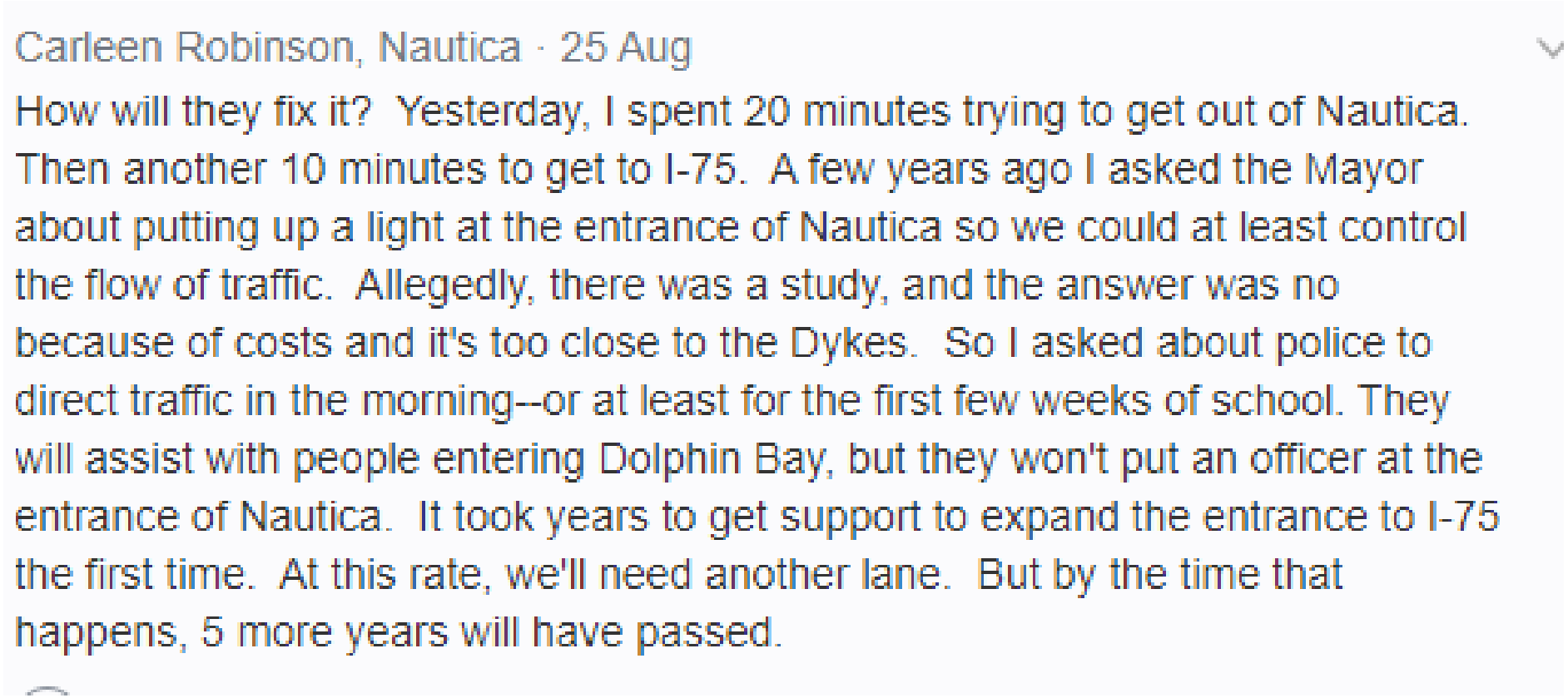
Traffic Concerns

N

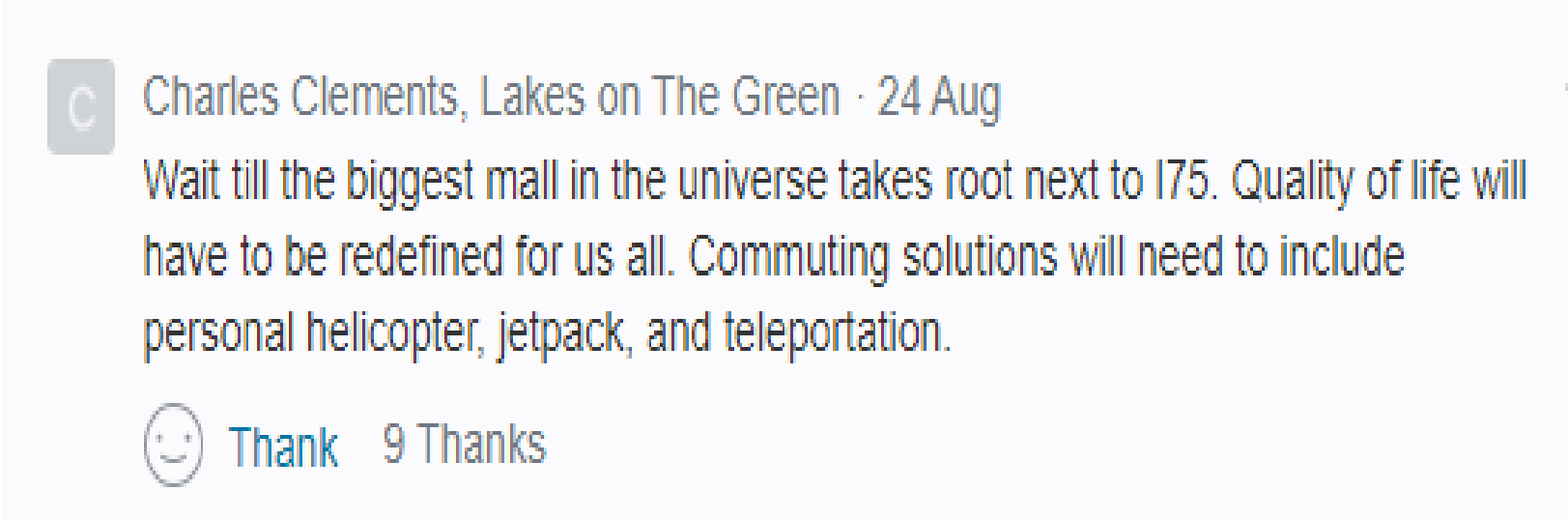
Nate Kloiber, Nautica · 24 Aug

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.

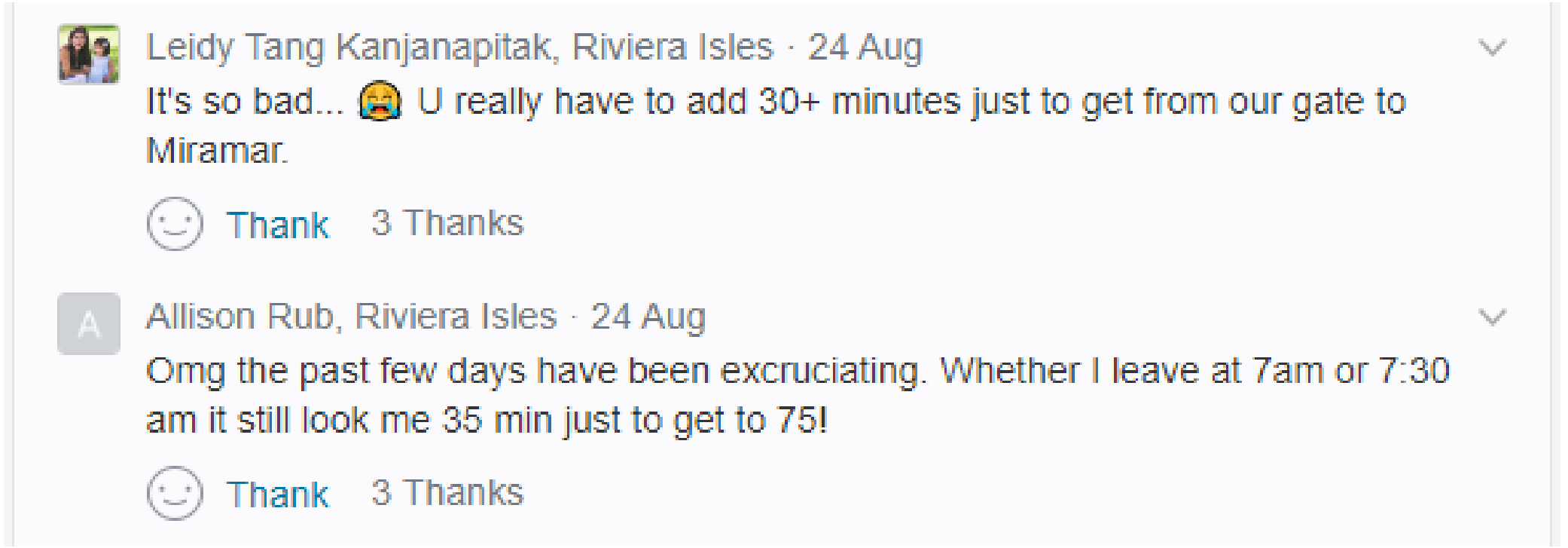


Traffic Concerns

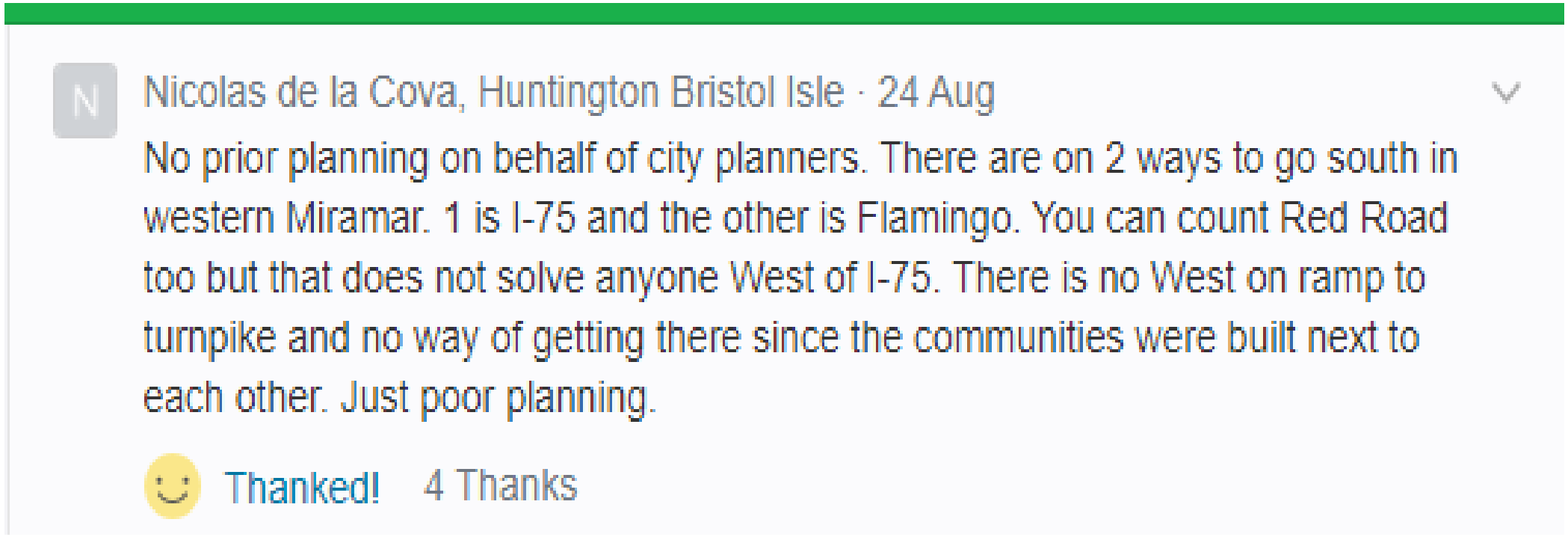


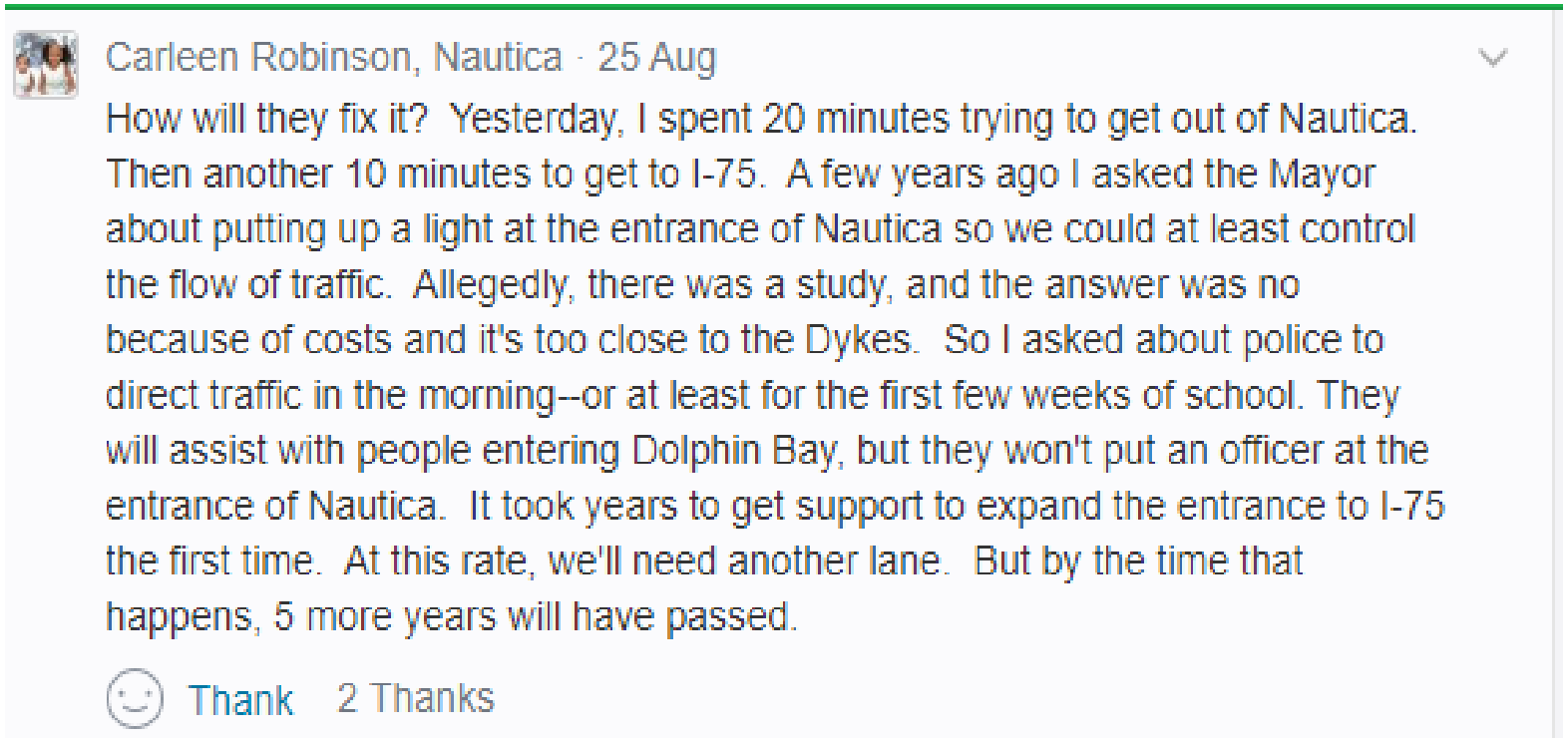
Traffic Concerns

Traffic Concerns



Traffic Concerns





Traffic Concerns

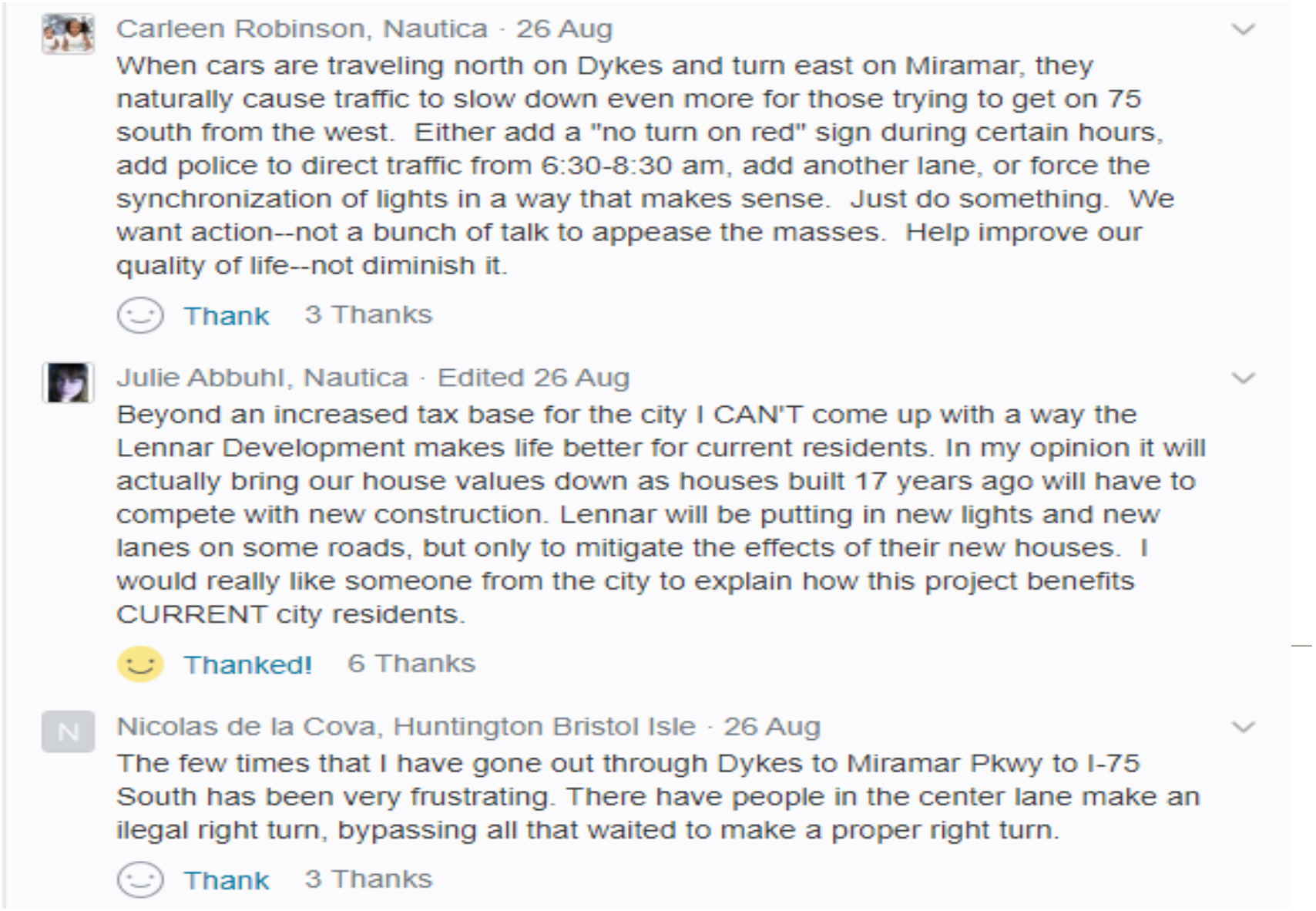
Traffic Concerns

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 if 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 as 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

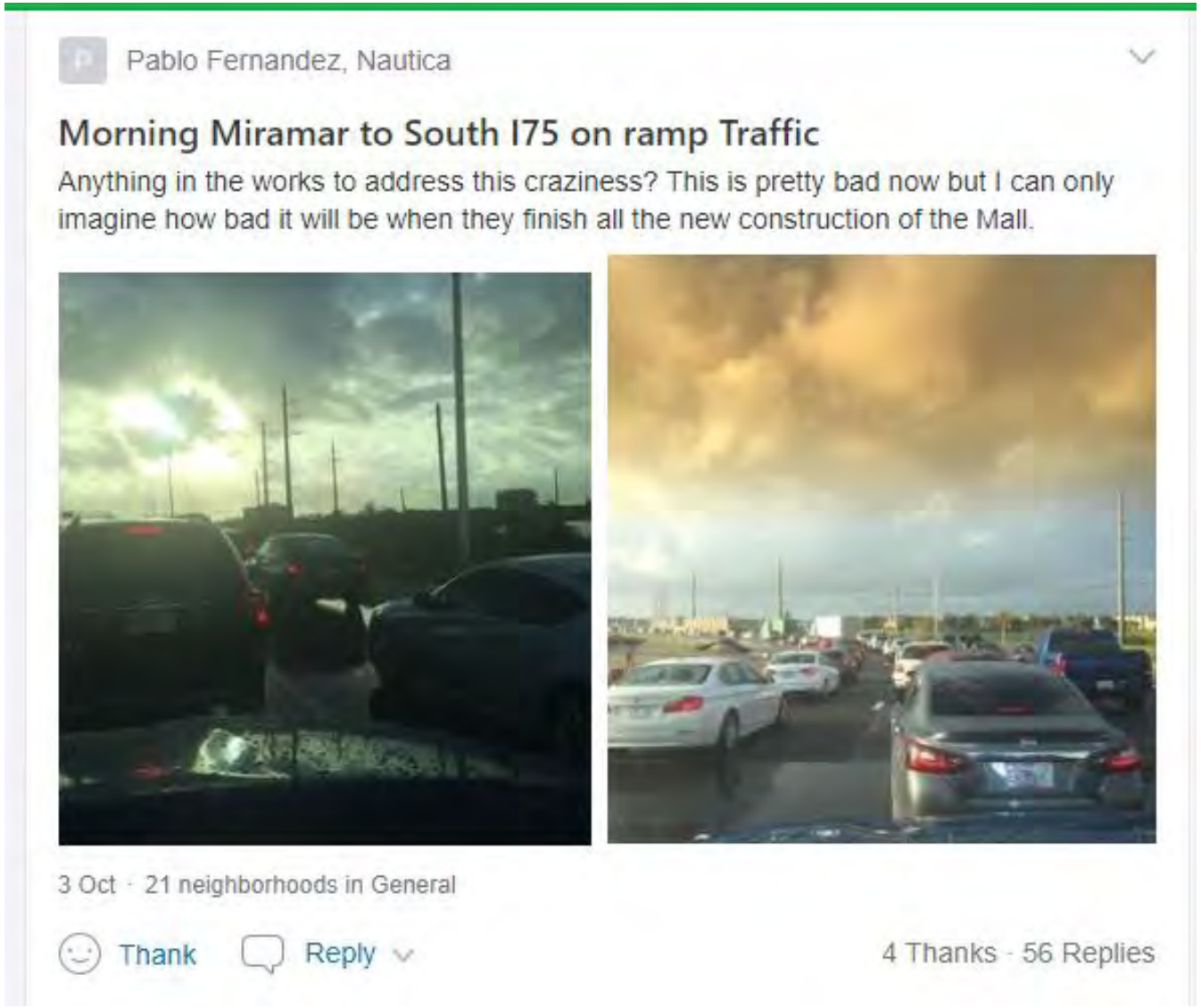
Beyond an increased tax base for the city I CAN'T come up with a way the Lennar Development makes life better for current residents. In my opinion it will actually bring our house values down as houses built 17 years ago will have to compete with new construction. Lennar will be putting in new lights 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 ilegal right turn, bypassing all that waited to make a proper right turn.

Thank 3 Thanks



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

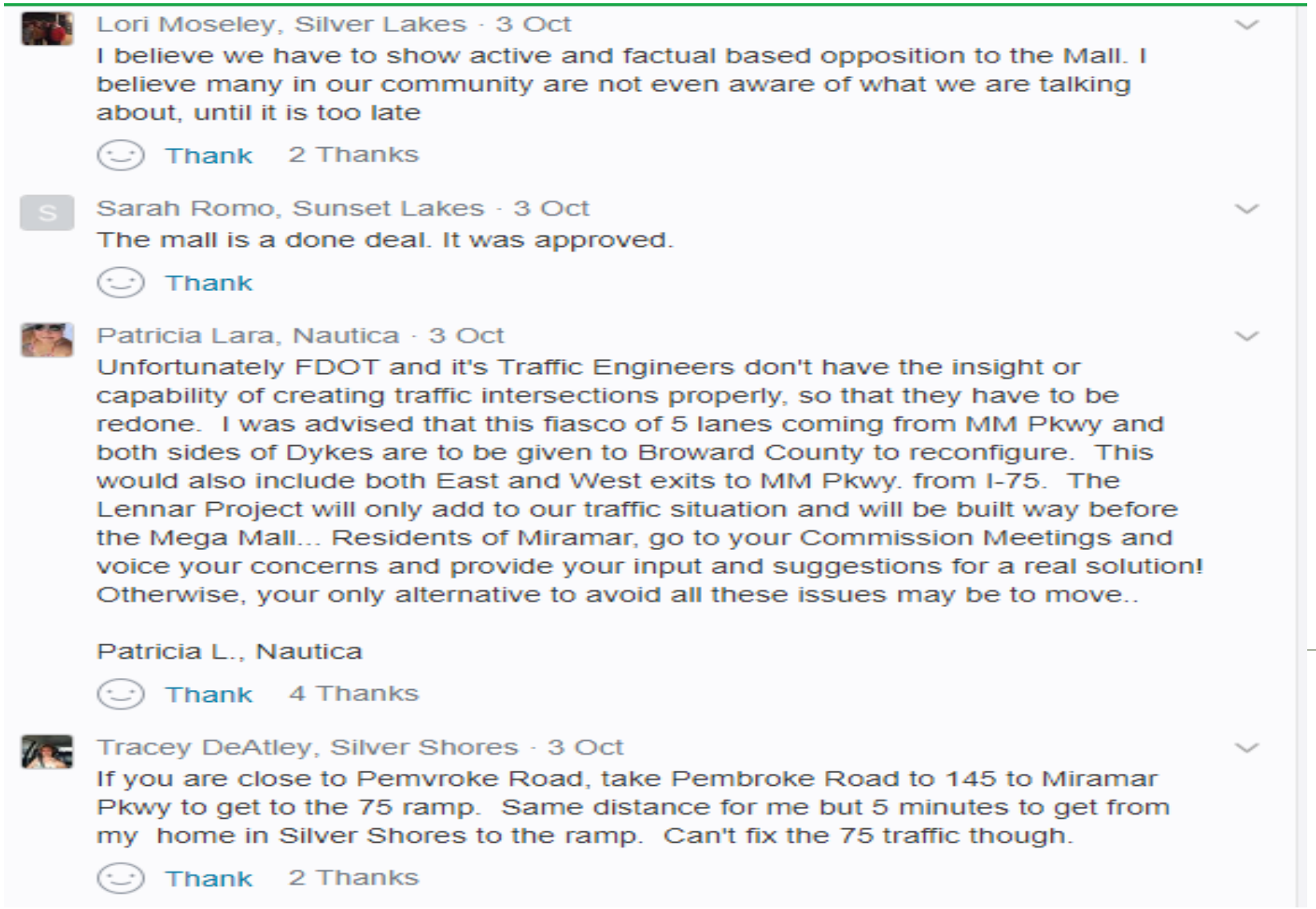
Brace yourself once the new Lennar development is built that will add over 300 homes. Those cars will dump right onto Miramar Pkwy and cause total gridlock. Thank Mayor Messum for that! Hope you remember this during the next election.

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

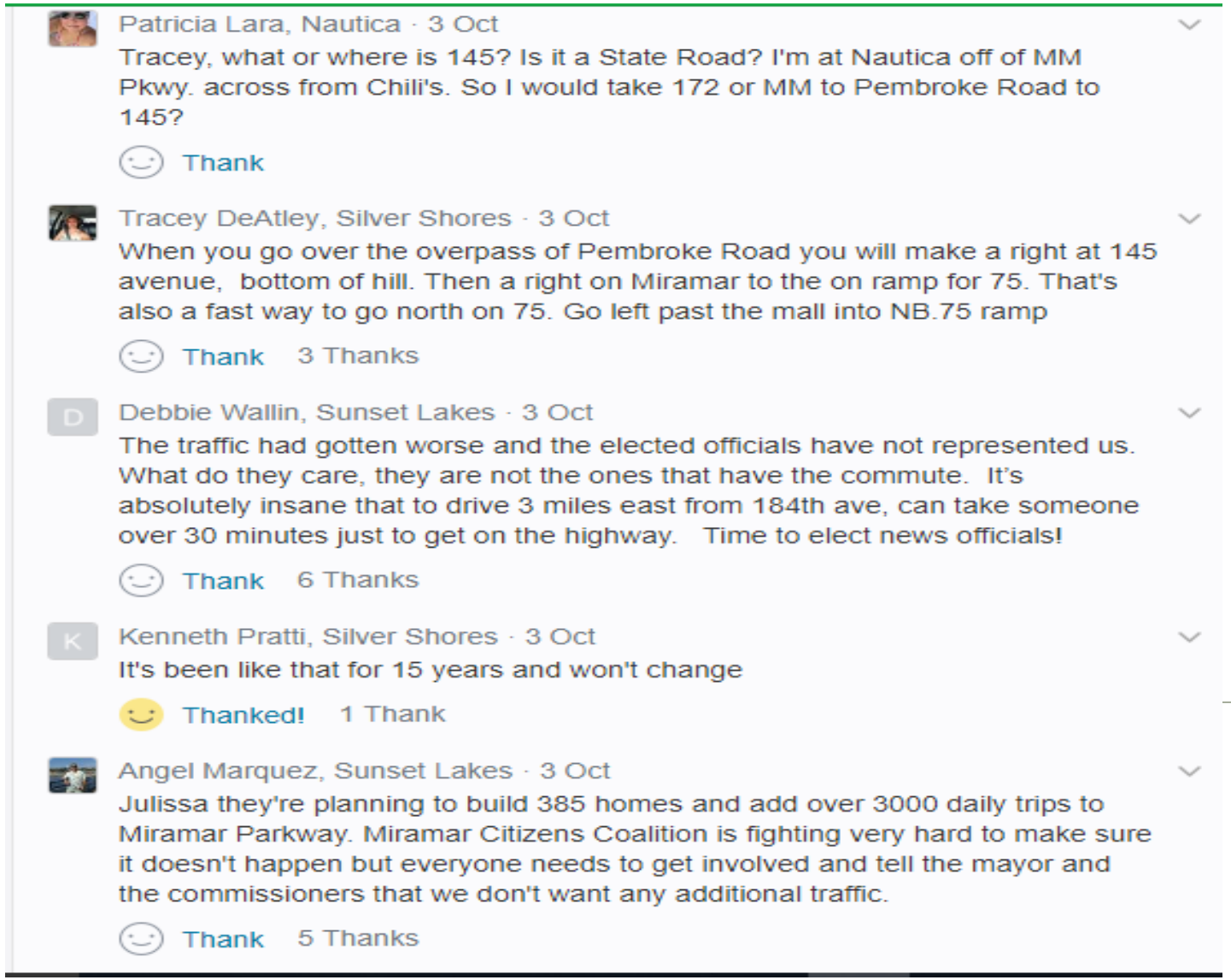
Thank 4 Thanks

Tracey DeAtley, Silver Shores · 3 Oct

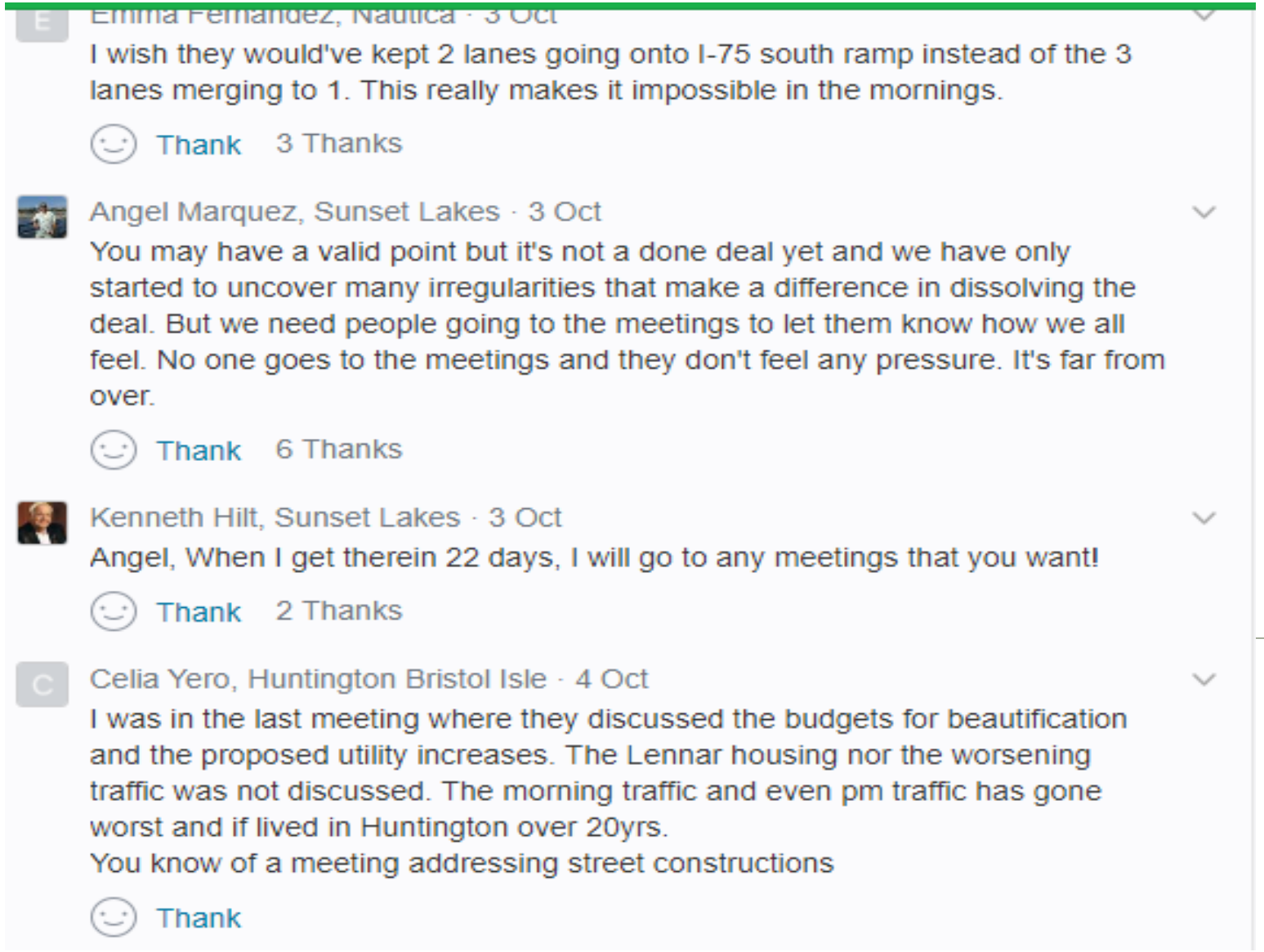
If you are close to Pemvroke Road, take Pembroke Road to 145 to Miramar Pkwy to get to the 75 ramp. Same distance for me but 5 minutes to get from my home in Silver Shores to the ramp. Can't fix the 75 traffic though.

Thank 2 Thanks

Traffic Concerns - October



Traffic Concerns - October



Traffic Concerns - October

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

Things get solved if you get involved.

MCC

Miramar Citizens Coalition

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)

			2015 Conditions		2020 Condition			
			Current w/o Project		w/o Project		with Project	
Miramar Parkway	No. of Lanes	Capacity	Volume	LOS	Volume	LOS	Volume	LOS
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.

2. 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.

3. 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.

4. 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.

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

- 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)

			2015 Conditions		2020 Condition			
			Current w/o Project		w/o Project		with Project	
Miramar Parkway	No. of Lanes	Capacity	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	Level of Service 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	Level of Service 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

Traf Tech
ENGINEERING, INC.

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) AADT	Short Term (2020) LOS	Long Term (2035) AADT	Long Term (2035) 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) Volume	Short Term (2020) LOS	Long Term (2035) Volume	Long Term (2035) 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

Traf Tech
ENGINEERING, INC.

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 160th Ave	D (E)	E (E)	E (E)
Miramar Pkwy & SW 172nd Ave	D (D)	D (D)	D (D)
Miramar Pkwy & SW 184th Ave	D (C)	E (D)	D (D)
Bass Creek Rd. & SW 160nd Ave	A (B)	A (B)	B (B)
Bass Creek Rd. & SW 172nd 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)

- **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)
LENNAR
esg architects
LIESCH
A Terracon company
Kimley»Horn
FAEGRE BAKER DANIELS
Minneapolis
City of Lakes
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.

MCC

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"

ATTACHMENT 21

DRAFT

MINUTES

BROWARD COUNTY PLANNING CO*UN*CIL

October 26, 2017

MEMBERS PRESENT:	Mayor Daniel J. Stermer, Chair Thomas H. DiGiorgio, Jr., Vice Chair School Board Member Patricia Good, Secretary Brion Blackwelder Commissioner Richard Blattner Commissioner Felicia Brunson Vice Mayor Angelo Castillo Mayor Bill Ganz Commissioner Michelle J. Gomez Mary D. Graham Richard Grosso David Rosenof Richard Rosenzweig Mayor Jack Seiler Commissioner Michael Udine Commissioner Beverly Williams
MEMBERS ABSENT:	Mayor Michael J. Ryan
Also Present:	Barbara Boy, Executive Director Andy Maurodis, Legal Counsel Nancy Cavender, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, October 26, 2017.

(The following is a near-verbatim transcript of the meeting.)

.

.

.

.

.

.

AGENDA ITEM PH-5 - AMENDMENT PC 18-2

CHAIR STERMER: We're now on PH-5.

MS. BOY: Thank you. Just before we get started on just the staff overview for PH-5, we have ten speakers for this item. It seems about four or -- are behalf -- on behalf of the applicant or city, and five or six are for -- are for residents. The residents that have signed in have asked to speak in a particular order, so I would -- I'm asking for the advice of --

MR. MAURODIS: If it's something you could accommodate.

CHAIR STERMER: If the residents would like to speak in a given order, that's fine.

MS. BOY: Okay. So I have numbers on the cards, so I'll reorder these in just a second.

CHAIR STERMER: Perfect.

MS. BOY: And the other thing is one of the residents that wants to speak, right as the meeting was starting -- excuse me -- I had distributed two videos to you yesterday morning as part of your additional agenda material. One video, I misunderstood. I came to find out this morning they both want to -- one wants to show the video instead of speaking. His video is three minutes.

And the other person wanted to show the video while speaking, and I don't have access to that video, because I did not download the video. So I just want to apologize for making that error, but I know that you all had access to it yesterday.

CHAIR STERMER: I think, through the Executive Director, staff has done their level-headed best to ensure that we were -- we received prior to the meeting, and the applicant, as well as the community were advised to get everything to us by a given timeline so we could view it before the meeting, because we all have, particularly for this item, a significant amount of backup, some of it that arrived yesterday via email, via Dropbox link, as well as other documents. And the -- I think we all -- we'd all have --

rather review it under our own time constraints as compared to doing it sitting here on the dais. So with regard to we have what we have. We have both videos, and they both were provided to the members of the Council in advance. So with that, we'll just proceed.

MS. BOY: Okay. And the one last --

CHAIR STERMER: Yeah.

MS. BOY: -- sorry. The one last thing before I do the overview -- sorry -- is I do need the Council to accept the additional agenda material that was given to you.

CHAIR STERMER: Is there any opposition --

MAYOR SEILER: So **moved.**

COMMISSIONER BRUNSON: Second.

CHAIR STERMER: -- understanding our rules have specific timelines and dates in advance of our meeting of when things to be submitted.

MS. BOY: Thank you.

CHAIR STERMER: We're waiving those rules. And there is a motion by Mayor Seiler, a second by Commissioner Brunson to accept everything as we have pursuant to the Executive Director's request. All those in favor, signify -- Mr. Grosso.

MR. GROSSO: I have a question. Would members of the public have had an opportunity to see those same materials at this late date?

MS. BOY: The additional agenda material was only distributed to you. We can make it available on our website. They were loaded to your Dropbox, and I sent you the links yesterday as part of the material. They don't necessarily have access to Dropbox unless I send them an invitation, but we can find a way to post them, I think, on our website so that they would be available, the video that's not -- that I don't have available today.

CHAIR STERMER: And, Mr. Grosso, I think, just so you are aware, the members of the public that are here and part of this group are the ones that provided us with the video. Just so -- for the clarify of everybody, all of the additional backup we've received have been from members of this Miramar group. So they're all aware of the various pieces of information that they've submitted. Just so you're aware of that.

MR. GROSSO: That's helpful.

CHAIR STERMER: Just so you're aware. Anything further? There was a motion to

accept by Mayor Seiler and a second by Commissioner Brunson. All those in favor, signify by saying aye. All those opposed? That motion carries unanimously. Everything received prior to the meeting, by the deadline --

MS. BOY: Okay.

CHAIR STERMER: -- is received as part of our backup --

MS. BOY: Right.

CHAIR STERMER: -- and will be made part of the record.

VOTE PASSES UNANIMOUSLY.

MS. BOY: Anything that's received subsequent to today will still be worked into reports as it --

CHAIR STERMER: Yeah.

MS. BOY: -- moves forward. If it -- as it moves --

CHAIR STERMER: Absolutely.

MS. BOY: -- forward.

Okay. Thank you. Now on to the overview for PH-5. This is the first of two Public Hearings for the proposed amendment located in the City of Miramar. It's approximately 120 acres, and it's generally located at the southwest corner of Southwest 172nd Avenue and Bass Creek Road.

The proposed change is from an agricultural land use to regular 3.21 residential. It would result in the addition of 337 dwelling units from the 48 dwelling units that are permitted under the agricultural category, for a total of 385. As you see on the -- on the land use map that's on your screens and on the projector, the -- it's surrounded primarily by lower density residential on all sides. Also, there are -- there's a high school located directly to the east. So it's kind of at that -- it's right at the intersection of Bass Creek Road and Southwest 172nd Avenue.

The proposed amendment that you have was recommended for approval by the City of Miramar Planning and Zoning Board at their May 9th meeting, and then by the Miramar City Commission at its June 21st meeting. So the action that the City of Miramar has taken was an approval and to transmit it to you for a Broward County Land Use Plan amendment with a positive recommendation. So that's the action that the city has taken at this point.

Staff review of the proposed amendment finds the following. Sufficient facilities and services available to serve the proposed land use. Regarding transportation and mobility impacts, how the traffic analysis is prepared for long-range Land Use Plan amendments is an estimate for -- an estimate of what the agricultural land use could permit today, which is the 48 dwelling units, to the proposed irregular residential. And so that's where you get the net impact of 337 p.m. peak hour trips. And that's based on calculations and rates from the ITE manual that we use for each amendment. At that point, Planning Council staff has to look at the surrounding roadways, the volumes and capacities that are surrounding, to see if there could be a significant or adverse impact. And with the 337 net trips, it was determined that it needed a long-range transportation model run, which is done by the Metropolitan Planning Organization.

So at that point, we submit the net trips to them, and they use their gravity model to see kind of where they would go and what the impacts would be. The long-range transportation model run indicates significant but not adverse impacts to Southwest 172nd Avenue between Bass Creek and Miramar Parkway, Miramar Parkway between Southwest 160 Avenue and 172nd Avenue, and Miramar Parkway between 172nd Avenue and I-75.

By the roadway capacity analysis that's provided by the MPO, each of those three segments for the long-range 2040 year are estimated to operate at a Level of Service C without or with the trips from the amendment. So including the 337 trips, there's no adverse impact anticipated.

That threshold is adopted into your plan as Policy 2.14.9. It was readopted as part of Broward Next. It was previous policy in the Broward County Land Use Plan, so it's been vetted through the state process and review process also.

Although there are no adverse impacts indicated by the proposed land use change, the applicant has committed to several improvements. Those are at the city level, because many of their analyses at the city level are based on intersection analysis as opposed to the roadway capacity in those lanes. So those are outlined in your report as Attachments 3 and 4 for those improvements.

Regarding school impacts, it's the addition of 157 students to Broward County public schools. All schools that are served by the proposed amendment site are estimated to be under enrolled. In addition, there is sufficient capacity in Planning Area F.

Regarding environmental impacts, we get a review from the Environmental Protection and Growth Management Department for every Land Use Plan amendment. They go through a variety of different things. This site is primarily jurisdictional wetlands. Attachment 10 in your backup is the applicant's on-site ecological evaluation, and it indicates invasive species on site. The Broward County Environmental Protection and Growth Management site has indicated that there are no negative impacts to wetlands anticipated, per their review.

I had a follow up discussion with the department just to get a little bit more information and representation of what that means. And, essentially, without going into too much detail, because it's certainly not my area of expertise, is that the quality of the wetlands that are on site, they were going to ask for wetland mitigation banking, as opposed to on-site mitigation, because of the quality. And that is also my understanding from the County staff the preferred method from the federal government, at this point. So that's an overview of the environmental impacts.

No impacts to historical or cultural resources indicated by the review. Regarding affordable housing, this is subject to Policy 2.16.2, because it is adding more than a hundred new units to the Broward County Land Use Plan. The city has submitted data and analysis regarding its programs and policies, inclusive of the applicant's commitment to pay $500 per additional dwelling unit beyond the 48 dwelling units permitted by the Broward County Land Use Plan. And County staff has deemed that the information submitted by the city, inclusive of that commitment, meets the policy.
In addition -- sorry -- in conclusion, staff finds the amendment supportable, recognizing the voluntary commitment for affordable housing.

With that, I have -- the applicant is going to give an overview, and then we will start with the public speakers.

CHAIR STERMER: Mr. Mele.

MR. MELE: Thank you.

MS. BOY: (Inaudible.)

MR. MELE: Yes, please.

MS. BOY: Sorry.

MR. MELE: It's all right.

MS. BOY: We have a -- we have a lot of presentations on here today.

CHAIR STERMER: I can imagine.

MS. BOY: No, that's not you.

MR. MELE: Yes.

MS. BOY: Yeah.

MR. MELE: That's it. You can go to the next slide.

MS. BOY: Okay.

MR. MELE: Okay.

MS. BOY: Do you want this? Forward --

MR. MELE: Or I can do it this way?

MS. BOY: Yeah, either way.

MR. MELE: I'll do it this way. Thank you. Dennis Mele, 200 East Broward Boulevard on behalf of the application. I appreciate the time to make a presentation. So you see our site in the middle of this slide, surrounded by a yellow line. And you see the developments around us. The reason we have this up here is we've been meeting with a number of the neighborhood residents' groups, both at City Hall at one of the city's community buildings, and also in some of the clubhouses for the HOAs around us.

Most recently, we -- I know there's a -- an exhibit that shows all the meetings we've had. We had another one Tuesday night at Nautica, which is just to the northeast of us. The reason this slide is up here is every one of the developments that you see labeled on this slide, other than Harbor Lake, which is in the extreme upper left, all went through the exact same process we're going through now. All of them had the same agricultural land use we have now. So the only difference is we're coming in later than everyone else.

You see that this is an in-fill development. Everything around us on all four sides is already developed. The site -- this site currently has the AM radio towers for the Univision Radio Network on it. If you've been out to that area, you'll see those towers are very tall. You can see them from a long distance away. Univision has decided to move those towers into Miami-Dade County. They put this property up for sale, and my clients, Lennar Homes and CC Homes, are purchasing the property and are proposing to develop only single-family homes on the property.

Now, a number of the developments around us have single family homes, have town homes. Some of them even have apartments. In fact, the development just east of us that shows up as 3.06 units per acre on the map, that's a dash line development, and that has 373 acres of commercial and industrial property in it. So you take that 373 acres, you multiply it by 3.06, and that's how many more homes they got out of it. I'm only pointing that out because if you see us at 3.21 and you see them at 3.06, it looks like our density's higher. It's actually much lower, because they're including 373 acres of industrial and commercial property times 3.06 to get that density. I've got some maps in a minute that'll show you that in a little bit more detail.

So this is our proposed site plan. Obviously, we're not at a site plan level yet. But when

we have discussions with people about land use, they want to say, well, what are you going to build? Show me what you're going to build. So at the top is Bass Creek Road. I know it says Northwest 32nd Court. That's the Google Map thing where they give you names of streets that nobody's ever heard of, but it's actually Bass Creek Road. And on our --

MAYOR SEILER: It says Southwest 37th Court.

MR. MELE: Southwest 37th Court, but it's actually Bass Creek Road is the name everyone knows it by. The road currently doesn't exist, but we will be building it. We'll show that in a little bit more detail later on. Bass Creek Road is actually a road that goes over I-75. There's an overpass there. You've probably driven under it and not really recognized it, because it's just between the Dade County line and Miramar Parkway. So there's a missing link of Bass Creek Road, which is this link that we would be building between 172nd Avenue and 184th Avenue.

It will give a -- another way to get over I-75 besides Pines Boulevard, besides Miramar Parkway, besides the recently opened Pembroke Road. This will be the fourth road that will be able to take you over I-75. Of course, you can't get on I-75 at Bass Creek Road. It's an overpass, not an interchange.

So our main entrance to our property is on Bass Creek Road at the top center of the drawing. Our secondary entrance is on 172nd Avenue. And the -- that entrance on 172nd Avenue lines up with an intersection to the east. I'm going to introduce our environmental consultant in a minute, Jim Goldasich, but before I do, Jim has been a consultant in this business for many years. In fact, when Broward County switched from what was called EQCB to the what was then called DNRP, and now, after many changes, is now called, I think, EDP, Jim was the head of the County's Biological Resources Division when the County's wetland code was rewritten.

Now, the reason I'm asking Jim to come up is I know that in the volume of materials that you've received from third parties, there's been a claim that this is a pristine wetland. It is anything but. The property is covered with Melaleuca trees. The only place that the Melaleuca trees are not growing is underneath the guy wires for the radio towers, because they have to keep those clear in case maintenance is necessary. So, Jim, if you could just come up and give us a little bit of an overview. And, Mayor, I may ask Jim a couple of questions just to make sure we get --

CHAIR STERMER: Feel free.

MR. MELE: -- all the information out.

CHAIR STERMER: Yes, sir.

MR. GOLDASICH: Thank you, Dennis. As Dennis said, Jim Goldasich, owner of

Goldasich and Associates. We have offices in Boca Raton and Wellington, Florida. So I've been on the site, the actual site, working on it since 2013, probably 30 to 40 times, over 250 hours of staff time spent on the property. And, as Dennis said, it's all -- all Melaleuca, very, very dense Melaleuca on the site. And even the areas that had -- previously had some sawgrass growing in them, because of maintenance, that has more or less been encroached by Melaleuca because of maintenance; because I think the company knows they're selling it, they've reduced on the maintenance, and the Melaleuca are starting to crop up there and overtake the sawgrass.

MR. MELE: So, Jim, with the maintenance that had been under those guy wires I was talking about?

MR. GOLDASICH: Yeah, they did that probably to keep the trees from growing up onto the support wires for the -- for the towers. So we've -- we've done wildlife assessments. All of our work on the site has been daylight hours, but we've been there in all seasons of the year since 2013, and we've been there in pretty much all weather conditions. But all daylight.

And wildlife use is very low. There's no ponds or surface waters to encourage wading bird use. Fur bearers have been limited really to sightings of racoon and racoon tracks by -- we've seen some deer tracks, actually, up on the northern end at Bass Creek Road. It's constructed, but it's overgrown by Brazilian pepper, and there's some deer tracks up there next to a lake. Other than that, the site is pretty denuded of wildlife, as well.

MR. MELE: Jim, at previous hearings, people have said that we have Key deer on the site. Is that correct?

MR. GOLDASICH: No. No. The -- the deer tracks that I've seen would be White-tail deer. Key deer are found one place and one place only, that's in the Florida Keys on Big Pine Key and No Name Key. It's a hundred miles to the south on the other side of Florida Bay. So no Key deer. No wood storks on the site. Wood storks have to feed in open water. We have no open water on the site. And they would not be able to fly through this site because of the dense Melaleuca. Their wing span is five to six feet. The Melaleuca, you have to basically walk sideways through them sometimes, they're so tight.

MR. MELE: Jim, any endangered or threatened species on the property?

MR. GOLDASICH: We have seen no threatened or endangered species on the site.

MR. MELE: Now, at prior hearings, we were shown pictures of alligators and birds that appeared to be from some other property. Is that your understanding?

MR. GOLDASICH: Yes. And in reviewing some of the reports that are part of the

backup, they had photographs of both wood stork and alligators and other wading birds. They're next to lakes. So I don't know where they were taken. They weren't taken on this site. We don't have any lakes on the site. No ponds, no surface waters.

MR. MELE: All right, Jim. Thank you. We'll all be here for any questions. Besides myself, we'll have our traffic engineer, as well, in a moment. And I know that we're covering things that you might wonder why, but we've had a number of meetings and a number of hearings already, so I felt that we might as well just put the information out there now; it's probably the best way.

Although the -- your report shows that we have no transportation improvements required, because we have no roads that have an unacceptable Level of Service where we have more than three percent of the volume -- or three percent of the capacity. The City of Miramar has asked us to make a number of road improvements, all of which we have committed to to the city, and which we are committing to here. And we know that when we commit to a road improvement, it generates a restrictive covenant that we have to record, and we're more than willing to do so. We're going to do it for Miramar. We might as well do it for the County, too. I'd like to introduce Joaquin Vargas, our Traffic Engineer, who will walk us through those improvements.

CHAIR STERMER: Mr. Vargas, one second, please. Sir, if you have a question, we have sign-in cards, and you'll be permitted to speak or you -- Mr. Vargas, take a step to your left.

MR. VERMONT: Just -- just one second, sir. Excuse me very much. I --

CHAIR STERMER: Sir, no, no, no. This --

MR. VERMONT: -- have a question for Jim (inaudible).

CHAIR STERMER: -- sir, excuse -- excuse me. Excuse me. This is -- we have a process we go through. We take testimony. We hear from staff, as we did. We hear from the applicant. We're going to hear from the public. You'll be permitted to speak. That's how this hearing goes. Questions, there've been hearings in the City of Miramar on at least two occasions. There will be more hearings in the City of Miramar. And then the Council asks questions. That's the process we go through. It's not the public's opportunity to question the applicant here. Mr. Vargas.

MR. VARGAS: Thank you, Mayor and members of the Planning Council. For the record, my name is Joaquin Vargas, Traffic Engineer with Traf Tech Engineering. I have a series of slides. The first couple of slides are word slides. I'm not going to spend too much time, because I do have a graphic that will illustrate these things better.

These are improvements that are currently ongoing. Many of you are very familiar with them. We have I-75 improvements that are ongoing; Pembroke Road Overpass, which

was opened last year; Miramar Parkway interchange improvements. And I have a couple slides that elaborate a little bit more on these.

These are improvements that are currently being done by public agencies. These are improvements that have been committed by this development, Bass Creek Road improvements. And I have a slide on that. We have a roundabout. We have additional turn lanes, and I'll talk a little bit about, at the end, about the benefits of all of these improvements.

This is a graphic. You'll see the site there in the center middle. It says site. That's where the -- the -- the project site is located. And you see these -- these red boxes. I know it's a little bit hard to read. To the north, that is the Pembroke Road Overpass improvement, which was built last year. I think it was September. Then you have that center red box to the right. That is Miramar Interchange improvements with I-75. There are major ramp improvements currently under construction. Some of those have already been completed, but traffic is still not flowing properly because of all the construction on I-75. And then I-75, they're building express lanes. They're adding additional lanes, and I have another slide that illustrates that a little bit more in more detail.

As Mr. Mele said, these are improvements that we have committed as part of this development. The -- the red dash line, this is Bass Creek Road, which currently does not exist between 184th on the west and 172nd on the east. That will provide another east/west mobility route for this area. So residences will benefit from it. Currently, anybody that wants to go east if forced to go to Miramar Parkway to the north, which we know is congested because of the I-75 improvements, and also further north on Pembroke Road. With this connection, they'll provide that additional east/west mobility.

You'll see there, next to the site, a little circle. There is a school on the southeast corner of that intersection. There are deficiencies, especially in the morning. With this traffic circle, we have agreed in working with the City of Miramar, this traffic circle, not only will it improve the Level of Service of that intersection from an unacceptable, today it's unacceptable, to an acceptable condition with our project in place. So we're making things better than they are today with our project and that improvement.

Without the need of these improvements, we also agreed in working with the city and the city's consultant, you'll see a little right arrow there, an additional southbound right turn lane. The analysis clearly showed we didn't need that. They asked for us, we agreed to it. We also agreed -- and you'll see a little red line on 172nd Avenue. 172nd Avenue is a four-lane road from Miramar Parkway further to the south. But just before it gets to that intersection where we're implementing the traffic circle, it merges to a two-lane section. And the city wanted us to continue that four-lane section through that traffic circle for better traffic flow, making things even better. We have agreed to that.

MR. MELE: Joaquin, could I just ask you a quick question about the traffic circle? Has it been sized to carry fire trucks, buses, trucks, et cetera? They can get around that

circle?

MR. VARGAS: Yes. Our civil engineer looked at the current right of way. It can be implemented within the right of way for -- for proper functioning, and also to allow emergency vehicles, fire trucks, there is a software that we use that do the turning radius for those vehicles, and it can accommodate all of those vehicles within that circle. This is an additional improvement. We had talked to the city. Because of the Pembroke Road Overpass, there was no need to do any improvements at Miramar Parkway and 160th.

At the request of the City of Miramar, we had agreed to implement an additional northbound to east -- eastbound right turn lane at Miramar and 160th Avenue. Currently, there's one lane. We're providing a second lane. In addition to that, we're doing some signalization changes, what we call a right turn overlap. You see that little symbol at the top that has that yellow right arrow, yellow green arrow? That is when the Miramar Parkway left turn movements are going. You can have a red turn arrow that flushes traffic even quicker through that area.

I have two more slides. This is a Google image. This is Miramar Parkway just south -- this is I-75 just south of Miramar Parkway, before construction. We currently have four southbound lanes on I-75 -- that was before construction -- and one lane from the ramp that came from Miramar Parkway. It's important to note that the Miramar Parkway ramp before was two lanes, and then it merged to one lane before entering I-75. So imagine. Merge creates some -- some disruption to traffic in addition to the backup of I-75. So this -- this is a -- the -- the previous condition.

This is the -- the approved plan from the state. I know it's a little busy, but the point is we're adding two southbound express lanes. We maintained the four southbound lanes on I-75, and that one lane ramp, no need to have the merge and continuing to southbound I-75. I think the key point here is if you see at the top, before, we had a total of five lanes. After the improvements, we're going to have eight lanes. Almost double. Eliminating all of the congestion that we have out there.

One final point. Based on Florida Department of Transportation Broward County records -- these are not my numbers -- all of these improvements, in combination with the improvements that we have agreed as part of this development, we're adding over 18,000 additional peak hour trips to this area. 18,000 peak hour trips.

Our development -- and you heard from staff, this development is creating 337. In working with the city, we were a little bit more conservative. Our numbers were 385. Kind of in the ball park. But think about it. 18,000 vehicles per hour of additional benefits, we're only adding 337 or 385. A significant, significant benefit to this area, and our impacts are minimal. With that, I'll turn it over back to Dennis.

CHAIR STERMER: Thank you, Mr. Vargas. Mr. Mele.

MR. MELE: Thank you. The next question that always comes up is when are the improvements going to be done, and when are the houses going to be built? So that's what this slide is designed to show. So first of all, I know there's a footnote that you can't see right now, but it says, all of the developer's improvements will be completed prior to the first Certificate of Occupancy. So these are all the improvements that are going to be done by the state or the County that are shown here.

There's no timeline shown for us, because we have an absolute requirement that, prior to the first person moving into the first house, all of our improvements will be done. That includes Bass Creek Road, the traffic circle, the turn lanes, the traffic signal changes, all of those things. So Pembroke Road Overpass was completed in September of last year. The Miramar Parkway ramp is -- they tell us that -- DOT tells us that the ramp is actually done, but they haven't opened it yet because the receiving lanes on I-75 that would take that ramp are not finished yet. But all the I-75 work will be done by the end of 2019.

Our first, if -- all we are at right now is the beginning of our land use amendment process. We're going to have -- when this is done, we're going to have to rezone, plat, and site plan. So by the time -- and get building permits, obviously, and start building a house. So our first home will not be in the ground until approximately the middle of 2019. And then it'll take us about three years to build out. So our point here is that all of these improvements will be done before the first house is occupied on this development.

Okay. The land use map. When you look at this map, you say, well, you're going for 3.21, what do you have around you. So I want to talk about that for a minute. So north of us, we have three units per acre. East of us, it says 3.06. You see that. That development that has the 3.06 is this dash line. If you know that area, it includes all four corners of the I-75/Miramar Parkway Interchange.

So if you know the office buildings that are at the southeast quadrant, they're included in that calculation. If you know the big Home Depot shopping center and the big industrial park north of it, where the water tank is, that's included.

So, as I said earlier, 373 acres of non-residential property, of commercial and industrial property, are counted in that 3.06. So they added 1141 units by counting that land. That's -- that's one of the vagaries of this dash line development scenario. Now, we have an irregular density of 3.21. The only reason it's irregular is it's not a round number. But we're not including anything except residential land in ours. We're not adding those 1141 units like they did next door. So I wanted to point that out.

I have another slide in a minute that'll show you how all this breaks down. But the bottom line is we're building only single-family homes, and our lot sizes are the same as the lot sizes around us. In fact, there are many lot sizes smaller than us. There are many town homes around us, and even apartments and condominiums, multi-family,

that we do not have. The previous slide was the current land use designation. This is showing you the proposed. But everything else around us is still the same, of course.

So what we actually did here, because, again, when we were having our meetings in Miramar, people said, well, what are you building? We said single-family homes. What are your lot sizes? We told them what they were. What are your zoning districts, because we're standard zoning districts in Miramar? We're not doing any kind of unusual lots or any variances. They said, well, how does it compare to what have -- what you have around us?

So when you look at this graphic, the smaller the number, the more dense the property. I know it seems unusual, but this is actually telling you the average square footage per lot or per home. So you see in the upper left -- upper right, you have Silver Shores at 6300. You have Silver Isles at 6900. You have the combination of Rivera Isles, County Lakes West, Huntington at 5800. That's the 3.06 with the 373 acres of industrial and commercial. You have Nautica at 5600. So all of those are more dense than we are. Then you have us in the middle at 7165. And then you have -- oh, I'm sorry. Silver Lakes also more dense than we are at 6449. And then you have the ones that are less dense than we are. Sunset Falls, Sunset Lakes, and Harbor Lakes.

So we're right in the middle, and we're right in the middle of the densities in this area in terms of the amount of property associated with each house. And so that's one of the reasons -- I know this is our graphic, not the staff's -- but the staff has told you we are compatible with our neighbors. That's why I'm showing this, because we are right in the middle of this whole area, and we're right in the middle in terms of density.

Now, why do we have the controversy we do? We have the controversy we do because we're the last ones in. I mean, this is clearly an in-fill development. Everything around it is already built. We're the last piece west of I-75 in the City of Miramar. And if we'd have come in years ago when all the others were being built, it might have been a little easier. Although I will tell you, I worked on every one of the developments that's shown on this screen except for Silver Lakes, and when the first one came in, we had no problems. When the second one came in, the people from the first one came out and said we don't want it. When the third one came in, the people from the first two came out, and so on. It has been a number of years since the last home was built in this area before us, but I don't think that the timing makes a difference.

You've been told that the roads are working properly, that the levels of service are accurate, that they're not over capacity, or, if they are, we generate less than three percent of the capacity, which is your rule. You've been told that the schools have adequate capacity, all three of the schools that are currently boundared -- that we are boundared into have capacity, not only now, but into the future. That's in the School Board report. Now, I will tell you that, at many of the meetings, we've heard from residents that they think the schools are overcrowded. I will tell you that almost every land use amendment I've worked on for residential property in this County, I hear that

every time. I don't produce the numbers. The School Board does. But I find that generally they turn out to be pretty accurate. I know the School Board is redoing their student generation rates now. They do a study fairly frequently, and they're generally borne out to be pretty accurate.

So having said that, if you have any questions, I'll be happy to answer them. And our -- Joaquin and Jim will be here, too, if you need -- you have questions for them. And, at -- at the end of the public comment, I'd (inaudible) like the opportunity to respond as appropriate. Thank you.

CHAIR STERMER: Yes, Mr. Mele. Mayor Seiler.

MAYOR SEILER: Just one quick question. You talked about that footnote that we couldn't see on the screen. Is that a condition of the approval from Miramar?

MR. MELE: Yes. And, actually -- yes, it is a condition of approval from Miramar.

MAYOR SEILER: Okay. So Miramar, what was cut off here, Miramar put in their approval process that you had to have all of your improvements done before --

MR. MELE: The first C.O.

MAYOR SEILER: -- the first Certificate of Occupancy was issued.

MR. MELE: That's correct.

MAYOR SEILER: Okay. Thank you.

MR. MELE: And we would have no objection to that being a condition here, as well.

MAYOR SEILER: Thank you.

CHAIR STERMER: Thank you. Madam Executive Director.

MS. BOY: Oh, so I have the City of Miramar residents one through five. I reordered the sign-in cards. So the first speaker will be Judy Jawer, followed by Christine Lambert, followed by Zane Tavana, followed by Nicholas Vermont, and then their final speaker will be Jaime Dagnino. And let me just assist if you -- do you have some presentation?

MS. JAWER: No, I do not.

MS. BOY: Okay.

MS. JAWER: Thank you.

MS. BOY: So let me just clear this.

MS. JAWER: Okay.

MS. BOY: So that we're --

MS. JAWER: Thanks.

MS. BOY: Sorry.

MS. JAWER: Sure. I'll take advantage of this. I'm Judy Jawer, 3120 Southwest 187th Terrace in Miramar. I want to thank you all very much for having us here today. Good morning, Mr. Chairman of the Council, Vice Chairman, and the other Council members. I represent the Miramar Citizens Coalition, Incorporated. We're a 501(c)(4) corporation, which is a non-profit that's dedicated to social welfare issues. And our mission is to advocate for the purpose of preserving and enhancing the quality of life for the citizens of Miramar.

We are extremely totally opposed to this Lennar development. It is true, these are the last ones in. What we're talking about here is 128 acres, the last wetlands in Miramar. As many of you know who are involved in environmental issues, wetlands can be extremely important in terms of giving back for -- for oxygen, absorbing rainwater, et cetera.

We understand there's current zoning for 48 homes. If we needed to have some development, if that has to happen, 48 homes could be acceptable. We really cannot absorb the additional traffic and congestion of 385 homes. We are in pain in Miramar. Regardless of what the County traffic study showed, it is a very difficult experience for people commuting in the morning from the west to go to I-75. The backups are horrible. And it's not because of the work that's being done on I-75 right now or on Miramar Parkway. It has been this way. The last ones in, everyone else is already there. There is a lot of congestion. You've seen the map. We don't need to have that much more congestion.

As -- as I say, if we have to have 48 homes, okay. It would at least preserve some of that wetland area, as well. Also the fact that this is being built, potentially, right by 4,000 students. Not just the high school, but also the middle school are right there on Bass Creek Road. 4,000 students who would be subjected to silica dust on a regular basis, to trucks going through the area, to noise. And a lot of these students spend a lot of their day outside. This is extremely dangerous to our children. And with all the additional traffic, with the kids wearing their headphones going to school in the morning or leaving in the afternoon, we could really be asking for major trouble.

This is not something we want or need in our community. Now, you will be hearing from some other folks who also represent the Miramar Citizens Coalition. You will be hearing

about some unsolicited comments on a networking site that we have in our -- in our area --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. JAWER: -- where people gave their heartfelt impressions about how horrible the traffic is now. Forget about future. Now. You'll hear some of that. You'll also hear from our traffic engineer, who will reference a study done by Lennar, which does indicate an LOSF condition, not just now, but in 2020, after a lot of the improvements have been made.

Not acceptable. Not acceptable to add to an LOSF with additional traffic. And you will hear from another individual talking about the impact to our school children, and also our wildlife. We're going to be talking about that, as well. So I ask you please do not approve this. This is not something we want or need for Miramar. Thank you.

CHAIR STERMER: Thank you, Ms. Jawer. Appreciate it.

MS. BOY: The next speaker is Christine Lambert, followed by Zane Tavana, followed by Nicholas Vermont, followed by Jaime Dagnino. Do you have (inaudible)?

MS. LAMBERT: Yes, I do.

MS. BOY: Okay. Okay.

MS. LAMBERT: Mine was the traffic one.

MS. BOY: Yours is the traffic one.

MS. LAMBERT: All the comments on traffic.

MS. BOY: This one?

MS. LAMBERT: Yeah.

MS. BOY: Okay. And you can either use this button or that.

MS. LAMBERT: Okay. Thank you.

CHAIR STERMER: Good morning, Ms. Lambert.

MS. LAMBERT: Good morning, gentlemen and ladies. Thank you for taking the time to listen to us. I am Christine Lambert, also a member of the Miramar Citizens Coalition. And we just want to take -- to give you some input from other residents that could not be here.

We are addressing the traffic on west and near I-75 Parkway. You'll see from the map, clearly, they are the last -- where -- how'd they call it -- the last part -- person to the ball or whatever. But this land is a -- a priority to us in that we have traffic issues, and we live it every single day. A personal story is my husband used to work in Aventura. His commute was an hour and -- hour and 15 minutes to two hours. Because of the stress, and mostly the traffic, he had some health issues. Fortunately, once he's quit -- once he left that position, he no longer has to do that traffic drive. And, fortunately, his health has made a hundred and eighty degree turn.

But this is the traffic that we live in now, today. And road improvements tomorrow and adding another 385 homes to this area is literally killing us. Literally. So to add any more in any aspect -- 48 homes, we can live with. But 380, we can't. We are so fed up and so frustrated because nobody is paying attention to us. I know you have your checkboxes and your little boxes that make it all fine and wonderful, but it's something that we have to live with.

Sorry. But just going through -- it's not just me. It's not just my family that are affected by this. You'll see the comments on this slide show from a lot of different residents. One of them, here -- you know, here we go again. Third day of school, it's taken more than 30 minutes from her (inaudible) Isles to just get to Miramar Parkway. The quality of life, this is not a quality of life. What will the -- what will -- with the biggest mall in the Universe takes root on I -- next to I-75. The quality of life will be redefined for all of us. Commuting to solutions -- commuting solutions will need to include a personal helicopter, a jetpack, or teleportation.

This is the level of frustration that we have. No prior planning on behalf of city planners. There are only two ways to go south in western Miramar. One is I-75 and the other's Flamingo Road. You can count -- excuse me. I'm trying to go as we go through here. You can count on Red Road, but that does not solve anyone west of I-75. The morning traffic, these are just pictures that --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. LAMBERT: -- someone has provided. Another comment. In -- you can read these. There are several of them. Unfortunately, the DOT -- the FDOT and its traffic engineers don't have the insight and capability of creating the traffic intersections properly. Whatever metrics you guys are using now for traffic don't work. We live it. This is reality for us. And you're dealing with our lives. You have the power. The end.

CHAIR STERMER: Thank you, Ms. Lambert. Appreciate it.

(Applause.)

CHAIR STERMER: Ladies and gentlemen, please, that's not what we do in this

chamber.

MS. BOY: Zane Tavana, followed by Nicholas Vermont, followed by Jaime Dagnino. And the remainder of the speakers after that are for questions only from the city or on behalf of the applicant.

CHAIR STERMER: And I appreciate it. And just so the residents are aware, School Board Member Good is running a clock, and I'm extending you the courtesy, understanding five of you have signed up, for an additional few minutes, because the last thing any of us want is to have any member of the public say they weren't permitted, on behalf of whatever the group is, to say -- to be heard. I think you know whether you like it or not.

The Executive Director has worked her hardest to accept everything you've wanted to submit for this hearing so it's part of the record. And I can tell you the members of this Council are studious in what they do before they get here, so they've looked at what you've submitted. So what I'm suggesting to you is while we're extending you the courtesy, and I appreciate everyone not using the full allotment of the second amount of time, that please be mindful that we've had all of this stuff and everyone has done their homework before they got here. Mr. Tavana.

MR. TAVANA: Thank you so much, Mr. Chair. And thank you so much for, you know, (inaudible). Thank you. My name is Hossein Tavana. I live at 3672 Southwest 163rd Avenue. I hold a Ph.D. in transportation engineering, and I'm a licensed professional engineer in the State of Texas. I'm also one of the co-founders of Miramar Citizens Coalition.

In regard to transportation study, there are many discrepancies in the analysis conducted by the MPO. Here I present a few examples. The County report states that Miramar Parkway between Dykes Road and I-75 operates at Level of Service C, while the actual measurements reported by the developer itself shows that it is currently at Level of Service D, and, by 2020, it will operate at Level of Service F.

It should also be noted -- I think this is very important -- that Miramar Parkway is a divided roadway. For a divided roadway, capacities, traffic volumes, and Level of Service during peak hours should be measured for each direction separately. Here we see that there are six lanes. Putting two directions together for peak hour analysis is a major violation of established traffic engineering principles and practice. To be preemptive, you might hear later that this is the process that has always been used. This argument does not justify if something has been done incorrectly.

In the interest of time, I'll just skip this example showing that Level Service are -- in many sections, are E, F, and they're not acceptable. And this was the existing. This is future, and this is -- these are at intersections. These are what we experience still as shown by the developer itself. To examine Lennar's traffic study, the City of Miramar

hand-picked the consulting engineer firm, namely Kimley-Horn, which happens to not only have a very close relationship with Lennar, but in many projects they have been Lennar's consulting firm, you can see here, as a part of the team.

There's another one that they worked together. They working on ten of -- ten of them. I'm just showing two. So we do not believe the examination of the traffic studies by the consultant has been very objective, to say the least. After repeated objection by the residents, the city added Condition 9, that the compliance with the levels of service in the impacted area will be coordinated with Broward County. However, all our requests that the Broward County -- County Traffic Engineering Department should examine the report and verify the required mitigations have been fruitless so far.

We also repeated here that if an existing Level of Service is E or F, and if, with the project, the -- it remains at the same Level of Service, no mitigation is required. Here are some excerpts from the City of Miramar Comprehensive Plan. It clearly states if a new development places any trip on over capacity links, certain conditions should be met. It does not say only if the level -- Level of Service changes. It further states that the developer is required to have an enforceable development agreement before the permit is issued.

The city not only has delegated the required mitigation to Lennar, but also has postponed the verification of Level of Service at key critical points like Miramar and Dykes Road to the issuance of Certificate of Occupancy. We believe it is the responsibility of the County to make sure that the major reconstruction requirements, especially at the intersection of Miramar Parkway and Dykes Road, are specified now so we know who is going to pay. Is the County and the city, i.e., that is, taxpayers, or the developer?

So because of all these issues, we urge the Planning Council either to deny this application or demand that these discrepancies be investigated and the violations be rectified before the application is presented to the Commissioners for their votes. Thank you.

CHAIR STERMER: Thank you, Mr. Tavana.

MR. TAVANA: This is what we expect every day.

CHAIR STERMER: Thank you. Appreciate it.

MR. TAVANA: Appreciate the time.

CHAIR STERMER: Thank you, sir.

MS. BOY: Nicholas Vermont, followed by Jaime Dagnino. And Mr. Vermont, I believe, is going to show a video instead of speaking or --

MR. VERMONT: Can I just introduce myself?

MS. BOY: Yeah, of course. I just meant that that's what you're -- so Pete's getting the video set up.

MR. VERMONT: It just started. May I just speak --

UNIDENTIFIED SPEAKER: Oh, yeah.

(Video playing.)

UNIDENTIFIED SPEAKER: There you go.

MR. VERMONT: I'll never get the slider back to the beginning. I think this works like mine. Yeah, Windows Media Player. First of all, my name is Nicholas Vermont. And I want to apologize, Mr. Mayor, and to the rest of the board for trying to ask a question in the middle of another presentation.

CHAIR STERMER: It's okay.

MR. VERMONT: And I also want to thank you for letting me speak today. And I especially want to thank Mrs. Blake Boy for taking the time to make sure that my video was made public to you. My video is three minutes. And the reason that I'm -- I'm here introducing myself is because I want to tell you that I speak for the children. I'm a former educator with almost 40 years of experience in elementary and middle school.

Since I retired and moved here to Florida, I've spent most of my days for the last six years volunteering at Sunset Lakes Elementary. I have three children. Two are in middle school, in seventh grade, and one is a sophomore in high school. So these are the kind of people that will be greatly affected by this building, these children.
I speak for the 4,000 children.

And what I would like you to do is please consider their plight. I know we've had roads, we've had traffic, but they're the ones that are going to be mostly affected by this construction. So if you'll bear with me, I'll play the video now.

CHAIR STERMER: Please do.

[Video plays.]

MR. VERMONT: Over the summer, I had a chance to sit down with Everglades High Principal Mrs. Hailey Darbar. Her school houses approximately 2,500 students. More than 40 school buses transport half of them to communities like Monarch Lakes and Northern Silver Lakes, which are more than two miles away. In addition, public buses

from places like Hollywood and Fort Lauderdale drop students off at the corner of Miramar Parkway and 172nd Avenue. These students must then cross that busy intersection during peak commuting times and walk down 172nd Avenue to get to Everglades High.

Furthermore, hundreds of parents drop their children off on either 172nd Avenue or Bass Creek Road. These students cross busy streets, dodging morning commuters. Many students wear headsets and cannot hear approaching traffic. This makes the situation even more dangerous.

Do we really want to let Lennar add 900 more vehicles to this busy, congested area? Because Mrs. Darbar is concerned for her students' safety, she has, on several occasions, requested a police presence on the streets near her campus during commuting hours. She was told that Miramar does not have enough police to provide traffic control for middle and high school students.

Should we add 3,000 more daily car trips to this area and further endanger our students' safety? Mrs. Darbar told me many outdoor activities take place during the day at Everglades High. Lennar's proposal will adversely affect student lunches, gym classes, and practices for the band, the football, the baseball, the tennis, the cheerleading, the soccer, and the track and field teams.

In addition, students in the portables along 172nd Avenue have to walk outside to get from class to class. And students of the Firefighter Cadet program, established in 2014 at Everglades High, spend most of their day outside. Now, according to the Mayo Clinic, construction dust contains silica particles. Exposure to this and lumber debris causes dehydration, which can lead to kidney problems, seizures, and hypovolemic shock, a condition resulting from fluid loss that makes it impossible for the heart to pump a sufficient amount of blood to the body.

Do your Mayor and Commissioners not care for the health and well-being of our students? They approved the Lennar proposal, and seem to be asleep at the wheel. Since our Mayor and his Commissioners did not listen to the residents of Miramar, we now implore this Broward County Board to deny Lennar's proposal to build 385 homes directly across the street from a very busy high school. Please preserve the wetland that this construction company wants to destroy. Show our children and grandchildren that you care as much as we do about their health and safety, as well as the natural beauty of Miramar, their home.

[Video ends.]

MS. BOY: Okay. The final speaker is Nicholas Dagnino. Mr. Dagnino is the one that submitted the other video that was in your Dropbox link that I failed to load for today.

CHAIR STERMER: Understood.

MR. DAGNINO: Hi, good morning.

CHAIR STERMER: Good morning, Mr. Dagnino.

MR. DAGNINO: Thank you for inviting us. My name is Jaime Dagnino. I got this letter in the mail inviting us to this meeting because we happen to live right at the back of the construction proposed site. So we're not allowed to get into the site, because it's a private property, so you would be trespassing.

My wife, she's chronically ill. As a therapy, she take pictures of birds, wild -- wild animals. So she enjoy very much the -- the birds that are there. So we see that there is not full of Melaleuca, as Mr. Jim propose. We have been into the site lately, because with the storm, all the fences, they are down, so it's open. There is deers, and it's White-tail deers. We have pictures of it. We have bald eagles. We have ospreys, and there is water to the north of the property that is -- we -- we saw in the slide there on the -- Nick's video. And there is water there, and there is osprey, very big animals, so they don't fly between the trees. They fly up to the trees.

Now, about this invitation, we appreciate it very much, because it shows from Broward a positive intent. A positive intent in every negotiation or conversation is very much appreciated, because it's -- it's open for everybody to discuss and to pass across points and et cetera, what we -- the community may have. We saw before there is a lot of frustration and emotion with this project. Neighbors, we really are frustrated. We have made our job, we -- we are asked here -- we are invited to come over, exactly as we were in Miramar. We have done our homeworks as citizens, all what we can do.

Miramar, in -- in reality, didn't listen to us. And we went beyond our duty of as citizens in terms of preparing, preparing videos, pictures, et cetera, you name it, printed material, spending the time, going there, coming here today. Many people, they cannot come over. They're busy with their lives, with the traffic, rushing the kids, working, paying their taxes. And we are the cornerstone of the society, because we pay the taxes. So now we have an issue here. This is the last -- (timer chimes) -- may I?

CHAIR STERMER: Please.

MR. DAGNINO: This the --

CHAIR STERMER: Continue.

MR. DAGNINO: I'm sorry, sir.

CHAIR STERMER: Continue.

MR. DAGNINO: In -- in -- on the name of many people that couldn't come today, this is

the last -- if you see the site there -- and it's true, Dennis said, this is the last site to be constructed. Imagine if right beside your door your next-door neighbor start building a house for four years. Imagine the dust, the noise. It's very inconvenient. Imagine over here, at the back of -- in our back yard, my wife, you know, she couldn't have -- she would not have the hobby that she have, you know, of taking pictures of the animals. Everythings will be gone. And all the kids in our community, they enjoy watching the animals. And my wife, she has put there like a bird houses with food, you know, seats for these bird, so attractive. It's beautiful scenario.

And in the link to the Dropbox there that I submitted, she made these pictures, you know, and they're lovely. I hope you -- you can see them and you can see all the different species that they live in there. We attract them to our back yard, and then they come, they fly back to this nature, so now -- the trees. This is the last forest area or wetland, and it's not full of Melaleuca. I swear before God we went into there, we took pictures of the trees, and we know Melaleuca. We trespass, you know, but for a good purpose. We did the trespassing. Nobody -- the gates are down. So not full of Melaleuca.

And there is a proposal that they're going to humanely catch these animals, trap the animals. Humanely, they said. How humanely can you trap an animal? How humanely you can trap a bird? How you going to relocate the bird? To where? The deers that they live in there, is pictures. And then is not full of racoons. Is -- in there, there is an ecosystem. So for 50 or a hundred years this site has been fenced in, you know? All this nature has grow there for all these years. So where and how they're going to -- where are they going to move the animals, and how are they going to trap them? That is a question.

So, basically, my presentation is very vague in -- in terms of -- not vague, but general, because I am the last -- last speaker. But the traffic, the noise, the -- the kids, and we want to keep as a green space. Everybody would be addressed with that. Thank you very much --

CHAIR STERMER: Thank you, Mr. Dagnino.

MR. DAGNINO: -- for your time. Thank you so much for the patience.

CHAIR STERMER: Appreciate it.

MR. DAGNINO: I hope --

CHAIR STERMER: Thank you.

MAYOR SEILER: Mr. Chair, can I ask one question?

CHAIR STERMER: Sure.

MAYOR SEILER: Do -- do you need me for a quorum? I have an 11:30 --

CHAIR STERMER: No, sir.

MAYOR SEILER: -- with the Sheriff that --

CHAIR STERMER: No, sir.

MAYOR SEILER: -- that I've got to get to.

CHAIR STERMER: Enjoy your meeting.

MAYOR SEILER: Thank you.

COMMISSIONER UDINE: **Motion** to excuse --

MS. BOY: We --

COMMISSIONER UDINE: -- Mayor Seiler.

(Laughter.)

MS. BOY: -- we --

CHAIR STERMER: Good luck holding him down.

MS. BOY: -- you -- oh, thank you.

UNIDENTIFIED SPEAKER: It's not working (inaudible).

MS. BOY: We have four speakers remaining, but they're all for questions only.

CHAIR STERMER: Commissioner --

MS. BOY: They're all from the City of Miramar on behalf of the applicant.

CHAIR STERMER: Understood. Commissioner Castillo. School Board Member Good.

MS. GOOD: I'm sorry. You said who's remaining?

MS. BOY: It's -- there's four speakers, one on behalf of the City of Miramar, and then three on behalf of the applicant for questions only.

MS. GOOD: I would like to hear from the City of Miramar.

MS. BOY: Okay.

MS. GOOD: If it's acceptable.

CHAIR STERMER: Sure.

MS. BOY: Matt -- Matt Goldstein. Matt Goldstein is signed in.

MR. GOLDSTEIN: Good morning, Planning Council members. Matt Goldstein, City of Miramar. I'm really here for questions only. Be happy to answer anything you have. We agree with Planning Council staff's support, though.

MS. GOOD: That was short.

(Laughter.)

MS. GOOD: I have questions after.

CHAIR STERMER: Okay. Commissioner Castillo.

VICE MAYOR CASTILLO: Yes.

CHAIR STERMER: Questions for Mr. -- for this speaker or --

VICE MAYOR CASTILLO: I -- I -- I will. I'm sorry.

MS. BOY: We also have -- I'm sorry. I just was alerted that we have the city's traffic engineer that --

VICE MAYOR CASTILLO: Oh, good.

MS. BOY: -- prepared the review of the information submitted to the city. He just got here a few minutes late and didn't sign in, but he's for questions only also, but he would also represent the City of Miramar for any transportation --

CHAIR STERMER: Let me --

MS. BOY: -- questions.

CHAIR STERMER: -- let -- here -- here's what I'm going to do. Let's have Mr. Mele come back and finish his --

MS. BOY: Right.

CHAIR STERMER: -- presentation. We understand there are other professionals here with Mr. Mele, and that -- and the city is here, as well, that if we have questions, we can call them up one at a time. But let's let the applicant finish their presentation, and we'll then come back to the board. And if we have questions, we'll go from there. Mr. Mele.

MR. MELE: Thank you. Again, I put up this map I showed earlier. One of the speakers suggested that we should build at the agricultural density. If that's true, then all of the properties around us should have done the same thing. They all had the agricultural density before. They all received approval of land use amendments, with the exception of Harbor Lake. That's the only one. And so all we're asking to do is the same thing that everyone around us has already done. There was a statement that this is the last wetlands in the City of Miramar. That is not correct. I know you can't see it on this map, but just west of Sunset Lakes and east of US-27, all of Section 26, Section 35 -- I'm sorry -- let me start over.

UNIDENTIFIED SPEAKER: No.

MR. MELE: The -- there was a -- the statement made --

MS. GOOD: We heard you.

MR. MELE: -- just this one part. There as a statement made that this is the last wetlands in the City of Miramar. That's not correct. Just west of Sunset Lakes and west of Harbor Lake there are all of Land Section 26, all of Land Section 35, half of Land Section 27, and half of Land Section 34, and half of Land Section -- I'm sorry -- one-quarter of Land Section 22 are all wetlands and all being preserved. That totals about 2240 acres of wetlands in the City of Miramar that will be preserved. They have a conservation land use or protected land use, or are owned by the Water Management District.

All of that property, at one point, east of US-27, was scheduled with the same agricultural density that we have now, and, over time, it was dedicated to the district or purchased by the district or by government, and it's now being preserved. So, again, approximately 2240 acres. The -- all of that is shown on the Broward County Wetland Map. That's where we got it from.

The Broward County Wetland Map also showed all of this property, all of this Univision property, as Melaleuca, prior to the time the area under the guy wires was cleared. Now it shows it as under development. It's clearly not under development. But the only area that was cleared of Melaleuca was under the guy wires. All of the rest of the site is Melaleuca. You heard that from Mr. Goldasich. He's been in this business for years.

There was a comment about eagles and osprey. As Commissioner Castillo knows, the eagles' nest is just south of Pines Boulevard at approximately I think 202nd Avenue. That is a good two miles to the north of us, and probably a mile west of us. So those

eagles fly over Harbor Lake, over Silver Lakes, over Sunset Lakes before they ever get to us. And they can't land in our property because the wing spans are too big to get in between the Melaleuca trees. That's what Mr. Goldasich was talking about earlier. You noticed he told you for him to do his surveys, he had to turn sideways to walk between the trees. There's no osprey. There's no birds on this site. No wading birds, because we don't have water.

There was a comment about animal trapping. Whenever we have a development like this that is vacant property with housing all around it, when we have racoons and rodents, before we start land clearing, we put in traps so the animals don't run into the people's yards. That's something we generally do as a courtesy. That's what we're doing here. We have no birds to trap, because they're not there.

There's a very simple answer to why the two traffic studies were different. The one that we did when we applied to the City of Miramar, was prior to Pembroke Road being open. The one the MPO did was after Pembroke Road was open. So, obviously, there's a different traffic pattern on Miramar Parkway now that there's an additional road to take you over I-75. The traffic study we did was prior to agreeing to the improvements on Bass Creek on 172nd with the traffic circle, and at the interchange of Miramar Parkway and 160th. So now that we're making those improvements, it is generally accepted by every traffic engineer that you add in the new traffic and you add in the improvements.

So beforehand, you have no development and no improvements, and afterwards, you have development and improvements. So that's why the levels of service are shown as being better, because we're making the improvements. The gentleman suggested that the Miramar Comprehensive Plan requires you to do this. That's what we've done. We've agreed to make the improvements. We will be entering into a Declaration of Restrictive Covenants to do so. That satisfies the requirements of the Miramar Comprehensive Plan. Your Comprehensive Plan shows that we don't even need to make any of these improvements, but we're doing them anyway.

If you have any questions for me or for our consultants, we'll be here to answer them. Thank you very much.

CHAIR STERMER: Thank you, Mr. Mele. School Board Member Good, followed by Commissioner Castillo, followed by Mr. Grosso.

MS. GOOD: Thank you, Mr. Chair. So to Ms. Blake Boy, the -- first I want to thank everyone for their presentations. I thought the community did an excellent job in providing detailed information and resources. I really appreciate. I've heard from many of you as your District 2 School Board member representing this area, so I do appreciate your efforts. Ms. Blake Boy, with regard to the density that's proposed by the applicant, the area to the north is low --

MS. BOY: Low 3?

MS. GOOD: Yes. The area to the -- to the north is estate residential?

MS. BOY: It's Low 3?

MS. BOY: Low 3. You can't see the dots, probably, at that --

MS. GOOD: The little dots are tough to --

MS. BOY: Yeah, they're -- those dots are tough to see.

MS. GOOD: How does -- so how -- how many units to the acre does that allow, the --

MS. BOY: It allows three dwelling units per acre.

MS. GOOD: So --

MS. BOY: It's a Low 3.

MS. GOOD: Oh, okay.

MS. BOY: So it permits three -- three units --

MS. GOOD: Three -- three to --

MS. BOY: -- per acre. Yes.

MS. GOOD: -- to the acre. Okay. And the area -- in the surrounding areas to the north?

MS. BOY: In the surrounding areas, so to the -- the west and to the south --

MS. GOOD: Right.

MS. BOY: -- that's Estate 1. So that permits one dwelling unit per -- per acre. I thought that Pete was going to put up -- what are you putting up?

UNIDENTIFIED SPEAKER: I'm putting up --

MS. GOOD: I'm trying to see the map.

UNIDENTIFIED SPEAKER: -- (inaudible), if I can find it.

MS. BOY: That was it.

UNIDENTIFIED SPEAKER: Oh.

MS. GOOD: And --

MS. BOY: That was our presentation.

MS. GOOD: -- and the --

MS. BOY: I'm like, that was our presentation, but you took it away.

MS. GOOD: -- so to the north is three to the acre, to the surrounding --

MS. BOY: Yeah. And so let me just actually go here. So here's the aerials so you can see the developments. So to the north, we have Low 3 Residential. So you can see the development there. They have some natural areas that were preserved as part of their development.

MS. GOOD: Uh-huh.

MS. BOY: Then to the -- to the south and west, that's all Estate 1 Residential, but you'll see much of -- it's not -- it's not built on much of the -- of the --

MS. GOOD: There's --

MS. BOY: -- land.

MS. GOOD: -- large lakes --

MS. BOY: Right.

MS. GOOD: -- though.

MS. BOY: Large water body there. And then directly to the east, where the school is on the corner, in the single-family residential, that's the dash line area that Mr. Mele was speaking of. So although it's 3.06, the densities are considerably higher of the actual constructed area, because it includes so much non-residential area.

MS. GOOD: But it's -- but directly adjacent to the subject property it's --

MS. BOY: Uh-huh.

MS. GOOD: -- it's one to the acre and three to the acre. And the applicant --

MS. BOY: Yes.

MS. GOOD: -- is requesting?

MS. BOY: Is requesting 3.21 per acre.

MS. GOOD: Okay. And then I guess to the issue of this is the last piece of property, and I guess there was a map shown by the applicant that showed a variety of density throughout the area out -- out there in the west area, and indicating that there is, you know, again, vast density.

MS. BOY: Uh-huh.

MS. GOOD: But then again, what the map didn't show is when those properties were built.

MS. BOY: Right. So I did do some preliminary research just, you know, leading up to this meeting, and all the Land Use Plan amendments. So each of those properties were the subject of a Land Use Plan amendment sometime starting basically in 1991.

MS. GOOD: Right.

MS. BOY: And so we saw amendments in '91, '92, '94. 2005 was the Estate 1 right there to the -- you know, the lake piece to the -- the south and west. That was in 2004 or '05. So we've seen it all during -- mostly during the '90s, but a couple of pieces in 2005. There was a piece in -- a couple pieces in the 3.06 dash line area within the past seven or eight years that took residential pieces and changed them to non-residential pieces, or vice versa, changed some non-residential pieces to --

MS. GOOD: My point is --

MS. BOY: -- residential.

MS. GOOD: -- that although there may -- there may be pieces of property that were more dense --

MS. BOY: Uh-huh.

MS. GOOD: -- certainly they were done at a different point in time, maybe when there was less development occurring within the City of Miramar?

MS. BOY: I mean, sure. I didn't look at the historical -- the historical aerials --

MS. GOOD: Okay.

MS. BOY: Because I don't have access really to --

MS. GOOD: I'm just saying --

MS. BOY: -- do that.

MS. GOOD: -- because --

MS. BOY: Yes.

MS. GOOD: -- the way the maps depict it, you really would need to know exactly --

MS. BOY: This is --

MS. GOOD: -- when they transpired to understand, you know, how the density impacts the area and the traffic. So with regard to the wildlife that's been alleged --

MS. BOY: Uh-huh.

MS. GOOD: -- within the property, did -- I know there was issues regarding wetlands and whether it was, you know, not pristine --

MS. BOY: Uh-huh.

MS. GOOD: -- versus I think what the report reflects.

MS. BOY: Uh-huh.

MS. GOOD: Was there any review of the wildlife specifically by any County department?

MS. BOY: The County staff, the comments that we get for them, I'll just kind of go through the checklist. Jurisdictional wetlands, no negative impacts. Tree preservation, subject to the City of Miramar. No contaminated sites. No well fields. No local areas of particular concern. It is adjacent to some natural protected lands that we showed on that aerial. Minor impact to water recharge. They don't have -- it's our understanding that there's no endangered species on the site. I believe it's in the report, but I didn't put on my list, so I just need to --

MS. GOOD: I was trying to --

MS. BOY: -- look in the report.

MS. GOOD: -- find it. So that came from our County staff?

MS. BOY: Yes, that comes from the County staff. So they --

MS. GOOD: Okay.

MS. BOY: -- do the environmental review and provide the comments for each Land Use Plan amendment.

MS. GOOD: But in that review, did they speak specifically to wildlife? Or was it just -- was it just focused on the issue of wetlands?

MS. BOY: Well, it's focused on all of the things that I just -- the list that I just read.

MS. GOOD: But you didn't mention wildlife, so --

MS. BOY: But I did not --

MS. GOOD: -- that's why I'm asking.

MS. BOY: -- I don't have wildlife on that list.

MS. GOOD: Okay.

MS. BOY: I do not have that on the list.

MS. GOOD: Is there a department within the County that reviews wildlife, especially when there's an issue of, you know, someone alleging --

MS. BOY: I would be happy to get further information on that. I don't -- I don't want to give you the wrong --

MS. GOOD: Okay.

MS. BOY: -- information today.

MS. GOOD: Okay. That, to me, is just a concern. I mean, the community's raised an issue. The applicant says differently. But I would hope that there could be some -- somewhat of an independent party from the County that could verify. And, again, I'm not talking about the wetland issue. I gather from what you've given to us that it's not pristine, and so it's mitigated. With regard to -- getting back to the development at hand, I wanted to ask a question regarding the planning and zoning that went -- when the application went before the City of Miramar.

CHAIR STERMER: Are you asking the city or Mr. Mele?

MS. GOOD: I -- I can ask the city, if they're here.

MR. GOLDSTEIN: Good morning again.

MS. GOOD: Good morning. So when the application went before the Planning and Zoning, was the vote unanimous?

MR. GOLDSTEIN: The vote was five to one.

UNIDENTIFIED SPEAKER: Six to one.

UNIDENTIFIED SPEAKER: Six to one.

MR. GOLDSTEIN: Six to one, sorry.

MS. GOOD: Okay. When the matter went before the Commission, although -- although they moved to send it forward to transmit to the Planning Council, was there concerns raised by the Commissioners?

MR. GOLDSTEIN: There were some concerns raised by the Commissioners, but they were looking for further review from the County and the state agencies.

MS. GOOD: Okay. I -- okay. Thank you.

MR. GOLDSTEIN: You're welcome.

MS. GOOD: I reviewed the minutes from the meeting, and, actually, the comments were very detailed in nature. There was concerns raised, I think, by various Commissioners regarding traffic in the area, and the density being proposed. And I think it's important that that -- I think that would have been important to be part of the review of the application, but never -- nevertheless, the Commission did raise concerns regarding this project, but they decided to transmit, to allow this -- this board to have an opportunity to review it. And, obviously, it's going to come back to them to have further review; correct?

MS. BOY: Yes. The first Public Hearing -- the first Public Hearing that the City of Miramar had, the vote was four to one, as a result, just to be clear on what the minutes say. So that's the process that it goes through. So that's considered their transmittal action. So their transmittal action, it goes to the State of Florida review agencies. They've asked for concurrent transmittal. If this gets transmitted by the County Commission, their local application would go up to the state review at the same time. So that starts the 30-day review at the state review agencies. Then when it's returned with any comments of statewide or regional significance, they would have the opportunity to adopt it within 180 days. And, generally, we find that many cities wait for the County to take its action, its final action, prior to that occurring.

MS. GOOD: Okay. I just want to make sure, because when we make comments that it's been transmitted, I understand it's -- it's gone through the city's initial review. It's come before us. It'll go back, as you've indicated, Mr. Chair. But in reading the minutes,

there were concerns raised. In fact, a Commissioner even indicated that they might not necessarily approve the application when it comes back. So definitely there's concerns raised, and hopefully those concerns can be mitigated by the time it gets back to the City of Miramar. With regard to the -- the traffic, there was comments made -- and I -- I guess I'll ask the applicant. With regard to the traffic, there was mention made by one of the residents of how the traffic studies are done and the fact that it's a divided road. Does that -- is that considered in the analysis? And does that play a role?

MR. MELE: The analysis certainly was done recognizing that it's a divided road. As I said earlier, the difference between the study that Mr. Vargas did for us and that the --

MS. GOOD: Uh-huh.

MR. MELE: -- MPO did is the MPO study was done after Pembroke Road was open. So, obviously, that had an impact on the traffic on Miramar Parkway. Ours was done prior to the road being open, and our study was done prior to committing to the improvements that we're making at 172nd and Bass Creek Road, and the improvements at Miramar Parkway and 160th Avenue. So you always, when you measure traffic, you look at the increased traffic, and you look at the road improvements that are being done to mitigate that impact.

MS. GOOD: I understand.

CHAIR STERMER: Ms. Blake Boy, you had something you wanted to say?

MS. BOY: I just wanted to add, because I know there's a lot of discussion about the -- about the difference between the studies, so one thing is that the information in the study that was submitted to the City of Miramar is very focused on intersection improvements and intersection analysis, as opposed to the review that we do at the County level, which is for the roadway segments and how those are operating. So I think many of the improvements that they're committing to are tied to that Level of Service, for what's anticipated at those level -- at those intersections. And our analysis, like I said, is done on the roadway segment, and it takes into account every improvement that's made because it's a 2040, you know, anticipated impact as opposed to what's happening right now on the roadway. So that's really the difference between the long-range being the level -- anticipated Level of Service C and the unacceptable Level of Service at those intersections.

UNIDENTIFIED SPEAKER: The --

MR. MELE: I'd just like to add something to that, if I might. I've been doing this for a long time, and when I first started, generally, what cities would do is when you went in for the first reading of that land use amendment, like we had here, we had a first reading of an ordinance that was approved four to one by the City Commission, generally, the cities, in the past, would say we understand you're going to do that when you get to the

County.

Now most of the cities say, before you ever go to the County, we want you to give us a study that meets our standards. And, as Ms. Blake Boy said, those are more detailed in some cases. They don't just look at the links of the road, they look at the intersections itself. So it's not unusual. It's also not unusual at a first reading of a land use amendment to have concerns expressed that have to be resolved before you get to the second reading. I had one recently in the City of Deerfield Beach where the Mayor had a number of concerns at that first reading, and, fortunately, we were able to satisfy those --

MS. GOOD: We're talking about Miramar.

MR. MELE: -- by the time we got to the second reading. And we'll do the same thing here. So that's not an unusual circumstance. That's all I'm saying.

MS. GOOD: Can I see the site -- the plan that was depicted by the applicant?

MS. BOY: Oh, sure. It'll just take one second.

UNIDENTIFIED SPEAKER: Third slide.

MS. BOY: That one?

MS. GOOD: Yes.

MS. BOY: Okay.

MS. GOOD: So that plan is just very preliminary. It's obviously proposed and conceptual, or is that the plan? Because, obviously, this is land use, so.

MR. MELE: The -- this is what we're proposing to build, but these processes are sequential. You do the land use amendment, then you rezone, plat, and site plan.

MS. GOOD: Correct.

MR. MELE: So if we submitted a site plan application now, they wouldn't review it because --

MS. GOOD: No, I --

MR. MELE: -- it's too early.

MS. GOOD: -- understand. But it was submitted on the record. I just wanted to understand --

MR. MELE: This is --

MS. GOOD: -- again, this is conceptual.

MR. MELE: -- this is what -- this is what we are proposing to build. If I could have it be an official site plan, if they would --

MS. GOOD: You would.

MR. MELE: -- accept it, I would do it.

MS. GOOD: Okay.

MR. MELE: But they won't.

MS. GOOD: The roundabout that was discussed with regard to traffic, who requested -- who -- how did that roundabout come about?

MR. MELE: Currently, we have a stop sign intersection.

MS. GOOD: Uh-huh.

MR. MELE: And there was at first a request that we look at a traffic signal --

MS. GOOD: Right.

MR. MELE: -- which we did. And we compared -- we did the traffic analysis that would determine whether the County would approve a traffic signal, and there wasn't enough traffic to meet the warrants. I will tell you now that if they would approve a signal, we would put it in. But there wasn't --

MS. GOOD: Okay.

MR. MELE: -- enough traffic to meet the warrants. So all the traffic engineers said, the worst situation is a stop sign intersection. The best situation is a traffic signal, but if you can't get it, the second best situation is a traffic circle. And that's why we --

MS. GOOD: All right.

MR. MELE: -- agreed to do the traffic circle.

MS. GOOD: Having traveled this area, again, school directly across the street. With the -- with the tremendous traffic generated just by the community, the schools, the traffic, the buses, I can't imagine a roundabout would be the most prudent way to

handle the traffic in this area. Again, I'm not a traffic expert, but I will tell you just -- I know there's concerns about a roundabout. And so there was mention that you've held numerous meetings. How many meetings have you held?

MR. MELE: We had three official meetings, two at City Hall, one at the Sunset Lakes Community Center. And we've met with Nautica, Sunset -- do you have -- I know there's an exhibit -- Sunset Falls, and Silver Lakes. We have asked to meet with Riviera Isles and with Sunset Lakes, and they would not let us come in.

MS. GOOD: Okay. And since you're proposing a major project across the street from the school, have you reached out to the school district --

MR. MELE: I --

MS. GOOD: -- in regard to your proposed traffic improvements?

MR. MELE: -- I met with both the principal of the high school and the principal of the middle school. As you know, but I'm not sure everyone else knows, the high school's right across the street from us, then there's a vacant piece that's for a city park, eventually, and then just east of that is the middle school. And we actually met with both principals at the high school. And we went there in the afternoon just as school was getting out. So we got there early so we were --

MS. GOOD: Uh-huh.

MR. MELE: -- able to be able to see the parents coming and picking everyone up. And as we came down 172nd, everybody at that time was making a left turn onto Bass Creek Road, because that's how you get to both of those schools if you're coming from that direction. I will also state for the record that if the County would approve a traffic signal instead of a traffic circle, we would agree to do that as a condition of approval. But if they won't, all the traffic engineers have said a circle is better than the stop sign intersection we have now.

MS. GOOD: I would just ask that -- I mean, I understand that you met with the principals and they're the educational leaders of the school, and they have important role, obviously, within the school community, but a project of this size adjacent to a high school that's already been indicated there's -- there's a lot of excitement and great programs at Everglades High School. There is a lot of activities there alongside Glades Middle, which is directly to the east of Everglades High School.

I think it would be helpful that you also meet with district staff, especially safe routes to schools and any recommendations that they may have in regard to this project, because they may have a better understanding of, again, the overflow, the transportation that comes to and from the school site, and how this project would impact. So that's just a recommendation on my part to you.

MR. MELE: We'd be happy to do so.

MS. GOOD: That's the extent of my comments for this moment.

CHAIR STERMER: Commissioner Castillo.

VICE MAYOR CASTILLO: Thank you very much. Ms. Blake Boy, this item will come back to us for a second go, at some point?

MS. BOY: Yes. If --

VICE MAYOR CASTILLO: Okay.

MS. BOY: -- whatever your recommendation is today, regardless of that recommendation, it goes to the County Commission for their consideration of transmittal to the state review agencies, which is estimated for early December, plus 30 days.
I would anticipate this returning to you either your January or February Public Hearing.

VICE MAYOR CASTILLO: Okay. First of all, I want to say that I'm very appreciative of all the testimony that was provided for -- by the community. I live about two miles away from this location in Pembroke Pines, and, you know, West Pines and West Miramar have a lot in common. Our kids go to the same schools. We shop in the same places, worship in the same locations. We have lots and lots of things in common. In many ways, it functions as one community. Including in the morning and the afternoon, when we're coming home. And there, I think there is a slight difference. And I don't want to -- I don't want to sound boorish or grandstand-ish or anything, but it's one thing to express concerns about traffic, and it's then another thing to do something about them.

So in my city, when we had concerns about traffic, we widened Sheridan Street from US-27 to the border that we share with Hollywood, and we allowed it to accommodate more traffic. When we had concerns on Pines Boulevard, we widened that street and -- and allowed more cars to transport. We were the champion mover of the Pembroke Road Overpass, and were extraordinarily disappointed by the last administration, I say the last Commission, refusal to allow exit ramps and on ramps -- it wasn't FDOT. It was Miramar that objected to it -- to get onto I-75. Even if that meant slowing down traffic on 75, there should have been on ramps and off ramps there. The reason most often given at that time in Miramar for not allowing that is that the community, the local community, didn't want it, because they were concerned about school kids and this and that and birds and all that other kind of stuff. And all of those things are understandable.

Then there -- then there have been occasions when the City of Pembroke Pines felt that a given parcel that might be developed, if we wanted to get it right, we should buy it ourselves. And we've done that. So that we could -- so that we could preserve the -- the land there, or make sure that it got developed in a particular way.

When you have a parcel like this, when you have any parcel, there -- the -- there's a range of options that are available to government working together with residents. This Planning Council does not sit as a duplication of what cities do. That's not our role, and it's wrong to assume that, that that -- that that would be our role, because if that was our role, we, frankly, wouldn't be necessary. I mean, it would be -- it would be redundant. The purpose of this Council is to make sure that the recommendations made by cities doesn't interfere with the rest of the County in the sense of we have a uniform countywide Land Use Plan, and it protects everyone's interests throughout Broward County.

Miramar has its own Land Use Plan, and they've already determined, as a city representing the residents there, that they want to see this project move forward. They've also made certain demands in terms of traffic of this developer. And bearing in mind that we're only talking about, it says here, 385 homes, the extent of work that they've asked them to do with respect to traffic, I have to tell you, in my experience, is kind of notable. And it's because it's the last parcel. Usually, the last one on line is the one that gets hit -- hit the hardest.

But certain things have to be mentioned. So Miramar Parkway does not go all the way through to US-27. That wasn't the best idea. And Bass Creek Road doesn't go all the way through to US-27, though it could; right? I mean, I'm not asking you guys to do it, but somebody could -- could run it through. They'd have to get -- they'd have to get permission to go through the wetland, but we're doing that now to take Pembroke Road out to US-27.

My point is, in order to go south in Miramar, you shouldn't have to go north. But you kind of have to. And that's because -- and I'm glad you've created a coalition, because maybe you'll think about working with -- within Miramar. We didn't need a coalition. We had the City Commission in Pembroke Pines and we just widened the roads so that folks could get to work. And we -- we may have to continue doing that.

City of -- the City of Miramar is a dear, dear friend and neighbor of ours. I'm not taking shots at them. There's lots of things that they did better than Pembroke Pines. Roads, we did better. They need to do some work on roads. They need access out to US-27. They have that opportunity in several different ways. And they need more access onto I-75.

But I'm sitting in judgment now of this one particular facility. And I know, I said to the gentleman over there, that, you know, he -- I think you mentioned a family member, you know, enjoys the park and takes pictures and all that other kind of stuff. The wildlife -- your -- was it your wife, sir, or your --

MR. DAGNINO: Yes, my wife.

VICE MAYOR CASTILLO: -- your wife. The -- the wildlife that your wife is -- is picturing and -- that's his wildlife. He owns that. If you want that view, you have to buy it. I mean, I'm not saying, you, although you might want to. I'm -- but the community has to buy it. In other words, if you want to preserve that, you have to buy it. You can't condemn land because, you know, you're enjoying it over -- over your fence. If you want it, you're going to have to buy it.

That's why I said the same thing before about this guy in the Everglades. He's -- he's planning to do something that annoys us. Buy it. And he's gone. And then -- okay. So those are options that exist in Miramar, but I -- I'm not hearing that discussion. What I'm hearing under discussion right now is 385 homes. The staff has reviewed it against the things that are in the -- that are in the Land Use Plan. And I have total respect for everything all five of you -- I think it was five of you that spoke -- had to say, because I live in that area, and I know what you -- and I know what it's like. But none of that has to do with this (indicating).

And so I have to -- I have to be -- I have to live -- we take an oath before we get to serve here, and I have to live up to that oath. And my oath is to review applications against the Land Use Plan. And I don't find an objection. I think that the staff did a very, very good job of -- of reviewing this thing. And what they're saying is there isn't an objection, because the City Hall at Miramar -- and they're good people. They are good people -- made them do -- made them commit to certain things that bring it well above the -- the standard that we're being asked to review.

The rest of your concerns, because they're legitimate, belong in Miramar. And that's between you and your City Commission. That's not an issue for us. That's between you and your City Commission. But I'm hoping that, in the fullness of time, Miramar will -- and that you'll participate and that Miramar will participate, because they know it's an issue, in the expansion of transit options, both east, west, north, and south, that don't keep you all from having to go north in order to go south, or to go north in order to go east or west. No city should be set up that way. I still don't understand why Miramar Parkway was -- was allowed not to go all the way to US-27. It cheats Miramar out of -- out of use of a major road that -- that should have been there.

But those are my comments. I don't find a reason to vote no. I can't. And I've been looking for one. I just can't find it. Thank you.

CHAIR STERMER: Thank you, Commissioner Castillo. Mr. Grosso.

MR. GROSSO: I don't agree with all of that. There -- there is not a property right to increase what you have now. It's not planning to say that everyone else was able to do it years ago, even though you now have a new Comprehensive Plan that tries to protect all open space and soils and vegetation for the flooding, for the climate impacts, ignore that, and do what they did ten, 15, 20 years ago. That is not planning. You don't have to buy land to keep it as it is in the Land Use Plan. There's no requirement or compulsion

whatsoever to grant a landowner more than they have now.
Traffic is obviously a problem here. The wetlands are surely degraded wetlands. There's no question about that. Yet they are wetlands. They're not completely Melaleuca. They retain the water storage, the native soils, and the green soil, and vegetation that we are trying to protect as a greenhouse gas mitigation strategy. It is open space, and our Comprehensive Plan says we are to strongly discourage the loss of more open space. This is open space, whether it's degraded wetlands or not. For all of those reasons, I do see a number of reasons to say no to this request to change the law for this applicant.

It seems as though a development that meets the current density standards -- and, you know, another thing. The idea that we wanted to develop it, we thought we'd sell it, so we allowed it -- the exotics to get worse, we stopped managing it. That is just the worst possible incentive for a land owner. Let me let exotics take over the property so then, when I come in later to develop it, I -- it's exotic dominated wetlands. That's not something we ought to give a whole lot of claim to.

So for that reason, having listened to everything, I'm going to be voting no against this, and I hope others will join.

CHAIR STERMER: Thank you, Mr. Grosso. Mr. Rosenof.

MR. ROSENOF: A bit of minutia. I heard two of the speakers talk about silica dust when it comes to construction. You may not be aware that literally 30 days ago OSHA created a whole new set of guidelines for silica dust in construction. Mr. Mele, I hope that you'll agree that Lennar will abide by those new stricter standards.

MR. MELE: Yes, we will.

MR. ROSENOF: Thank you. That's it.

CHAIR STERMER: Commissioner Udine.

COMMISSIONER UDINE: Thank you. Along the lines of what Commissioner Castillo was saying, I just want to follow up, because as I read this -- and I have a tremendous amount of experience, as does David, sitting in Parkland where we had a lot of new developments come in, and we had a lot of the same issues like everybody has when those developments do come in.

So I just have a couple quick questions of staff, because I want to understand fully some of the things that the residents brought up, because I respect what they're saying on this, and I think it's important to make sure that we hash out those issues.

The first one that I had, when I look at the schools and the compatibility of the surrounding schools, there's actually three schools that are surrounding this community

--

MS. BOY: Uh-huh.

COMMISSIONER UDINE: -- and all three of these specific schools show being under enrolled. And the reason that I say that is because then you went on to say Zone Area F, I believe, is also --

MS. BOY: Uh-huh.

COMMISSIONER UDINE: -- adequate for those students. I want to take Zone Area F out for a second --

MS. BOY: Uh-huh.

COMMISSIONER UDINE: -- because when we were in Parkland, we were told we didn't even have schools that were under enrolled. We were just told Zone Area C is under enrolled, and then the School Board would have to come in and readjust boundaries, which is not comfortable, and it's not the way people want to deal with this in the neighborhood. So my question is is it the actual schools where these children are going that are this far under enrolled?

MS. BOY: Yes. These are the schools that would be assigned to this property. Sunset -- Sunset Lakes Elementary is --

COMMISSIONER UDINE: Okay.

MS. BOY: -- yes.

COMMISSIONER UDINE: So I can read the numbers here.

MS. BOY: Uh-huh.

COMMISSIONER UDINE: So let's assume that all of the School Board demographers are wrong and they've come in at half of what it's going to be. So let's say double the amount of students come in. These three specific schools, even at double the amount, are still under enrolled?

MS. BOY: Even at double the amount of --

COMMISSIONER UDINE: Well, it says negative --

MS. BOY: -- projected students.

COMMISSIONER UDINE: -- it says four hundred --

MS. BOY: So if we did --

COMMISSIONER UDINE: -- and fifty --

MS. BOY: Right. So if we did 318 instead of 157 total --

COMMISSIONER UDINE: Right.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER UDINE: It's still --

MS. BOY: Yeah.

COMMISSIONER UDINE: -- I mean, I'm looking at -- I'm looking at Sunset Lakes Elementary. It says under enrolled by 450.

MS. BOY: Yes.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: Yes.

COMMISSIONER UDINE: So -- so even if the demographers came across as double the amount, we're still under --

MS. BOY: Correct.

COMMISSIONER UDINE: -- enrolled in this specific school, so there's no boundary change that needs to be --

MS. BOY: Correct.

COMMISSIONER UDINE: -- made.

MS. BOY: The schools that are serving the site.

COMMISSIONER UDINE: Okay. The next question that I had, the traffic, because I don't go down that area that often. The traffic now, with its -- the road that the developer has to build, that's a traffic reliever when that goes in for other -- because, clearly 385 homes don't justify the building of a complete road. So when that road gets there, I think you said there were 18,000 trips, and this development would be less than a thousand?

MS. BOY: Yes. Mr. Vargas mentioned the number, the amount of capacity that they're -

- they will be generating from the improvements that they've committed to with the City of Miramar, will generate over 18,000 new trips.

COMMISSIONER UDINE: Mr. Vargas is the traffic --

MS. BOY: Is the Traffic Engineer for the applicant, Lennar.

COMMISSIONER UDINE: And that's not Kimley-Horn.

MS. BOY: No. Kimley-Horn prepared the review --

COMMISSIONER UDINE: For the city.

MS. BOY: -- for the city.

COMMISSIONER UDINE: Okay.

MS. BOY: Correct.

MR. VARGAS: To -- just a quick clarification. That 18,000 is including what's agreed by this developer and all of the other improvements that are built or under construction.

COMMISSIONER UDINE: Okay. So I'm not seeing where this would be incompatible, based on traffic. I mean, I think if anything this is compatible based on the traffic studies that we see.

The next thing I saw -- and I respect what the -- what the residents said about the construction debris or the dust that they can gin up during construction, you know, that issue for the school children. We've dealt with that in northwest Broward a lot. It's really not a big issue. We've actually had construction right on school campuses. They can do that.

And the other thing that I find a little bit interesting about this is that there are towers on this property right now. If there were 350 homes built there now and they came in and said we want to take these 356 homes down and built these towers in here, we'd be getting the same arguments the other way by saying, you're not going to put towers there, then there's microwave vibes that are going to come in and that are going to affect our students. So I think of this as an advantage, to lose those towers, because the towers are the things that the neighbors in my neighborhood in northwest Broward always complain about. So you're getting rid of the towers. You're improving the traffic. You're not affecting the three local schools, forgetting about Area F.

And the last thing, and I get this, because I hear this all the time, and I've heard this all the time from my residents, when we develop, people bought a home -- a property next to a field of invasive species, and that became the preserve. And I have no doubt that

when the people bought that home, their realtors, the developers of the other property, whoever it may be, said to them, you have nothing to worry about, because that's a preserve right there. I have heard that argument a thousand times, and every time I see it and you look at it, that's not a preserve. It's a field of invasive species that's choking off the rest of the environment in the area. And we've dealt with this firsthand in the City of Parkland. You need to get rid of those, because they're spreading so fast that it's killing the other landscaping throughout the community. It's not a preserve. It's invasive species that, you know, pretty much should be going in order to be good stewards of the environment.

So when I look through this, and it was a long-winded way of saying it, every -- and I know these are just boxes that we check when we look at some of this stuff, but this -- this development, not only does it show to be compatible, by the improvements that they're making, I think they're making it more compatible with the neighboring property. Just my opinion. I think it's going to be something that's going to raise property values to the neighboring property. I'm going to support it.

CHAIR STERMER: Thank you, Commissioner Udine. Mayor Ganz.

MAYOR GANZ: Well, this is tough, because there are great arguments on both sides. But I will say this. When it talks about an invasive species, or non-native species, no, Melaleuca -- but if you look at all the conservation areas to the west there, that's what -- that -- that's the landscape of my youth down here. I'm a native Floridian, south Floridian. I grew up there, peeling Melaleuca trees, because we called them paper trees, and we pulled it off there.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GANZ: The reason they were put in there, they -- they were put there? It's because they soaked up the water and made it habitable. So that's why it's there. At some point in time, you've got to start calling them native, because they've been here probably longer than the Ganz family's been here.

(Laughter.)

MAYOR GANZ: But as far as non- -- as far as an invasive species, yes, it is. What I found interesting about the report that was done for the Univision parcel, when he talked about fauna, there was no mention of White-tail deer in there, yet the presentation here was. I question why it wasn't in the report that was done. There's no mention of White-tail deer or anything like that, which, quite frankly, is not very common in areas that are surrounded by development. If the gentleman wants to comment on that?

MR. GOLDASICH: Yes.

MAYOR GANZ: I am taking it he does, because he's charging the mic.

CHAIR STERMER: Mr. Goldasich.

MR. GOLDASICH: Thank you. Yeah, we continue to do work on the site, and we have not seen it on the site proper in the dense Melaleuca area. But the White-tail deer tracks that we saw were actually on the north side of Bass Creek Road. There's a lake there with a little wetland mitigation area along there. It was in the muck adjacent to that wetland mitigation area.

MR. MELE: So, Jim, you're saying on the -- on the Silver Lakes parcel north of us.

MR. GOLDASICH: Yes. The extreme northern part of the yellow box.

MAYOR GANZ: You just haven't caught them over there in the fenced -- what was a fenced-in area.

MR. GOLDASICH: Right. And --

MAYOR GANZ: Okay.

MR. GOLDASICH: -- and as long as we're talking about wildlife, I mean, do wildlife use the parcel? Absolutely, because you -- they're not going to be excluded. But wildlife, deer included, man, spiders, rodents like ecotones. They like to go along the edge of areas. And that's probably why some of the homeowners are seeing more wildlife than would be found inside the site. That's because of the fence line that basically limits access to the site, or should limit access to the site.

Just inside that fence line, there was a roadway cut all the way around, and that's not Melaleuca, but it's a dense exotic grass, Pennisetum, Elephant grass. And so to see birds or something roosting on the fence and in that edge, where you would normally see wildlife, would not be uncommon. But inside the site, no, they're not there.

MAYOR GANZ: Let's make no mistake. This is wetland. That's what your report says.

MR. GOLDASICH: Absolutely. It is.

MAYOR GANZ: This is wetland that's -- with the invasive species, the Melaleuca, that is prevalent throughout all of south Florida, especially along that area along there that was done to soak up the water so people could build and develop on there. That's why it's there. And your report even states that if the Melaleuca was taken out, what you would have would probably be a nice preserve.

MR. GOLDASICH: So it would most likely go back to what it originated as, a sawgrass marsh.

MAYOR GANZ: Absolutely. And I think that's where Miramar -- and this is their option, but they -- they had that opportunity to buy the property, take the Melaleuca out, and allow it to -- to grow to what it once was. But that's their choice, and they've chosen not to do that. Every city has the right to be able to do that.

I am less concerned about the traffic, because I do see the -- what the development -- developers are willing to do there. I see -- I agree with Commissioner Castillo that they are going well above and beyond what I've seen in other areas. But let's not fool ourselves, also, on this one selling point. And pity the poor person that comes in last. The selling point for the first people, and the reason why they have probably the densities that they do is because they were sold on the fact of, gosh, there's nothing all around us. Allow the density; it's really not a big deal. Then the next one gets built, the next one gets built.

VICE MAYOR CASTILLO: That's true.

MAYOR GANZ: The last parcel --

VICE MAYOR CASTILLO: That's true.

MAYOR GANZ: -- can't come in and make the argument, well, gosh, you've let everybody else do it, why not us.

MS. GOOD: Right. Right.

MAYOR GANZ: No. The reason you got away with it the first time is because this parcel was not developed, most likely. I'm not saying that's the particular case here, but I'm going to bet that it would be. So you can't use that selling point for me.

Again, going back to what our role sitting here on the Planning Council is, is that we have to follow what the overall Broward County rules are. The staff recommendation to support that this is something that can be supported and falls -- and we're not breaking our rules to support that. But I will say this. I do think the developer is overreaching with the density on this.

And I am very torn, and I would like to hear from more of my members as far as which way we're going.

CHAIR STERMER: Commissioner Gomez.

COMMISSIONER GOMEZ: Good morning -- or, actually, at this point, good afternoon. I agree with a lot of the comments made by my colleagues. I do think it's a fundamental obligation of the city, as the Commission of the city, to deal with the issues that are very hard for how they determine what is best use for their city. And we are here with a specific purpose.

I do have a question on the traffic. I do understand that some of the improvements that have been put in place are in response to things that have been made by the Commission, but I did hear -- if I -- I'd like -- Mr. Mele, if you can clarify something. If there was a traffic light instead of a roundabout, would that be -- that would be something you would be willing to put in?

MR. MELE: Yes. The -- but the key issue there is the traffic light has to be approved by Broward County. If Broward County would approve the traffic light, we'll put it in. If they won't, we would go with the traffic circle, because it's better than the stop sign intersection that's there now.

COMMISSIONER GOMEZ: Okay. And forgive me for not knowing our role specifically on this, but is this something that we could actually transmit with a recommendation to the County for an improvement such as that, to put in a traffic light?

CHAIR STERMER: Madam Blake Boy.

MS. BOY: I mean, as far as the transportation improvements, I believe that Mr. Mele said earlier that he would be willing to make -- if -- any recommendation subject to the transportation improvements. And then I would ask -- or I would defer to Mr. Maurodis, but I would say, you know, the issue of the traffic circle versus the light, if he's not legally able to do it, but we could include it as part of -- you could include it as part of your recommendation, that he's going to continue to, you know, work with the School Board safety staff and the County about that, the roundabout.

MR. MAURODIS: You can make the recommendation on the voluntary commitment to do, as first priority, a traffic signal, and if that's not possible, then a roundabout and to pay for it.

MR. MELE: Yes, to design it, permit it, and pay for it, whichever option it is.

COMMISSIONER GOMEZ: Would you mind restating that a little bit?

MR. MELE: So I -- as I gather from what you're saying, that the recommendation might be that you would recommend a traffic signal, if that would be approved by Broward County. If it's not approved by Broward County, then we would go with the traffic circle. And we would design it, permit it, and pay for it, whichever alternative it is.

COMMISSIONER GOMEZ: Okay. Thank you.

MR. MELE: Oh, and I just want to add, I know earlier the Vice Chair -- we will meet with the School Board safety staff to make sure that whichever way we do it, it doesn't cause a problem for students walking to school, or for buses or cars taking students to and from school.

CHAIR STERMER: Commissioner Blattner.

COMMISSIONER BLATTNER: Thank you. There were parts of the presentation today, I thought we were talking about two different pieces of property, one pristine and one not very. I don't know which is -- is which here.

But I do want to say that I think Commissioner Castillo was onto something that's very important. And that is cities need to step up and address their traffic problems. I will tell you that the MPO asked every one of the 31 cities in Broward County to meet with the MPO and talk about what are your biggest transportation problems. I did not sit on anybody's presentation except my own, but, by reputation, I will tell you that Miramar made an outstanding presentation.
I don't know if what was included in their presentation addressed this particular property, but I would ask the folks from Miramar that are here to take a look at that and see if what you recommended as your transportation priorities for the next few years included this area. And if it didn't, I think it would be a good -- a good idea to do it.

CHAIR STERMER: Anybody else? Mr. Rosenzweig.

MR. ROSENZWEIG: Yes. This has been great conversation for someone like myself, with little background in this area. And I feel the direction we're going in is to approve this based on the charges that we're given to go forward.

And I think it'd be a great idea, because it gives Miramar another chance to go back over this if we defeat it now, because Miramar really needs to take a look at this, because we are looking at -- look -- almost two different directions that we have seen here in the presentations given to us.

And I'm torn on this, because when you come up to a city and try to give them a direction that may not be in the best interests of the County or the city to give them a chance to take a look at it again to make sure that they're looking at the best interest of their citizens and what the citizens really want.

CHAIR STERMER: Thank you. Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. Just a couple questions, please, for Mr. Mele. We don't normally get to see a site plan sketch like you have, and I know we're not here for site plan approval, but it was put up, and I saw the entrances into the development, and the lakes. The lakes are for the storm water retention, I presume?

MR. MELE: Yes.

MS. GRAHAM: Okay. So in order to prepare that and have be somewhat in the ball park, your civil engineers have already done some calculations on capturing the

groundwater -- the storm water and everything else to size those lakes, the angle of repose along the banks, and so on and so forth. So those lakes are probably pretty set for what they need.

MR. MELE: Yes. We are in the South Broward Drainage District jurisdictional area, and they have lake requirements for each drainage basin. They also have slope requirements for the edge of the lakes. And everything has been designed to try to meet those requirements.

MS. GRAHAM: Right. So once you do that, it's almost like simultaneous equations with three variables, because you first have to get the storm water under control, then you see what you have left. And you've got your roads and your infrastructure. And then you've got lots to put the houses on. And since you did mention the South Broward Water Management District, I saw from the Property Appraiser website that they own that big L-shaped lake to the south of your property; correct?

MR. MELE: Basically, what they do is when you develop a site and you dig a lake, they either -- they usually will take an easement to the lake. Sometimes they take ownership. But they always take an easement so that -- you have to maintain it yourself, but in -- in case you don't maintain it properly, have the right -- they have the right to come in and do it.

MS. GRAHAM: Okay. And will there be outfall from those lakes, those storm water retention areas on your property, will there be outfall to the southwest underneath that existing development to that, or it doesn't work that way down there?

MR. MELE: Generally, in the South Broward Drainage District area, all these lakes are connected, and the ultimate outfall is the C-9 Canal, which separates Broward County from Dade County.

MS. GRAHAM: Okay. Thank you. Because I don't -- I don't live down in that part of the County. So there's 337 lots from the original that they're allowed to build now of 48?

MR. MELE: Yes.

MS. GRAHAM: Okay.

MR. MELE: Currently, it's agricultural, which is one unit per two and a half acres. And I know everybody didn't love my argument, but that's what they all were out here at one time.

MS. GRAHAM: Right. So 337, obviously that's what you're going to shoot for, but --

MR. MELE: Well, it's -- it's 337 additional, so it's 385 total.

MS. GRAHAM: Right. So would the project not get done if it wasn't the additional 337? I mean, suppose it was only 315 or -- or 298. I mean, is there something, as you're doing your design for your storm water and the roads and the infrastructure that all has to be buried, if something got overlooked and they had to decrease the -- the additional units that you were asking, would that be something that they would still be doing?

MR. MELE: Well, here's what we -- here's how we came to the number we did. First of all, we originally had a proposal that was much higher. And we reviewed it with city staff, and they said we want you to come up with a plan that will not require any variances and that will have zoning districts that are compatible with the zoning districts around you. And that's what we did. That's how we came up with that plan and that number.

MS. GRAHAM: Thank you. I want that in the minutes because, even as I went through all of the backup -- and I'm not familiar with how the City of Miramar makes their decisions. I don't get to watch them on Comcast like I can Fort Lauderdale. So I wasn't in the -- I wasn't aware of that. Okay. Thank you very much.

MR. MELE: Thank you.

CHAIR STERMER: Thank you, Ms. Graham. Any --

COMMISSIONER UDINE: Mr. Chair, can I make a **motion** to approve subject to staff's conditions and Commissioner Gomez's amendment?

MR. DIGIORGIO: Second.

CHAIR STERMER: There is a motion by Commissioner Udine, seconded by Mr. DiGiorgio. Commissioner Williams.

COMMISSIONER WILLIAMS: Yes. I would just like to say this has been a very interesting conversation. I would like to ask, the roundabout, which I am truly not a lover of roundabouts, how many lanes will there be?

CHAIR STERMER: Mr. Vargas.

MR. VARGAS: We initially proposed a one-lane roundabout, and that showed that it worked. But at the request of the City of Miramar, we have agreed to do a two-lane roundabout.

COMMISSIONER WILLIAMS: Okay.

MR. VARGAS: And that's why, if you saw on one of my graphics, that we had that little additional four-lane improvement toward the north of it --

COMMISSIONER WILLIAMS: Okay.

MR. VARGAS: -- for purpose.

COMMISSIONER WILLIAMS: Okay. I was just wondering.

MR. MELE: I just want -- I just want to add, because the numbers could be confusing, a two-lane roundabout is what you do when you have a four-lane road.

CHAIR STERMER: Thank you, Mr. Mele.

COMMISSIONER WILLIAMS: Okay. Thank you. I -- my concern about the schools, they're not being -- they're not overcrowded. Traffic is 100 percent across this whole County. You know, we messed up when we didn't do that half penny sales tax last time to do something about the traffic. So now I -- I would be supportive, at this point, so --

CHAIR STERMER: Thank you, Commissioner Williams.

COMMISSIONER WILLIAMS: -- thank you.

CHAIR STERMER: School Board Member Good.

MS. GOOD: Mr. Chair, can you just clarify that the motion at hand includes the --

CHAIR STERMER: There -- there was a --

MS. GOOD: -- priority for --

CHAIR STERMER: -- there was a motion to approve by Commissioner Udine, seconded by Mr. DiGiorgio, to accept staff's recommendation with the further recommendation that should the County approve or require that a traffic light be put in, that Mr. Mele has agreed to design, construct, and pay for that improvement.

MS. GOOD: Okay.

CHAIR STERMER: Because that's purely at the -- in some respects, at the control of the County, because the warrants aren't --

MS. GOOD: Right.

CHAIR STERMER: -- met. And if the County requires it as part of its approval, Mr. Mele has agreed to that.

MS. GOOD: Thank you.

CHAIR STERMER: In addition to what he's already agreed to, the rest of the traffic improvements, which are part of the city's approval to get here.

COMMISSIONER UDINE: And the staff report.

CHAIR STERMER: And the staff report.

MS. GOOD: Just to clarify from staff, since the issue of density has come up, are -- I get what the applicant is proposing. Is the Planning Council -- is it under the Planning Council's purview to have a concern of the density proposed and propose an alternative?

MS. BOY: Well, Planning Council staff, in this case, as far as the compatibility review, there's -- finds it completely compatible with the surrounding development.

MS. GOOD: My question is --

MS. BOY: Uh-huh.

MS. GOOD: -- as this board, because I guess it's been mentioned --

MS. BOY: Oh, for the --

MS. GOOD: -- by numerous --

MS. BOY: -- board to make an --

MS. GOOD: -- members --

MS. BOY: -- alternate --

MS. GOOD: -- yes.

MS. BOY: -- recommendation?

MS. GOOD: So does the Planning --

MS. BOY: I would defer to Andy.

MS. GOOD: -- Commission have the authority to recommend anything different other than what the applicant is proposing, based on information shared?

MR. MAURODIS: My preference would be if the -- if you can almost make it a -- well, not make -- almost -- make it a binary choice. If you feel the density is too high, my recommendation is that there be a -- my advice to you would be to recommend against

it. You can state in the record your basis for it, that you're not against –

MS. GOOD: Okay.

MR. MAURODIS: -- an increase, but doing that. But as opposed to trying to come up with a --

MS. GOOD: I --

MR. MAURODIS: -- specific --

MS. GOOD: -- I understand.

MR. MAURODIS: Yeah. But I think, at that point, I think you're totally within your authority to recommend against it and state in the record that -- your reason for it.

MS. GOOD: Okay. Mr. Chair, just indulge me real quick. This does come back before us, correct?

UNIDENTIFIED SPEAKER: Yeah.

MS. BOY: Correct.

MS. GOOD: And so I -- I -- if I can ask for -- and I don't know if we're able to do this, a friendly amendment that the applicant meet with district safety staff with regard to safe routes to schools and the impacts of the proposed project. Is --

MR. DIGIORGIO: Second.

CHAIR STERMER: I believe --

COMMISSIONER UDINE: I'll accept that as part of my motion.

MS. GOOD: And that we get information, if it exists, from the County in regard to wildlife on the subject property.

MS. BOY: Yes, I will -- I will have that information --

MS. GOOD: When it comes back.

MS. BOY: -- for the second Public Hearing.

MS. GOOD: If -- if that's acceptable.

CHAIR STERMER: It's all acceptable to --

COMMISSIONER UDINE: It's all acceptable.

CHAIR STERMER: -- Commissioner Udine. Mr. DiGiorgio?

MR. DIGIORGIO: Yes.

CHAIR STERMER: Anything further?

MS. GOOD: No, sir.

CHAIR STERMER: Let me begin by thanking the community for your assistance in getting us to this hearing and getting us everything you did beforehand. We know it's been a back and forth between a whole bunch of you and Ms. Blake Boy about getting us the information, and we appreciate it. I will not start to repeat everything every member here said, except this is the next step in a process. And this will come back. Next stop is the County Commission, where you'll get to see Commissioner Udine once again. You will then get back to -- come back to us, and then go back to the city. So this isn't the end of the process. This is just one step along the process.

I am convinced that the city has heard the concerns raised by members of this board. But I will say this to the residents so you understand it. Half of us that sit up here come from cities. And the concerns you raise are concerns we hear from our residents, as well, when things go on in our community. And so we understand what you're saying. Sometimes -- we sometimes take a dispassionate view because that's part of what our jobs are, to sort of look at a longer term vision with regard to the Land Use Plan and what goes on in each of our cities. Commissioner -- you know, Mayor Ganz had an issue with an old golf course and what's gone on in his community --

MAYOR GANZ: Yeah.

CHAIR STERMER: -- in Deerfield Beach. Commissioner Udine's got it. Mayor -- Commissioner Udine had it, when he was Mayor Udine, up in the northwest corner. I currently have it right now in my city with regard to a project that's under dev- -- under consideration. We all have it. Mr. Grosso deals with this in his passion for the environment, and Mr. Blackwelder's historically -- belief in -- in where we are as a County.

But you know what? Part of this is we're 1.8 million people today and we're going to continue to grow. And if this is how the City of Miramar currently believes this is what's best for that, absent me personally seeing something that is an affront to me, I give deference to the city.

Now, you all have to go back to the city. Mr. Mele has to go back to the city. And he's heard all of these comments. And I'm glad that there were two representatives of

Miramar staff here today that can hear it and take it back to the Mayor and the Commission as to what the concerns are here. The School Board has weighed in on some of its concerns with regard to the safety issues.

So there was a motion by Commissioner Udine, a second by Mr. DiGiorgio with regard to the staff recommendation, with the recognition with regard to the traffic light, that Mr. Mele has agreed to meet with School Board staff with regard to safety, as well as Ms. Blake Boy's going to follow up with regard to the --

UNIDENTIFIED SPEAKER: Wildlife.

CHAIR STERMER: -- wildlife and other issues on the site. Ms. Cavender, can you please call the roll with regard to Item 5?

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: No.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Felicia Brunson.

COMMISSIONER BRUNSON: Yes.

THE REPORTER: Vice Mayor Angelo Castillo.

VICE MAYOR CASTILLO: Yes.

THE REPORTER: Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Yes.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Yes.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: No.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: No.

THE REPORTER: Mr. David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Mr. Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan. Mayor Jack Seiler. Commissioner Michael Udine.

COMMISSIONER UDINE: Yes.

THE REPORTER: Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Yes.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Yes. The item passes 11 to 4.

VOTE PASSES 11 TO 4 WITH BRION BLACKWELDER, SCHOOL BOARD MEMBER PATRICIA GOOD, MARY D. GRAHAM, AND RICHARD GROSSO VOTING NO.

ATTACHMENT 22

BROWARD COUNTY Planning Council

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, electronical 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.

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,

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 Tavana; 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

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)

MCC
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?
    - 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?
    - What is the estimated total of cubic yards of fill required by this entire 4-year project including roads and lake filling?
    - Considering the average dump truck capacity is 10 cubic yards, how many dump truck loads will be required to deliver the needed fill?
    - 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?
    - Considering that the only ingress-egress route of these trucks from the nearby Miami-Dade quarry is I-75 to Miramar Parkway to 172nd Ave, what impact will this steady stream of dump truck traffic have on existing traffic congestion over this **4-year** period?
    - 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?
    - 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?
    - The planned widening of 172nd Ave will eventually result in lane closures are 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?
    - Hundreds of school children are bussed to these schools. With the nearest bus stop located at the corner of Miramar Parkway and 172nd Ave, what will be the safety threat to these children walking (and biking) to school?
    - 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 172nd 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.)
    - 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?
    - 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?
    - 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, 6th 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?
    - 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?
    - 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?
    - 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?
    - 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.
    - How much hazardous dust and particulate matter will be generated from the extensive **4-year** construction project?
    - 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?

- 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 that 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.

  - 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.
  - 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.
  - 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.
  - 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
17428 Sw 36th St
Miramar, FL 33029
954-704-3401 (home)
305-205-8276 (cell)

MCC
Miramar Citizens Coalition

ATTACHMENT 23

Return to: (enclose self-addressed stamped envelope)

Name: Marla Neufeld, Esq.

Address:
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:
Marla Neufeld, Esq.
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this _____of _____, 2017, by **HBC Florida, Inc.**, **a Florida corporation**, its successors and assigns ("Owner"), which shall be for the benefit the **City of Miramar,** a municipal corporation organized pursuant to the State of Florida ("City"), and **Broward County,** a political subdivision organized pursuant to the State of Florida ("County").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land known located in the City, more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, Owner made an application requesting that the land use plan designation on the Property be changed from Rural (City)/Agriculture (County) to Irregular (3.21) Residential to allow a single family residential development ("Application"); and

WHEREAS, in connection with the Application, Owner has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the City and County.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Owner hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Covenant by this reference.

2. Covenants.

a) **Intersection of Bass Creek Road and Southwest 172 Avenue**: Prior to issuance of the first certificate of occupancy ("CO") for a single family home on the Property, the Owner shall conduct a traffic warrant study for this intersection of Bass Creek Road and Southwest 172 Avenue and submit said study to the County for review. If the County determines that a traffic signal is warranted at this intersection, Owner shall design and install the traffic signal as approved by County. If the County determines that a traffic signal is not warranted at this location, the Owner shall construct a two-lane roundabout at the intersection of Bass Creek Road and Southwest 172 Avenue subject to available right-of-way and permit approval from the applicable governmental entity. The geometry of the proposed roundabout shall accommodate the ultimate cross section of both Bass Creek Road and Southwest 172 Avenue (four-lane divided) at this intersection subject to available right-of-way and permit approval from the applicable governmental entity. The traffic signal or roundabout shall be constructed prior to the issuance of the final CO for a single family home based on the final City approved site plan on the Property. Owner shall coordinate with Broward County School Board staff during the design phase of the required improvement to confirm the location of the pedestrian crosswalk.

b) **Intersection of Miramar Parkway & Southwest 160 Avenue and Segment of Miramar Parkway from Southwest 160 Avenue to Interstate-75 ("I-75")**:

1. The Owner shall conduct monitoring studies at the intersection of Miramar Parkway and Southwest 160 Avenue and the segment of Miramar Parkway from Southwest 160 Avenue to I-75 within ninety (90) days of the opening of the Pembroke Road overpass and the completion of the Miramar Parkway bridge reconstruction at I-75, whichever event is later in time. If the study indicates that Level of Service ("LOS") failures still occur after Pembroke Road overpass completion and the completion of the Miramar Parkway bridge reconstruction at I-75, subject to available right-of-way and permit approval from the applicable governmental entity the, Owner will be required to complete improvements, reasonably determined by the City, required for the intersection and movements to operate at LOS "D", or better, prior to issuance of first CO for a single family home on the Property. Notwithstanding the foregoing, Owner shall not be required or obligated to make or pay for improvements to the I-75 ramp or roadway, or purchase additional ROW
2. Prior to the issuance of the last 100 CO's for a single family home based upon the final City approved site plan for the Property, the Owner shall conduct traffic monitoring studies at the intersection of Miramar Parkway and Southwest 160 Avenue and the segment of Miramar Parkway from Southwest 160 Avenue to I-75. If the study indicates that LOS failures still occur, subject to available right-of-way and permit approval from the applicable governmental entity the Owner will be required to complete additional improvements, reasonably determined by the City, required for the intersection and movements to operate at LOS "D" or better prior to issuance of last CO for a single family unit based upon the final City approved site plan for the Property, or by not later than January 1, 2022,

whichever event first occurs. Notwithstanding the foregoing, Owner shall not be required or obligated to make or pay for improvements to the I-75 ramp or roadway, or purchase additional ROW

3. Prior to the issuance of the first CO for a single family home on the Property, subject to available right-of-way and permit approval from the applicable governmental entity the Owner shall construct a second right turn lane from northbound 160th Avenue to eastbound Miramar Parkway to create dual right turn movement subject to regulatory agency approval to mitigate any impacts from the project at the intersection of Miramar Parkway and Southwest 160 Avenue and the segment of Miramar Parkway from Southwest 160 Avenue to I-75, subject to the availability of right-of-way. If adequate right-of-way is not available or permit approval is not permitted, the Owner shall work with Broward County Traffic Engineering Division to convert one of the northbound thru-lane along Southwest 160 Avenue into a thru/right turn lane and necessary signal modifications; resulting in two northbound right turn movements onto Miramar Parkway. The Owner shall be responsible for all the design and construction costs associated with any improvements. This improvement may also be used to mitigate traffic impacts to the intersection of Miramar Parkway and Southwest 160 Avenue as described in paragraph b) above.

c) Subject to available right-of-way and permit approval from the applicable governmental entity the Owner shall provide an exclusive southbound right turn lane on Southwest 172 Avenue at the entrance to the Property prior to the issuance of the first CO for a single family home on the Property.

d) Subject to available right-of-way and permit approval from the applicable governmental entity the Owner shall provide a northbound left-turn lane on Southwest 172 Avenue at the entrance to the Property prior to the issuance of the first CO for a single family home on the Property.

e) Prior to issuance of the last CO for a single family home based on the City approved site plan for the Property, the Owner shall work with the City and Broward County to ensure that any signal timing adjustments approved by Broward County are made at the intersection of Miramar Parkway and Southwest 184 Avenue to improve traffic flow.

f) Subject to available right-of-way and permit approval from the applicable governmental entity the Owner shall construct Southwest 172 Avenue as a four lane roadway for the entire length of the segment between Bass Creek Road and Miramar Parkway, including a transition to two lanes south of Bass Creek Road, prior to the issuance of the first CO for a single family home on the Property.

g) Subject to available right-of-way and permit approval from the applicable governmental entity the Owner shall construct two lanes of Bass Creek Road from Southwest 172 Avenue to Southwest 179 Way in accordance with City

engineering department standards, prior to the issuance of the first CO for a single family home on the Property.

h) Subject to available right-of-way and permit approval from the applicable governmental entity the Owner shall construct transit improvements on Bass Creek Road and other roadways adjacent to the Property identified during the plat review process that are mandated by the County Land Development Code and identified in the County's Development Review Report for the plat related to the Property. Said improvements shall be constructed prior to the issuance of the first CO for a single family home on the Property.

i) Prior to commencement of and during clearing of the Property, the Owner shall provide benign trapping and releasing of any animals found within the Property. Said requirement shall terminate when clearing of the Property is complete.

3. Release. Upon presentation to the City and County of sufficient evidence of completion of an Owner obligation(s) as set forth in Section 2 of this Covenant, at the request and expense of Owner, the City and County shall cause a partial release of that particular obligation in the form attached hereto as **Exhibit B** to be recorded in the Public Records of Broward County, Florida, evidencing such completed performance of this Covenant. The issuance of the release shall not require City or County Commission approval.

4. Amendments. Except as otherwise provided herein, this Covenant shall not be modified or amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City and County. The appropriate governmental authority of the City and County without City or County Commission approval shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense.

5. Recordation and Effective Date. This Covenant shall not become effective and shall not be recorded in the Public Records of Broward County, Florida, until after approval by the City and County of the requested Application and the expiration of all appeal periods or, if an appeal is filed, the conclusion of such appeal in a manner that does not affect the City's or County's approval the Application. Once recorded, this Covenant shall run with the land for the sole benefit of the City and County and shall bind all successors-in-interest with respect to the Property. This Covenant shall not give rise to any other cause of action by any parties other than the City or County, and no parties other than the City or County shall be entitled to enforce this Covenant. Any failure by the City or County to enforce this Covenant shall not be deemed a waiver of the right to do so thereafter.

6. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Covenant invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue shall be Broward County, Florida.

7. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

8. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

Signed, sealed and delivered

_____

Printed

HBC Florida, Inc., a Florida corporation

By:_____

Name:_____

Its:_____

_____

Printed Name:_____

Dated:_____

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ of **HBC Florida, Inc., a Florida corporation**.

He or she is:

[ ] personally known to me, or

[ ] produced identification. Type of identification produced _____.

(Seal)

NOTARY PUBLIC:

_____

Print Name:_____

My commission expires:

Mortgagee Consent:

_____ ("Mortgagee"), is the holder of a mortgage executed on _____ recorded in Official Records Book _____- Page _____by and between _____ and Mortgagee (as extended, modified, restated, consolidated and assigned), security agreements and collateral assignment of leases and rents (as modified and assigned) ("Mortgage Loan Documents").

Mortgagee hereby consents to the terms of this Amendment and hereby absolutely and unconditionally subordinates the lien of the aforementioned Mortgage Loan Documents and all of its rights thereunder to all of the rights of the parties hereto, their successors and assigns, under the Amendment granted herein.

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

_____
By:_____
Name:_____
Title:_____

Date: _____

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, the _____ of _____, freely and voluntarily under authority duly vested in him/her by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. He/she is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2016.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION
PROPERTY

Tracts 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, of the Subdivision of Section 31, Township 51 South, Range 40 East, according to the Florida Fruit Land Company's Subdivision Map No. 1, according to the Plat thereof, recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida; said land situated, lying and being in Broward County, Florida.

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name: Marla Neufeld, Esq.

Address:
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:
Marla Neufeld, Esq.
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA **SPACE ABOVE THIS LINE FOR PROCESSING DATA**

PARTIAL RELEASE OF
RESTRICTIVE COVENANTS

This Partial Release of Declaration of Restrictive Covenant ("Partial Release") is effective as of this ____ day of _____, 201__ by **THE CITY OF MIRAMAR, a political subdivision of the State of Florida** ("City") and **BROWARD COUNTY, a political subdivision of the State of Florida** ("County").

WHEREAS, HBC Florida, Inc., a Florida corporation, its successors and assigns ("Owner"), the fee simple title owner of the property described on **Exhibit A,** attached hereto ("Property"), entered into that certain Declaration of Restrictive Covenant dated _____ ("Covenant") in favor of the City and the County, that is recorded at Instrument #_____in Public Records of Broward County, Florida. Terms not otherwise defined herein shall have the same meaning set forth in the Covenant; and

WHEREAS, pursuant to the terms and provisions of Section 2____ of the Covenant, the Owner was required to perform _____ ("Obligation"); and

WHEREAS, pursuant to the Covenant, the City and County are required, at the request and expense of the Owner, to execute a partial release of the Covenant upon the completion of the above referenced Obligation of Owner; and

WHEREAS, the Owner has satisfied its Obligation pursuant to the Covenant; and

WHEREAS, Owner desires that the City and County as beneficiaries of the Covenant to partially release the Covenant by executing this Partial Release to be recorded in the Public Records of Broward County, Florida, pursuant to the terms and conditions as hereinafter set forth; and

WHEREAS, upon the execution of this Partial Release, no further action by the City or County Commission will be required and this Partial Release shall constitute the final release of

Owner's Obligation under the Covenant.

NOW, THEREFORE, City and County intending to be legally bound, hereby state and declare as follows:

1. The above recitals are true and correct and are incorporated herein.

2. The Owner is released from the Obligation defined above from the Covenant. The Covenant otherwise remains in full force and effect but for the release of the Owner of the Obligation.

3. This Partial Release shall be construed and governed in accordance with laws of the State of Florida and in the event of any litigation hereunder, the venue for any such litigation, shall be in Broward County, Florida.

4. This Partial Release shall be recorded in the Public Records of Broward County, Florida, whereby recording fees are to be paid by Owner and shall run with the Property and shall be binding upon and inure to the benefit of the respective successors and assigns of the City, County, and the respective successors and assigns of Owner.

[THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

Signed, sealed and delivered

_____

Printed

HBC Florida, Inc., a Florida corporation

By:_____

Name:_____

Its:_____

_____

Printed Name:_____

Dated:_____

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ of **HBC Florida, Inc., a Florida corporation**.

He or she is:

[ ] personally known to me, or

[ ] produced identification. Type of identification produced _____.

(Seal)

NOTARY PUBLIC:

_____

Print Name:_____

My commission expires:

CITY

WITNESSES:

_____
Print Name: _____
_____
Print Name: _____

CITY OF MIRAMAR

By:_____
Name:_____
Title: City Manager

_____ day of _____, 2017

APPROVED AS TO FORM:

By:_____

Name: _____
Title: City Attorney

_____ day of _____ 2017

STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ___ day of _____, 2017, by _____ as City Manager of THE CITY OF MIRAMAR.

He or she is:
[ ] personally known to me, or
[ ] produced identification. Type of identification produced_____

Seal

NOTARY PUBLIC

_____
Print Name_____
My commission expires:

ATTEST:

_____
County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners of
Broward County, Florida

BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS

By:_____
Printed Name: _____
Title:_____

_____ day of_____, 201__

Approved as to form by
Office of County Attorney
Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, FL 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By_____
Assistant County Attorney

_____ day of _____ 201___

EXHIBIT A
RELEASE AND TERMINATION
LEGAL DESCRIPTION
PROPERTY

Tracts 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, of the Subdivision of Section 31, Township 51 South, Range 40 East, according to the Florida Fruit Land Company's Subdivision Map No. 1, according to the Plat thereof, recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida; said land situated, lying and being in Broward County, Florida.

ATTACHMENT 24

Return to: (enclose self-addressed stamped envelope)

Name: Marla Neufeld, Esq.

Address:
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:
Marla Neufeld, Esq.
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this _____of _____, 2017, by **HBC Florida, Inc.**, **a Florida corporation**, its successors and assigns ("Owner"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA, a political subdivision of the State of Florida** ("County"), and the **City of Miramar,** a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land known located in the City, more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, Owner made an application requesting that the land use plan designation on the Property be changed from Rural (City)/Agriculture (County) to "Irregular 3.21" Residential to allow a single family residential development ("Application"); and

WHEREAS, in connection with the Application, Owner has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the County and the City.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Owner hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Covenant by this reference.

2. Covenants. Prior to the issuance of the 49th building permit for a dwelling unit on the Property, the Owner shall pay to the City Five Hundred Dollars ($500) per dwelling unit for

the 337 additional dwelling units on the Property in the total amount of **One Hundred and Sixty Eight Thousand Five Hundred Dollars ($168,500.00) to be used by the City** towards the City's affordable housing programs ("Affordable Housing Contribution").

3. Release. Upon presentation to the County of evidence of payment of the Affordable Housing Contribution, at the request and expense of Owner, the County and City shall cause a release and termination of this Agreement in the form attached hereto as **Exhibit B** to be recorded in the Public Records of Broward County, Florida, evidencing such completed performance of this Covenant. The issuance of the release shall not require County or City Commission approval.

4. Amendments. Except as otherwise provided herein, this Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County and City. The appropriate governmental authority of the County and City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense.

5. Recordation and Effective Date. This Covenant shall not become effective and shall not be recorded in the Public Records of Broward County, Florida, until after approval by the County and City of the requested Application and the expiration of all appeal periods or, if an appeal is filed, the conclusion of such appeal in a manner that does not affect the County's or City approval the Application. Once recorded, this Covenant shall run with the land for the sole benefit of the County and City and shall bind all successors-in-interest with respect to the Property. This Covenant shall not give rise to any other cause of action by any parties other than the County or City, and no parties other than the County or City shall be entitled to enforce this Covenant. Any failure by the County or City to enforce this Covenant shall not be deemed a waiver of the right to do so thereafter.

6. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Covenant invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue shall be Broward County, Florida.

7. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

8. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

Signed, sealed and delivered

HBC Florida, Inc., a Florida corporation

_____ By:_____

Printed Name:_____

Its:_____

_____ Dated:_____

Printed Name:_____

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ of **HBC Florida, Inc., a Florida corporation**.

He or she is:

[ ] personally known to me, or

[ ] produced identification. Type of identification produced _____.

(Seal)

NOTARY PUBLIC:

_____

Print Name:_____

My commission expires:

Mortgagee Consent:

_____ ("Mortgagee"), is the holder of a mortgage executed on _____ recorded in Official Records Book _____- Page _____by and between _____ and Mortgagee (as extended, modified, restated, consolidated and assigned), security agreements and collateral assignment of leases and rents (as modified and assigned) ("Mortgage Loan Documents").

Mortgagee hereby consents to the terms of this Covenant and hereby absolutely and unconditionally subordinates the lien of the aforementioned Mortgage Loan Documents and all of its rights thereunder to all of the rights of the parties hereto, their successors and assigns, under the Amendment granted herein.

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

_____
By:_____
Name:_____
Title:_____

Date: _____

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, the _____ of _____, freely and voluntarily under authority duly vested in him/her by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. He/she is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2016.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION
PROPERTY

Tracts 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, of the Subdivision of Section 31, Township 51 South, Range 40 East, according to the Florida Fruit Land Company's Subdivision Map No. 1, according to the Plat thereof, recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida; said land situated, lying and being in Broward County, Florida.

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name: Marla Neufeld, Esq.

Address:
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:
Marla Neufeld, Esq.
Greenspoon Marder, P.A.
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA **SPACE ABOVE THIS LINE FOR PROCESSING DATA**

RELEASE AND TERMINATION OF DECLARATION OF RESTRICTIVE COVENANTS

This Release and Termination of Declaration of Restrictive Covenant ("Release and Termination") is effective as of this ____ day of _____, 201__ by **BROWARD COUNTY, a political subdivision of the State of Florida** ("County") and the **City of Miramar,** a municipal corporation organized pursuant to the State of Florida ("City").

WHEREAS, HBC Florida, Inc., a Florida corporation, its successors and assigns ("Owner"), the fee simple title owner of the property described on **Exhibit A,** attached hereto ("Property"), entered into that certain Declaration of Restrictive Covenant dated _____ ("Declaration") in favor of the County and City that is recorded at Instrument #_____in Public Records of Broward County, Florida. Terms not otherwise defined herein shall have the same meaning set forth in the Declaration; and

WHEREAS, pursuant to terms and provisions of the Declaration, prior to the issuance of the 49th building permit for a dwelling unit on the Property, Owner agreed to make a per dwelling unit payment towards the City's affordable housing programs in the total amount of One Hundred and Sixty Eight Thousand Five Hundred Dollars ($168,500.00) ("Affordable Housing Contribution"); and

WHEREAS, pursuant to the Declaration, the County and City are required, at the request of the Owner, to execute a release and termination of the Declaration upon the completion of the Affordable Housing Contribution; and

WHEREAS, the Owner has satisfied its obligation pursuant to the Declaration and has paid the Affordable Housing Contribution to the City; and

WHEREAS, Owner desires that the County and City release and terminate the Declaration by executing this Release and Termination to be recorded in the Public Records of Broward County, Florida, pursuant to the terms and conditions as hereinafter set forth; and

WHEREAS, upon the execution of this Release and Termination, no further action by the County or City Commission will be required and this Release and Termination shall constitute the final release of Owner's obligations under the Declaration.

NOW, THEREFORE, County and City intending to be legally bound, hereby state and declare as follows:

1. The above recitals are true and correct and are incorporated herein.

2. The obligations, terms, conditions, covenants and provisions of the Declaration are of no further force and effect and Owner is released from the Declaration and the Declaration is hereby terminated.

3. This Release and Termination shall be construed and governed in accordance with laws of the State of Florida and in the event of any litigation hereunder, the venue for any such litigation, shall be in Broward County, Florida.

4. This Release and Termination shall be recorded in the Public Records of Broward County, Florida, whereby recording fees are to be paid by Owner and shall run with the Property and shall be binding upon and inure to the benefit of the respective successors and assigns of Count, City and the respective successors and assigns of Owner.

[THIS PAGE INTENTIONALLY LEFT BLANK]

Signed, sealed and delivered

HBC Florida, Inc., a Florida corporation

_____ By:_____

Printed Name:_____

Its:_____

_____ Dated:_____

Printed Name:_____

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____ of **HBC Florida, Inc., a Florida corporation**.

He or she is:

[ ] personally known to me, or

[ ] produced identification. Type of identification produced _____.

(Seal)

NOTARY PUBLIC:

_____

Print Name:_____

My commission expires:

CITY

WITNESSES:

_____
Print Name: _____

_____
Print Name: _____

CITY OF MIRAMAR

By:_____
Name:_____
Title: City Manager

_____ day of _____,
2017

APPROVED AS TO FORM:

By:_____

Name: _____
Title: City Attorney

_____ day of _____ 2017

STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this ___ day of _____, 2017, by _____ as City Manager of THE CITY OF MIRAMAR.

He or she is:
[ ] personally known to me, or
[ ] produced identification. Type of identification produced_____

Seal

NOTARY PUBLIC

_____
Print Name_____
My commission expires:

ATTEST:

_____
County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners of
Broward County, Florida

BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS

By:_____
Printed Name: _____
Title:_____

_____ day of_____, 201__

Approved as to form by
Office of County Attorney
Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, FL 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By_____
Assistant County Attorney

_____ day of _____ 201___

EXHIBIT A

RELEASE AND TERMINATION
LEGAL DESCRIPTION
PROPERTY

Tracts 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, of the Subdivision of Section 31, Township 51 South, Range 40 East, according to the Florida Fruit Land Company's Subdivision Map No. 1, according to the Plat thereof, recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida; said land situated, lying and being in Broward County, Florida.

ATTACHMENT 25

GreenspoonMarder LLP

Cynthia A. Pasch, AICP
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Direct Phone: 954.527.6266
Direct Fax: 954.333.4266
Email: cynthia.pasch@gmlaw.com

January 8, 2018

VIA E-MAIL

Barbara Blake-Boy, Executive Director
Broward County Planning Council
115 South Andrews Ave., Suite 307
Fort Lauderdale, FL 33301

RECEIVED
1/8/2018

Re: Lennar Miramar Land Use Plan Amendment

Dear Barbara:

In response to the Broward County Planning Council's request, representatives of Lennar Homes and CC Homes met with Phillip Gnacinski, Coordinator, and Roger P. Riddlemoser, Director, of the Environmental Health & Safety Department of Broward County Public Schools ("School Board"). The proposed preliminary site plan was presented. The impacts of the proposed development on pedestrian safety and the school environment were discussed.

School Board staff is familiar with the traffic counts at the intersection of Bass Creek Road and SW 172nd Avenue. Staff is aware that the County has conducted a traffic warrant study at this location and the results indicated that a signal is not warranted at this time. Staff indicated that sidewalks along Bass Creek Road and SW 172nd Avenue and proper placement of sidewalks in the design of a traffic circle would create a safe walking condition for students in the area. Staff requested that if a traffic circle is constructed at this intersection the sidewalks should be separated from the traffic circle. Representatives of Lennar Homes and CC Homes confirmed the sidewalks would be pulled back from the traffic signal as requested. Staff indicated they have a very good working relationship with Broward County Engineering and Traffic Engineering staff and they will all be involved during the traffic circle design review process. Representatives of Lennar Homes and CC Homes committed to ensure that the School Board staff is consulted during the traffic circle design process.

Construction impacts on the school environment were also discussed. School Board staff routinely monitors noise and air quality at school sites when construction is occurring in the area of a school. Lennar Homes and CC Homes also have employees who are responsible for ensuring compliance with all environmental regulations on all construction sites. Representatives of Lennar Homes and CC Homes committed to

establishing a direct line of communication between the School Board staff, school principal and the project manager so that any concerns during the construction process can be addressed swiftly.

The end result of the meeting was that representatives of Lennar Homes and CC Homes and School Board staff agreed to work cooperatively to ensure the safety of students and staff.

Sincerely,

GREENSPOON MARDER LLP

Cynthia A. Pasch, AICP
Land Planner

29564.0014
GM 33263106:1

Site visit 11/27/17 MD, Jim & Aaron Goldasich

FPL Everglades Mitigation Bank

Mitigation Bank Site Suitability Evaluation (MBSE) Matrix

Parameters

Parameter	Scoring Criteria	Ratings	Score
1. Adjacent to lands or waters of regional Importance and results in identifiable ecological benefits to adjacent lands or waters.	State Park, OFW, AP, and including but not limited to Special Waters on at least 1 boundary	1	
	Adjacent lands contain no special designation or undesignated special value	0	0
2. Property is within boundary of an acknowledged state, local or regional acquisition program	Property is within boundary of an acquisition program	1	
	Property is not within boundary of an acquisition program	0	0
3. Property contains ecological or geological features consistently considered by regional Scientist, or federal and state agencies to be unusual, unique or rare in the region and is of sufficient size	Property qualifies	1	
	Property does not qualify	0	0
4. Property designated as being of critical state or federal concern and/or contains special designations,	Property contains at least 1 special designation.	1	
	Property contains no special designations.	0	0
5. Property important to acknowledged restoration efforts	Property is important.	1	
	Property is not important.	0	0
6. Ownership and control of the property.	Property is privately owned.	1	1
	Property is publicly owned.	0	
7. Threatened , Endangered & Species of Special Concern Presence of animal species (faunal) found on site	Documented Presence of Species on site	1	
	No documented Presence of species on site.	0	0
8. Threatened , Endangered & Listed Species Presence of plant species (floral) found on site	Documented Presence of Species on site	1	
	No documented Presence of species on site.	0	0
9. Threat of loss or destruction from development activities. *(Development Pressure)*	High probability of development.	1	
	Low probability of development.	0	0
10. Extent to which lands are subject to Local, State, and Federal dredge and fill/ ERP Regulations	Property is not regulated.	1	
	Property is regulated.	0	0
	Value Cumulative Score (CS)		1

The Mitigation Bank Site Suitability Evaluation Matrix is designed to provide a quantifiable means of determining the number of mitigation credits that should be assigned to a bank for **"value"** related parameters. Value related parameters are human values determined to be important to society; and therefore are not measurable in a purely functional analysis. Functional analysis will only measure the degree of functional ecological improvement (degree of ecological improvement) resulting from mitigation activities. The SS Evaluation measures and provides credit for societal values that separate one mitigation bank from another as required by Ch. 62-342 .470 (a) (b) (e) (f) (g) (h) (i) F.A.C.. The SS evaluation is not to be utilized in conjunction with a functional analysis methodology which also utilizes value related parameters in its analysis.

Evaluation Scale

Site	Suitability
1.0	1.10
.9	1.09
.8	1.08
.7	1.07
.6	1.06
.5	1.05
.4	1.04
.3	1.03
.2	1.02
.1	1.01
0	0

1.03

Site Suitability Matrix		
Maximum Possible Score (MPS)		10
Cumulative Score (CS)		1

0.1

EPA, USACOE, USF & W, FDEP, NMFS, SFWMD, Dade DERM, FPL, CH

3-Apr-96

After Calculating the Site Suitability Score determine the Site Suitability Multiplier by utilizing the Evaluation Scale to the left. The Site Suitability Multiplier is to be multiplied times the number of the Functional Mitigation Credits, resulting from the **(W.A.T.E.R.)** Functional Assessment of the Mitigation Bank, to determine the number of Site Suitability Credits to be assigned to the Mitigation Bank.

ATTACHMENT 26

W.A.T.E.R. - Wetland Assessment Technique for Environmental Reviews

Scoring conducted by: J Goldasich, PWS

Mitigation Bank Wetland Function Evaluation & Impact Site Evaluation Matrix

Based on WBI, WQI, WRAP, HGM and 4th Priority Project List (PPL) with technical advise from
EPA, FDEP, ACOE, NMFS, USF & W, SFWMD & Miami-Dade County (W.A.T.E.R. created by: Bill L. Maus)

Data collected on
2013, 2015, 2017
6191

Parameter/ Function	Scoring Criteria	Ratings	Polygon 102.17	Polygon	Polygon	Polygon	Polygon	Polygon
1. Fish & Wildlife Functions *Apply to freshwater, saltwater, brackish and mitigation systems*								
a. Waterfowl, wading birds, wetland dependent, or aquatic birds of prey. (Mit. Bank - High specie count w/ low pop. #'s score 1	7 or more species commonly observed	3						
	3-6 species commonly observed	2						
	1-2 species commonly observed	1	✓	No open water on site or waterfowl noted				
	0 species commonly observed	0	0					
b. Fish (Mit. Bank - High specie count w/ low pop. #'s score 1 Restoration that causes 12% pop. Increases-higher score)	7 or more species commonly observed	3						
	3-6 species commonly observed	2						
	1-2 species commonly observed	1	✓	same as above				
	0 species commonly observed	0	0					
c. Mammals (Mit. Bank - High specie count w/ low pop. #'s score 1 Restoration that causes 12% pop. Increases-higher score)	Top predator (carnivore) &/or large mammals	3						
	Medium sized mammals , (adult weight > 6 ibs.)	2						
	Small animals (rodents, etc.) , (adult weight < 6 lbs.)	1	✓	Raccoon tracks along perimeter				
	0 species present	0	1					
d. Aquatic macroinvertebrates, amphibians (Mit. Bank - High specie count w/ low pop. #'s score 1 Restoration that causes 12% pop. Increases-higher score)	7 or more species commonly observed	3						
	3-6 species commonly observed	2						
	1-2 species commonly observed	1	✓	Likely ~~with~~ to occur				
	0 species commonly observed	0	1					
e. Aquatic reptiles (Mit. Bank - High specie count w/ low pop. #'s score 1 Restoration that causes 12% pop. Increases-higher score)	Large species observed	3						
	Aquatic turtles	2						
	Snakes & lizards	1	✓	Likely to occur				
	No evidence of species present	0	1					

W.A.T.E.R. - Wetland Assessment Technique for Environmental Reviews

Scoring conducted by: J Goldasich, PWS

Mitigation Bank Wetland Function Evaluation & Impact Site Evaluation Matrix
Based on WBI, WQI, WRAP, HGM and 4th Priority Project List (PPL) with technical advise from
EPA, FDEP, ACOE, NMFS, USF & W, SFWMD & Miami-Dade County (W.A.T.E.R. created by: Bill L. Maus)

Data collected on
2013, 2015, 2017
6191

Parameter/ Function	Scoring Criteria	Ratings	Polygon 102.17	Polygon	Polygon	Polygon	Polygon	Polygon
2. Vegetative Functions *Apply to freshwater, saltwater, brackish and mitigation systems*								
a. Overstory/shrub canopy	Desirable trees/shrub healthy & providing appropriate habitat (seedlings present) & no inappropriate species	3						
	Desirable trees/shrubs exhibit signs of stress (no seedlings) few inappropriate species present	2						
	Inappropriate trees/shrubs shading or overcoming desirable tree/shrubs	1		Overstory is Melaleuca (FLEPPC sp.)				
	Very little or no desirable tree/shrubs present (evidence suggests there should be)	0	0					
b. Vegetative ground cover	Assessment area exhibits <2% inappropriate herbaceous ground cover for specific wetland systems and groundcover is present	3						
	Assessment area contains >2% but <30% inappropriate herbaceous groundcover, or lack of groundcover >2% but < 30%	2		Sawgrass noted in open areas, however, most of				
	Assessment area contains >30% to <70% inappropriate herbaceous groundcover, or lack of ground cover >30% to <70%	1		the site is dominated by Melaleuca, preventing growth of				
	Assessment area >70% inappropriate herbaceous groundcover or lack of groundcover >70%	0	0					
c. Periphyton mat coverage	Periphyton (Blue-green algae) present with average mat thickness >1 1/4 in. (measure active & dead layer)	3		native/ ~~[illegible]~~ appropriate groundcover				
	Periphyton (Blue-green algae) present with average mat thickness between 3/4 in. to 1 1/4 in. (active & dead layer)	2						
	Periphyton (Blue-green algae) present with average mat thickness between 1/4 in. to 3/4 in. (active & dead layer)	1		None seen				
	Periphyton (Blue-green algae) not present or if pressent with average thickness of 0.0 to 1/4 in. (active & dead layer)	0	0					
d. Category 1 and Category 2 exotic plants or (non-native) species	< (or = to) 1 % exotic plant cover	3						
	>1 % to 10 % exotic plant cover	2						
	>10 % to 65 % exotic plant cover	1						
	> 65 % exotic plant cover	0	0					
e. Habitat diversity (vegetative) *(within assessment area)*	>3 native species communities on site within assesssment area	3						
	2 or 3 native specie communities on site within assessment area	2						
	1 native species community with 75 % to 90 % coverage within assessment area	1						
	1 native species community has > 90 % coverage within assessment area	0	0	None seen				
f. Biological diversity within 3000 feet *(approximately 1/2 mile from edge of assessment area)*	> 3 alternative habitats available (including upland)	3	3					
	2 to 3 alternative habitats	2		Surrounding conservation/mitigation areas				
	1 alternative habitat	1						
	Same habitat type, or inappropriate / impacted	0						

W.A.T.E.R. - Wetland Assessment Technique for Environmental Reviews

Scoring conducted by: J Goldasich, PWS

Mitigation Bank Wetland Function Evaluation & Impact Site Evaluation Matrix

Based on WBI, WQI, WRAP, HGM and 4th Priority Project List (PPL) with technical advise from
EPA, FDEP, ACOE, NMFS, USF & W. SFWMD & Miami-Dade County (W.A.T.E.R. created by: Bill L. Maus)

Data collected on
2013, 2015, 2017
6191

Parameter/ Function	Scoring Criteria	Ratings	Polygon 102.17	Polygon	Polygon	Polygon	Polygon	Polygon
3. Hydrologic Functions								
a. Surface water hydrology / sheet flow *Apply to freshwater, saltwater, brackish and mitigation systems*	Major connection *(Flowing water/ river or floodplain/ uniform flow through natural systems)*	3	1	some connection despite berm				
	Moderate connection *(Natural restriction of flow or Flowing water due to hydrologic engineering)*	2						
	Minor connection *(Runoff collection point, or uneven flow due to berms, ditches, roadways etc,)*	1						
	Hydrologically isolated, no net lateral movement	0						
b. Hydroperiod (normal year) fresh systems	> 8 months inundated with no reversals & every year drydown	3	1					
	>5 months < 8 months or >5 years continuous inundation (look for strong water stains on persistent vegetation)	2						
	>1 month < 5 months, with possible reversals (look for soft or less distinct water stains on persistent vegetation)	1						
	< 4 weeks cumulative annual inundation or < 2 weeks continuous inundation	0						
b-1 Alternate to b. for Short Hydroperiod (normal year) fresh systems:	>10 weeks of continuous inundation including soil saturation	3						
	> 6 weeks but <10 weeks of continuous inundation including soil saturation	2						
	>2 weeks but <6 weeks of inudation, including soil saturation	1						
	<2 weeks of continuos inundation	0						
b-2 Alternate to b. for Saltwater, brackish (tidal) systems	Inundated by >90% high tides	3						
	Inundated by "spring" high tides (bi-monthly)	2						
	Inundated by "extreme high" tides only (biannually)	1						
	Inundated by storm surges only	0						
b-3 Alternate to b. for High Marsh (Juncus-Distichlis)	Inundated by high "spring" tides (monthly) and flushed by fresh water sheetflow every 10 days average	3						
	Inundated by high "spring" tides (monthly) and flushed by fresh water sheetflow every 30 days on the average	2						
	Inundated by high "spring" tides (monthly)and exposed to rain only	1						
	Inundated by >50% high tides and exposed to rain only	0						
b-4 Alternate to b. for Riverine systems	Inundated by high tides (daily) and/or recieves and maintains fresh water at least into first half of dry season	3						
	Inundated by high tides (daily) and/or recieves and maintains fresh water during rainy season only	2						
	Inundated by high tides (daily) and/or recieves fresh water but does not maintain (reversal) during rainy season	1						
	Inundated by spring tides (bi-monthly) and/or experiences frequent reversals of fresh water (flashy)	0						

W.A.T.E.R. - Wetland Assessment Technique for Environmental Reviews

Scoring conducted by: J Goldasich, PWS

Mitigation Bank Wetland Function Evaluation & Impact Site Evaluation Matrix
Based on WBI, WQI, WRAP, HGM and 4th Priority Project List (PPL) with technical advise from
EPA, FDEP, ACOE, NMFS, USF & W, SFWMD & Miami-Dade County (W.A.T.E.R. created by: Bill L. Maus)

Data collected on
2013, 2015, 2017
6191

Parameter/ Function	Scoring Criteria	Ratings	Polygon 102.17	Polygon	Polygon	Polygon	Polygon	Polygon
3. Hydrologic Functions continued								
c. Hydropattern (fresh system)	>1 ft. water depth for at least 2.5 months and <6 in. for >1 month (measure water mark/ lichen line), or water depth ideal for specific wetland system.	3						
	>6 in to 1 ft. for at least 2.5 months (measure water mark/ lichen line) or water depth borderline over or under for specific wetland system	2						
	<6 in. for at least 2.5 months (measure water mark/ lichen line) or water depth incorrect for specific wetland system	1	1 ✓					
	<6 in. in association with either canals, ditches, swales, culverts, pumps, and/or wellfields, or these factors cause water depth to be too deep for specific system.	0						
c-1 Alternate to c. for Saltwater, brackish (tidal) systems	>1 ft. water depth <2 ft. on 90% high tides	3						
	> 6 in. water depth <1 ft. on >50% high tides	2						
	< 6 in. water depth . but > than saturated	1						
	Saturated by saline water table only	0						
c-2 Alternate to c. for High Marsh (Juncus-Distichlis)	>10 in. water depth <2 ft. on regular basis during growing season	3						
	>5 in. to 10in. water depth on regular basis during growing season	2						
	>1 in. to 5 in. water depth on regular basis during growing season	1						
	>0.0 in. to 1 in. water depth sporadically during growing season	0						
c-3 Alternate to c. for Riverine systems	>2 ft. water depth (main channel) <6 ft. for 8 months	3						
	>2 ft. water depth (main channel) <4 ft. for 6 months	2						
	>1 ft. water depth (main channel) <2.5 ft. for 4 months	1						
	<1 ft. water depth, but dry for >4 weeks (dry season)	0						

W.A.T.E.R. - Wetland Assessment Technique for Environmental Reviews

Scoring conducted by: J Goldasich, PWS

Mitigation Bank Wetland Function Evaluation & Impact Site Evaluation Matrix
Based on WBI, WQI, WRAP, HGM and 4th Priority Project List (PPL) with technical advise from
EPA, FDEP, ACOE, NMFS, USF & W, SFWMD & Miami-Dade County (W.A.T.E.R. created by: Bill L. Maus)

Data collected on
2013, 2015, 2017
6191

Parameter/ Function	Scoring Criteria	Ratings	Polygon 102.17	Polygon	Polygon	Polygon	Polygon	Polygon
3. Hydrologic Functions continued								
d. Water Quality	No indication of poor water quality (lab testing required, all values within acceptable range)	3	2 ✓	No reason to think this would be less				
	No visual indicators of poor water quality observed (1 value just over or under acceptable range)	2						
	Visual indicators of poor water quality questionable (2 values over or under acceptable range)	1						
	Visual indicators of poor water quailty observed or lab verified (values are out of acceptable range)	0						
e. Intactness of historic topography (soil disturbance)	Unaltered	3	2 ✓	Some disturbance				
	Slightly altered soil disturbance, < 10% of assessment area	2						
	Moderately altered soil disturbance, < 25% of assessment area	1						
	Extremely altered soil disturbance, may exceed 50% of assessment area	0						
f. Soils, organic (fresh systems)	Organic soil classified hydric soil >12 in. or any thickness over bedrock/caprock with perched water table and either condition covering >90% of surface area	3	3 ✓					
	Organic soil classified hydric soil >6 in. but <12 in. and covering >90% of surface area	2						
	Organic soil classified hydric soil >1 in. but <6 in. and covering >50% but <90% of surface area	1						
	Organic soil classified non-hydric soil <1 in. for >50% of surface area	0						
f-1 Alternate to f. for *Freshwater, saltwater systems*	Sandy soil classified hydric soil with distinct mottling and concretions present in greater than 40% of horizon.	3						
	Sandy soil classified hydric soil with mottling and concretions present in > 20% but < 40% of horizon.	2						
	Sandy soil classified hydric soil with light or sparse mottling and concretions < 2 mm diameter or < 20% of horizon.	1						
	Sandy soil exhibits strong evidence of disturbance or mechanical manipulations or is fill material.	0						
f-2 Alternate to f. for *Freshwater, saltwater, brackish (tidal) systems*	Calcareous loam >12 in. and >90 % of surface area	3						
	Calcareous loam >6 in. to <12 in. and >90% of surface area	2						
	Calcareous loam >1 in. to <6 in. and covering >50% but <90% of surface area	1						
	Calcareous loam <1 in. for >50% of surface area	0						

W.A.T.E.R. - Wetland Assessment Technique for Environmental Reviews

Scoring conducted by: J Goldasich, PWS

Mitigation Bank Wetland Function Evaluation & Impact Site Evaluation Matrix

Based on WBI, WQI, WRAP, HGM and 4th Priority Project List (PPL) with technical advise from EPA, FDEP, ACOE, NMFS, USF & W, SFWMD & Miami-Dade County (W.A.T.E.R. created by: Bill L. Maus)

Data collected on **2013, 2015, 2017**

6191

Parameter/ Function	Scoring Criteria	Ratings	Polygon 102.17	Polygon	Polygon	Polygon	Polygon	Polygon
4. Salinity Parameters *Apply to freshwater, saltwater, brackish, hypersaline and mitigation systems* - ***Choose 1***								
a. Optimum salinity for fresh systems during growing season based on mean high salinity for a normal year. *Apply to freshwater systems within 5 miles of the coast*	<2 parts per thousand (ppt)	3						
	2 to 3 parts per thousand (ppt)	2						
	4 to 5 parts per thousand (ppt)	1						
	>5 parts per thousand (ppt)	0						
a-1. Alternate to a. Optimum salinity for brackish systems during growing season based on mean high salinity for a normal year. *Apply to brackish (tidal) systems only*	6 to 8 parts per thousand (ppt)	3						
	9 to 13 parts per thousand (ppt)	2						
	14 to 16 parts per thousand (ppt)	1						
	>16 parts per thousand (ppt)	0						
a-2. Alternate to a. Optimum salinity for saline systems during growing season based on mean high salinity for a normal year. *Apply to saline marsh (tidal) systems only*	17 to 19 parts per thousand (ppt)	3						
	20 to 22 parts per thousand (ppt)	2						
	23 to 25 parts per thousand (ppt)	1						
	>25 parts per thousand (ppt)	0						
a-3. Alternate to a. Optimum salinity for hypersaline systems during growing season based on mean high salinity for a normal year. *Apply to hypersaline (tidal) systems only*	26 to 41 parts per thousand (ppt)	3						
	42 to 46 parts per thousand (ppt)	2						
	47 to 51 parts per thousand (ppt)	1						
	>51 parts per thousand (ppt)	0						
a-4 Alternate to a. Optimum salinity for riverine/tidal creek system during growing season based on mean high slainity for a normal year. *Apply to riverine systems only*	bottom (lower) third between 12 to 25 ppt middle third between 5 to 11 ppt. upper (top) third betweem 0 to 4 ppt.	3						
	bottom (lower) third between 25 to 32 ppt middle third between 6 to 24 ppt. upper (top) third betweem 0 to 5 ppt.	2						
	bottom (lower) third between 30 to 40 ppt middle third between 8 to 29 ppt. upper (top) third betweem 0 to 7 ppt.	1						
	bottom (lower) third between 35 to 50 ppt middle third between 10 to 34 ppt. upper (top) third betweem 0 to 9 ppt.	0						

Cumulative Score (SC)	15	16
Maximum Possible Score (MPS)	48	48
W.A.T.E.R. = Cumulative Score/Maximum Possible Score	0.31	0.33
ACRES OF IMPACT =	102.17	102.17
MSBE =	1.01	101
EMB CREDITS REQUIRED =	32.25	34.05

ATTACHMENT 27

From: Hight, Jason [mailto:Jason.Hight@MyFWC.com]
Sent: Wednesday, January 03, 2018 4:11 PM
To: DCPexternalagencycomments@deo.myflorida.com; Blake Boy, Barbara
Cc: Raininger, Christine ; Wallace, Traci
Subject: Broward County 17-8ESR (PCT 18-1; PC 18-2)

Dear Ms. Blake Boy:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

If you need any further assistance, please do not hesitate to contact our office by email at FWCConservationPlanningServices@MyFWC.com.

If you have specific technical questions, please contact Christine Raininger at (561) 882-5811 or by email at Christine.Raininger@MyFWC.com.

Sincerely,
Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055
Broward County 17-8ESR _34722