



## Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Agenda

February 7, 2024  
7:00 pm

13400 Griffin Road  
Southwest Ranches, FL 33330

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### Board Members

Joseph Altschul  
Renee Greene  
Newell Hollingsworth  
Lori Parrish  
Robert Sirota

### Council Liaison

Steve Breitkreuz

### Staff Liaison

Emily Aceti

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment: Items relating to the Comprehensive Plan but not on the agenda
5. Advisory Board Orientation – Presentation by Town Clerk Debra Ruesga
6. Old Business
  - A. Approval of minutes for January 18, 2024
  - B. Capital Improvement Element Policies 1.1-c; 1.1-e; 1.2-b (Tabled from January 18<sup>th</sup>)
7. New Business
  - A. US 27 Land Use Plan Amendment (tabled from January 18<sup>th</sup>)
  - B. Wall Height Ordinance
  - C. Dark Skies Ordinance
8. Board Member / Staff Comments and Suggestions
9. Items for Next Meeting
10. Adjournment

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



## Town of Southwest Ranches Comprehensive Plan Advisory Board Meeting Minutes

January 18, 2024  
7:00 PM

Town Hall  
13400 Griffin Road

### Call to Order

### Roll Call

Joseph Altschul – Present  
Renee Greene - Present  
Newell Hollingsworth – Present  
Lori Parrish – Absent  
Robert Sirota – Present

Also present: Mayor Steve Breitkreuz, Vice Mayor David Kuczenski, Council Member Jim Allbritton, Council Member Bob Hartmann, Council Member Gary Jablonski, Town Planner Jeff Katims, Community Services Manager Emily Aceti (via phone)

### Pledge of Allegiance

#### Motion: To elect Joseph Altschul as Chair.

Result	1 <sup>st</sup>	2 <sup>nd</sup>	JA	RG	NH	LP	RS
<i>Passed</i>	<i>NH</i>	<i>RS</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

#### Motion: To elect Lori Parrish as Vice Chair.

Result	1 <sup>st</sup>	2 <sup>nd</sup>	JA	RG	NH	LP	RS
<i>Passed</i>	<i>NH</i>	<i>RG</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

#### Motion: To elect Robert Sirota as Recording Secretary.

Result	1 <sup>st</sup>	2 <sup>nd</sup>	JA	RG	NH	LP	RS
<i>Passed</i>	<i>NH</i>	<i>RG</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

**Motion: To approve the November meeting minutes.**

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>RG</b>	<b>NH</b>	<b>LP</b>	<b>RS</b>
<i>Passed</i>	<i>NH</i>	<i>RG</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

**Motion: To defer Capital Improvement Element Policy 1.1-c until February meeting.**

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>RG</b>	<b>NH</b>	<b>LP</b>	<b>RS</b>
<i>Passed</i>	<i>NH</i>	<i>RG</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

**Motion: To defer Capital Improvement Element Policy 1.1-e until February meeting.**

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>RG</b>	<b>NH</b>	<b>LP</b>	<b>RS</b>
<i>Passed</i>	<i>NH</i>	<i>RG</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

**Motion: To defer Capital Improvement Element Policy 1.2-b until February meeting.**

<b>Result</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>JA</b>	<b>RG</b>	<b>NH</b>	<b>LP</b>	<b>RS</b>
<i>Passed</i>	<i>NH</i>	<i>RG</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Abs</i>	<i>Y</i>

Items for February Meeting

- Capital Improvement Element Policies 1.1-c; 1.1-e; 1.2-b
- US 27 Land Use Plan Amendment
- Dark Skies Ordinance
- Wall Height

**Meeting Adjourned**

# **Agenda Item 6B**

Capital Improvement Element Policies 1.1-c; 1.1-e; 1.2-b  
(Tabled from January 18<sup>th</sup>)

## CAPITAL IMPROVEMENT ELEMENT

### III.I Capital Improvements Element (CIE)

#### 1. GOALS, OBJECTIVES AND POLICIES

##### CIE GOAL 1

**ENSURE THAT THE INFRASTRUCTURE NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC IS PROVIDED IN A TIMELY AND EFFICIENT MANNER, AND THAT PUBLIC FACILITIES ARE MAINTAINED AT OR ABOVE THE LEVEL OF SERVICE STANDARDS ADOPTED IN THIS PLAN.**

~~{9J-5.016(3)(a)}~~

##### CIE OBJECTIVE 1.1

**THE TOWN SHALL DEVELOP AND CONTINUOUSLY IMPROVE A PROCESS THAT GUIDES THE CAPITAL FACILITY PLANNING OF THE TOWN IN ORDER TO:**

1. Accommodate projected growth, maintain existing facilities, replace obsolete or deteriorated facilities.
2. Coordinate future land use decisions and fiscal resources with a schedule of capital improvements which maintain adopted LOS standards.
3. Upgrade public infrastructure serving developed lands that do not currently meet LOS standards.
4. Remain fiscally responsible.

~~{9J-5.016(3)(b)(1,3 &5)}~~

Measurement: Annual update of a 5 year schedule of capital improvements.

**CIE POLICY 1.1-a:** Public facilities and services needed to support development will be provided concurrent with the impacts of development, as measured by the Town's adopted LOS standards. The LOS standards are as established in other elements of the Comprehensive Plan, as follows:

- potable water: UE Policy 1.2-m;
- wastewater: UE Policy 1.2-z
- drainage: UE Policy 1.1-g
- solid waste: UE Policy 1.1-f
- traffic: TE Policy 1.1-l and TE Policy 1.1-m
- parks and recreation: ROS Policy 1.2-a
- public school facilities: PSFE Policy 1.2-c

- water quality: UE Policy 1.1-h

**CIE POLICY 1.1-b:** All capital improvement projects shall meet an initial objective standard test of furthering the Town's Comprehensive Plan, providing necessary infrastructure replacement/renewal, correcting existing deficiencies, maintaining adopted LOS and providing facilities concurrent with development. Prioritizing and funding of all projects shall be based on the nature of funds available.

~~{9} 5.016(3)(c)(1,3-6 & 7)~~

**CIE POLICY 1.1-c:** The following standards regarding debt shall be adhered to, where feasible: The total debt service shall not exceed 15% of the Town's total revenues. The average annual bond maturities shall not exceed 15 years. Debt payment shall not exceed 30 years.

~~{9} 5.016(3)(c)(2)~~

**CIE POLICY 1.1-d:** The Town Council shall annually monitor, evaluate, adopt and prioritize the implementation of a 5-year schedule of capital improvements.

~~{9} 5.016(3)(c)(7)~~

**CIE POLICY 1.1-e:** ~~All future developments~~ A developer shall be responsible for construct paying proportionate fair share of the cost of all public facilities and improvements thereto required to accommodate the portion of their development's impact ~~project's impact without that exceeds~~ exceeding the adopted level of service standards. Alternatively, the Town may accept payment in lieu of construction if the applicable improvement is programmed in the CIP. Administration of this policy shall be in compliance with requirements in F.S. 163.3180, as may be amended from time to time.

**CIE Policy 1.1-f:** The Town shall annually update the five year capital improvements schedule included in this element as provided by law in order to adjust the five year planning horizon, reflect project status, and ensure the Town's ability to meet its adopted level of service standards.

**CIE Policy 1.1-g:** The five year schedule of capital improvements shall reflect the current City of Sunrise 10-Year Water Supply Facilities Work Plan, adopted (Amendment No. ~~1520-102~~ESR, ~~January-July 1420~~, 20~~15~~20), and the capital projects described therein for the purposes of ensuring that adequate water supply will be provided for the limited number of properties that are or will be served by City of Sunrise.

**CIE Policy 1.1-h:** The Town hereby adopts by reference the Cooper City 10-year Water Supply Facilities Work Plan (Amendment No. ~~1520-01~~ESR, ~~December August 3025~~, 20~~14~~20) as incorporated and adopted in the Infrastructure Element

of its Comprehensive Plan and the capital improvement projects contained therein.

**CIE POLICY 1.1-i:** The Town shall include in its land development regulations provisions to implement a proportionate fair-share mitigation system for transportation per the requirements of s. 163.3180, Florida Statutes.

## **SCHOOL CAPITAL FACILITIES PLANNING**

### **CIE Objective 1.2**

**THE TOWN, IN COLLABORATION WITH THE SCHOOL BOARD, BROWARD COUNTY AND THE LOCAL GOVERNMENTS WITHIN BROWARD COUNTY, SHALL ENSURE THAT PUBLIC SCHOOL FACILITIES ARE AVAILABLE FOR CURRENT AND FUTURE STUDENTS CONSISTENT WITH AVAILABLE FINANCIAL RESOURCES AND THE ADOPTED LEVEL OF SERVICE (LOS).**

Measurement:

- School enrollment projections compared to the School District's Adopted Five-Year District Educational Facilities Plan (DEFP)

**CIE Policy 1.2-a:** Consistent with policies and procedures within the Amended Interlocal Agreement for Public School Facility Planning (ILA), the DEFP shall contain a five year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted LOS in all concurrency service areas (CSAs). Pursuant to the ILA, this financially feasible schedule shall be updated by the School Board on an annual basis. The Town's five-year schedule of capital improvements shall reflect each annual DEFP update.

**CIE Policy 1.2-b:** Pursuant to the ILA, The uniform, district-wide LOS shall be as follows:

School Type A is a bounded elementary, middle or high school that has the equivalent of at least 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type A shall be 100% gross capacity (including relocatables).

School Type B is a bounded elementary, middle or high school that has less than the equivalent of at least 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type A shall be 110% FISH capacity

The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements.

**CIE Policy 1.2-c:** Pursuant to the ILA, the adopted LOS shall be applied consistently by Broward County, the Town, the municipalities and the School Board, district-wide to all schools of the same type.

**CIE Policy 1.2-d:** The five-year schedule of capital improvements shall reflect the School Board’s current DEFP.

### **CIE Objective 1.3**

#### **FORMALLY RECOGNIZE THE CAPITAL EXPENDITURES OF OTHER AGENCIES THAT PROVIDE CAPITAL FACILITIES UPON WHICH THE TOWN OF SOUTHWEST RANCHES RELIES TO MEET ADOPTED LEVEL OF SERVICE STANDARDS.**

Measurement:

- Annual review and update of implementing policies as appropriate to reflect changes to capital facility plans upon which the Town of Southwest Ranches relies to meet adopted level of service standards.

**CIE Policy 1.3-a:** In order to ensure that adopted level of service standards for the transportation system are maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the following plans and programs as updated annually, to the extent that such improvements are required in order to maintain the Town’s adopted levels of service for transportation facilities:

- Broward County Capital Improvements Program
- Broward County MPO Transportation Improvement Program
- Broward County MPO Cost Feasible Long-Range Transportation Plan
- FDOT’s Adopted Work Program

**CIE Policy 1.3-b:** In order to ensure that adopted level of service standards for the parks and recreation system continue to be maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the current Broward County Capital Improvements Program to the extent that such improvements are required in order to maintain the Town’s adopted level of service standard for parks.

**CIE Policy 1.3-c:** In order to ensure that adopted level of service standards for the countywide public school system are maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the current Broward County School District’s Adopted Five-Year District Educational Facilities Plan.



**CIE Policy 1.3-d:** In order to ensure that adopted level of service standards for the solid waste disposal system continue to be maintained, the Town of Southwest Ranches five year schedule of capital improvements shall reflect the current Broward County Capital Improvements Program.

**2. CAPITAL IMPROVEMENT IMPLEMENTATION**

**THE TOWN OF SOUTHWEST RANCHES SHALL CONTINUE TO CONSIDER THE FOLLOWING:**

- 1. Pursue alternative methods for protecting, preserving and enhancing the Town’s rural lifestyle.
- 2. ~~Any Coordinate~~ Town–developed tertiary drainage systems ~~–must be coordinated~~ with the Central Broward Water Control District and the South Broward Drainage District.
- 3. Pursue discussions with government authorities in order to develop methods to protect the integrity of 8 archeological sites (LAPC) in environmentally sensitive areas, as designated by the Broward County Board of County Commissioners.
- 4. Evaluate the public benefits of annexing lands into the Town.
- 5. Maintain Land Development Code regulations which are consistent with the adopted comprehensive plan.
- 6. Explore methods of obtaining funds for purchasing and constructing public passive open space and trails.
- 7. Explore possibilities of securing funds for improving traffic capacity on Griffin Road and constructing 184th Avenue.
- 8. Encourage removing Dykes Road and S.W. 172nd Avenue as major collector roadways between Griffin Road and Sheridan Street and initiate amendments to Broward County Trafficways PlanMPØ.
- ~~9. Encourage enforcement of the Town’s current land development regulations.~~
- ~~910. Reserved. Analyze the 2010 Census data and evaluate the Comprehensive Plan to reflect new data.~~
- ~~1011.~~ Develop and maintain a tertiary drainage plan for all the areas within ~~our~~ the Town.
- ~~1112.~~ Adopt a procedure for upgrading and increasing landscaping along all major arterial roadways and designated multi-use Greenways to conform to Xeriscape landscape requirements.

~~13. The Evaluation and Monitoring System shall include an annual report of its five year capital improvements element to determine the status of its existing programs or any new programs.~~

124. Implement the capital improvements identified in this Comprehensive Plan as may be updated from time to time.

135. ~~Determine The Town shall determinethe~~ feasibility of constructing a Comprehensive Mitigation Bank in lieu of preserving and enhancing individual isolated wetlands.

## Five Year Capital Improvement Plan

### All Funds Project Expenditure Summary FY 2024 - FY 2028

FUND		FY 2024		FY 2025		FY 2026		FY 2027		FY 2028		Total
		AMT	FUNDING SOURCE	AMT	FUNDING SOURCE	AMT	FUNDING SOURCE	AMT	FUNDING SOURCE	AMT	FUNDING SOURCE	-
	<b>General Fund Total</b>	<b>FY 2024</b>	-	<b>FY 2025</b>	-	<b>FY 2026</b>	-	<b>FY 2027</b>	-	<b>FY 2028</b>	-	
-	Fire Wells Replacement and Installation	20,000	FA	20,000	FA	20,000	FA	20,000	FA	20,000	FA	100,000
-	Town Hall Multi-Purpose Storage Building	50,000	ARPA	-	NF	-	NF	-	NF	-	NF	50,000
-	Public Safety Facility\Emergency Operations Center (EOC)	430,500	ARPA	-	NF	-	NF	-	NF	7,600,000	NF	8,030,500
-	Dykes Road Piping	514,780	ARPA	-	NF	-	NF	-	NF	-	NF	514,780
-	GF-FB	1,058,293	ARPA	-	NF	-	NF	-	NF	-	NF	1,058,293
-		-	-	-	-	-	-	-	-	-	-	-
	<b>Capital Projects Fund Total</b>											
-	SW Meadows Sanctuary Park - Grant Requirements	45,000	CIP-FB	308,031	NF	318,406	NF	318,406	NF	318,406	NF	1,308,249
-	Rolling Oaks Passive Open Space Park Parking Area Lighting	45,000	NF	-	NF	-	NF	-	NF	-	NF	45,000
-	Town Wide Parks Master Plan	50,000	NF	-	NF	-	NF	-	NF	-	NF	50,000
-	Frontier Trails Conservation Area	125,000	NF	223,500	NF	689,650	NF	841,500	NF	841,500	NF	2,721,150
-	Country Estates Fishing Hole Park	150,000	NF	175,000	NF	240,000	NF	229,575	NF	270,425	NF	1,065,000
-	Calusa Corners Park	296,000	NF	503,225	NF	195,500	NF	211,000	NF	211,000	NF	1,416,725
-		-	-	-	-	-	-	-	-	-	-	-
	<b>Transportation Fund Total</b>											
-	Flashing Speed Limit Signs	66,000	GF Tfr	66,000	GF Tfr	66,000	GF Tfr	-	NF	-	NF	198,000
-	Surface and Drainage Ongoing Rehabilitation (TSDOR): Non-Surtax	295,000	GF Tfr	155,000	GF Tfr	155,000	GF Tfr	155,000	GF Tfr	155,000	GF Tfr	915,000
-	Southwest Meadows Sanctuary Water Quality and Drainage Project	750,000	G, GF Tfr	-	NF	-	NF	-	NF	-	NF	750,000
-	Drainage Improvement Projects: Non-Surtax	1,300,216	G, GF Tfr, TFB	138,000	GF Tfr	138,000	GF Tfr	138,000	GF Tfr	138,000	GF Tfr	1,852,216
-	Pavement Striping and Markers	20,000	NF	20,000	NF	20,000	NF	20,000	NF	20,000	NF	100,000
-	Guardrails Installation Project	450,000	NF	400,000	NF	205,000	NF	205,000	NF	-	NF	1,260,000
-		-	-	-	-	-	-	-	-	-	-	-
	<b>PROJECT TOTALS</b>	<b>\$5,665,789</b>		<b>\$2,008,756</b>		<b>\$2,047,556</b>		<b>\$2,138,481</b>		<b>\$9,574,331</b>		<b>\$21,434,913</b>

Funding Source Code	Funding Source Name
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<a href="#">ARPA</a>	<a href="#">American Recovery Plan Act</a>
<a href="#">CIP-FB</a>	<a href="#">Capital Projects Fund Fund Balance</a>
<a href="#">FA</a>	<a href="#">Fire Assessment</a>
<a href="#">G</a>	<a href="#">Grant Funding</a>
<a href="#">GF Tfr</a>	<a href="#">General Fund Transfer from Operating Revenues</a>
<a href="#">NF</a>	<a href="#">Not Funded</a>
<a href="#">TFB</a>	<a href="#">Transportation Fund Fund Balance</a>

The following documents are hereby incorporated by reference:

[\\*Broward County Capital Improvement Program for FY 2024-2028](#)

[\\* Broward County Transportation Improvement Program for FY 2024 – 2028](#)

[\\* Broward County MPO Cost Feasible Long-Range Transportation Plan 2045](#)

[\\*FDOT Adopted Work Program FY 2024 – 2028](#)

[\\* City of Sunrise 10-Year Water Supply Facilities Work Plan adopted on July 14, 2020, and the capital projects described therein for the purposes of ensuring adequate water supply. will be provided for the limited number of properties that are or will be served by City of Sunrise.](#)

[\\* Cooper City 10-year Water Supply Facilities Work Plan adopted on August 25, 2020, as incorporated and adopted in the Infrastructure Element of its Comprehensive Plan and the capital improvement projects contained therein.](#)

[\\*District Educational Facilities Plan adopted by the Broward County School Board on September 25, 2023](#)

## **Emil's Language Without the Green Highlight**

### **Why are the average annual bond maturities to not exceed 15 years, but the debt payment not to exceed 30 years?**

The key word here is "average". This is done to minimize the impact for the Town entering in multiple debt simultaneously. The "not to exceed" follows the principal useful life.

### **Can they amend the language to be that debt payments can be refinanced, but the debt payment shall not exceed 30 years from the term of the original debt?**

Debt payments cannot be refinanced. However, the debt can be refinanced as long as significant economic gains is attainable. It's important to note that only the Town Council can create or change policy. My understanding is that as an advisory board, their directives serve as guide and/or recommendation to the Town Council (they are not binding. Again, as I indicated in my previous email, there are no legal debt limitations established by Florida law. As a matter of good public policy and in light of financial/budgetary considerations the Town maintains institutionalized control over debt issuance by preparing debt capacity analysis to determine the feasibility of any debt before the same is pursued.

### **What is the current debt of the Town?**

This is provided in my original email (screen shot and attachment).

### **Is the authority for this anywhere but the Comp Plan (i.e. Charter)?**

Not sure what is meant by the authority? To change this section of the policy? If so, I would say not that I know. However, in the event that they can this would not necessarily change how the Town conducts its business as it pertains to debt given my comments above (their directives serve as guide and/or recommendation to the Town Council). They are not binding.

**From:** [Emil Lopez](#)  
**To:** [Emily Aceti](#); [Jeff Katims](#)  
**Subject:** RE: [EXTERNAL] FW: cie  
**Date:** Thursday, January 11, 2024 5:45:08 PM  
**Attachments:** [image004.png](#)

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Thanks Emily. Please see below. Hope this address all their questions.

Regards,

**Emil C Lopez, CPM, MAcc**

Town Financial Administrator

Town of Southwest Ranches

13400 Griffin Road, Southwest Ranches, Florida 33330

954-434-0008 ext.7473 | Fax: 954-434-1490

[elopez@southwestranches.org](mailto:elopez@southwestranches.org) | [www.southwestranches.org](http://www.southwestranches.org)

Please note that Florida has a broad public records law. All correspondence via email may be subject to disclosure.

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**From:** Emily Aceti <eaceti@southwestranches.org>

**Sent:** Thursday, January 11, 2024 4:47 PM

**To:** Jeff Katims <jeff@completecities.net>; Emil Lopez <elopez@southwestranches.org>

**Subject:** RE: [EXTERNAL] FW: cie

My notes are below.

Some of the questions and comments are:

- Why are the **average** annual bond maturities to not exceed 15 years, but the debt payment not to exceed 30 years?

**The key word here is “average”. This is done to minimize the impact for the Town entering in multiple debt simultaneously. The “not to exceed” follows the principal useful life.**

- Can they amend the language to be that debt payments can be refinanced, but the debt payment shall not exceed 30 years from the term of the original debt?

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- What is the current debt of the Town?

**This is provided in my original email (screen shot and attachment).**

- Is the authority for this anywhere but the Comp Plan (i.e. Charter)?

**Not sure what is meant by the authority? To change this section of the policy? If so, I would say not that I know. However, in the event that they can this would not necessarily change how the Town conducts its business as it pertains to debt given my comments above (their directives serve as guide and/or recommendation to the Town Council). They are not binding.**

Emily McCord Aceti  
Community Services Manager  
Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330  
Phone (954) 343.7453  
Fax: (954) 434.1490  
[eaceti@swranches.org](mailto:eaceti@swranches.org)



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**From:** Jeff Katims <[jeff@completecities.net](mailto:jeff@completecities.net)>  
**Sent:** Thursday, January 11, 2024 4:45 PM  
**To:** Emily Aceti <[eaceti@southwestranches.org](mailto:eaceti@southwestranches.org)>; Emil Lopez <[elopez@southwestranches.org](mailto:elopez@southwestranches.org)>  
**Subject:** RE: [EXTERNAL] FW: cie

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Emil, the board asked whether the last sentence in the comp plan policy is intended to apply to bonds. Emily, that's what I have in my notes. Was there anything else they asked you to verify?

“The following standards regarding debt shall be adhered to where feasible: the total debt service shall not exceed 15% of the town's total revenues. The average annual bond maturities shall not exceed 15 years. Debt payment shall not exceed 30 years.”

**Jeff Katims, AICP, CNU-A**  
Complete Cities Planning Group  
Principal

Phone: 954.372.6767

Email: [Jeff@CompleteCities.net](mailto:Jeff@CompleteCities.net)

200 S. Andrews Avenue  
Suite 504  
Fort Lauderdale, FL 33301

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**From:** [Emil Lopez](#)  
**To:** [Emily Aceti](#)  
**Subject:** RE: [EXTERNAL] FW: cie  
**Date:** Thursday, January 11, 2024 3:44:15 PM  
**Attachments:** [Town Outstanding Debt @ 09.30.2023 Non-audited.xlsx](#)  
[image004.png](#)

Thanks Emily. I am not recommending any changes to CIE Policy 1.1-c.

I have attached the Town's total outstanding debt at 09/30/2023 to assist in providing clarity to some of the questions brought up during the last Comp Board meeting.

**TOWN OUTSTANDING DEBT**

<u>REVENUE BONDS</u>	<u>Maturity</u>	<u>Balance at</u>	<u>Debt Service</u>
		<u>09/30/2023</u>	<u>Payment ('24)</u>
TD Loan Series 2013 - 2.85%	11/1/2025	\$ 685,600	\$ 224,000
<b>NOTE PAYABLE</b>			
TD Series 2021 Refinance Land Acq - 1.92%	3/1/2036	\$ 6,840,097	\$ 467,959
<b>TOTAL</b>		<u>\$ 7,525,697</u>	<u>\$ 691,959</u>

Town's Projected Revenue - FY2024 (General Fund)	\$ 18,898,715
Town's Total Debt Service Percentage	3.66%

Below is additional information that I hope addresses the questions raised. Please include as part of your agenda package. Feel free to let me know if I'm missing anything and/or if any additional questions.

***Florida law does not impose a debt limit and instead, it is left up to local governments to determine the limit. The Town follows best practices in determining its debt limits as well as in meeting bank covenants and "budget to appropriate" requirements . Additionally, a debt capacity analysis is prepared to determine the feasibility of any debt before the same is pursue.***

Regards,

**Emil C Lopez, CPM, MAcc**

Town Financial Administrator  
 Town of Southwest Ranches  
 13400 Griffin Road, Southwest Ranches, Florida 33330  
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**From:** Emily Aceti <eaceti@southwestranches.org>  
**Sent:** Thursday, January 11, 2024 2:05 PM  
**To:** Emil Lopez <elopez@southwestranches.org>  
**Subject:** FW: [EXTERNAL] FW: cie

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**From:** Jeff Katims <[jeff@completecities.net](mailto:jeff@completecities.net)>  
**Sent:** Thursday, January 11, 2024 1:44 PM  
**To:** Emily Aceti <[eaceti@southwestranches.org](mailto:eaceti@southwestranches.org)>  
**Subject:** [EXTERNAL] FW: cie

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My revisions per last meeting's direction. I didn't touch 1.1-c.

**Jeff Katims, AICP, CNU-A**  
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# **Agenda Item 7A**

US 27 Land Use Plan Amendment

## **APPLICATION SUMMARY**

- DATE:** February 8, 2024
- SUBJECT:** Land Use Plan Amendment Application No. PA-20-8
- LOCATION:** Generally located on the east side of US Highway 27 between the C-11 Canal to the north and Stirling Road to the south.
- OWNER/  
PETITIONER:** Bergeron US 27, LLC  
Bergeron SW Ranches US 27, LLC
- AGENT:** Keiser Legal, PLLC; Heather Jo Allen, Esq., AICP
- REQUESTS:** Change the Future Land Use Map of 58.7 acres from Agricultural to US Highway 27 Business
- EXHIBITS:**
- >Applicant's justification letter (updated, with revisions in strike-thru and underline format)
  - >Applicant's analysis (updated, with revisions in strike-thru and underline format)
  - >Survey
  - >Master development exhibit
  - >Master circulation and access exhibit
  - >Master utilities exhibit (revised)

### BACKGROUND AND PROCESS

An applicant seeking a land use plan amendment to US Highway 27 Business must file a concurrent application for rezoning to US Highway 27 Planned Business District, which requires an applicant to submit a conceptual master plan and architectural design guidelines.

A Broward County Land Use Plan amendment is also required before the Town can change the land use and zoning. The Broward County amendment process will extend into late summer, following which, the Town can expect to adopt the land use plan and rezoning ordinances on second reading.

## APPLICATION HIGHLIGHTS

- Net site area: 56.55 acres
- Proposed retail/commercial: 116,000 square feet on 14.70 acres
- Proposed light industrial: 600,00 square feet on 38.19 acres
- Wetland mitigation: 3.66 acres
- Layout: Commercial nodes at Stirling, Griffin roads  
(see master development exhibit)
- Access: US 27 (1 driveway)  
Griffin Road (4 driveways)  
Stirling Road (2 driveways)  
(see master circulation and access exhibit)

## IMPACTS ON PUBLIC FACILITIES

### *Roads*

The amendment would not cause existing levels of service for US 27, Sheridan Street, Griffin Road, and Stirling Road to fall below the adopted level of service standard if all amendment traffic were to be placed on the road network now. Projected 2045 traffic without the amendment is projected to be near capacity on Sheridan Street east of SW 172<sup>nd</sup> Avenue and on Griffin Road east of Dykes Road. The amendment would cause this portion of Sheridan Street to exceed capacity, while the levels of service on Griffin Road east of Bonaventure Boulevard will be near capacity.

### *Potable water and sanitary sewer*

The applicant provided a letter from the City of Sunrise identifying the location of the nearest water and sewer mains in the vicinity of Griffin and Dykes roads. The applicant also provided a letter from the City of Pembroke Pines indicating a potential willingness to serve the property, but the comprehensive plan specifically requires connection to the City of Sunrise system.

### *Parks*

The amendment does not increase demand for parks.

### *Schools*

The amendment does not increase demand for schools.

### *Drainage*

The applicant has provided a drainage analysis as part of the application backup. The analysis provides for perimeter stormwater retention swales to collect and distribute stormwater to three proposed outfalls. The proposed onsite wetland

mitigation area will also provide stormwater attenuation. During site planning for development, secondary stormwater conveyance systems will be designed and permitted for direct connection to the perimeter swale and berm system.

Onsite wetland mitigation area is currently 3.66 acres to be under conservation easement and offsite mitigation is provided through purchase of 10 credits from the Hole in the Donut Mitigation Bank

*Solid waste*

The applicant has provided an letter from Waste Management confirming its ability to serve the amendment.



**US 27 Business Center  
Land Use Plan Amendment  
Statement of Use and Justification  
Revised: ~~September 21, 2023~~ January 31, 2024**

Bergeron US 27, LLC and Bergeron SW Ranches US 27, LLC (collectively referred to hereinafter as the “Applicant”) are the owners of the +/- 58.7 gross acre property generally located along the east side of United States Highway 27 (“US 27”) between Stirling Road to the south and the South New River (C-11) Canal to the north (“Property”) in the Town of Southwest Ranches (“Town”) within Broward County (“County”), Florida. The Property consists of twelve (12) parcels identified by the following folio numbers pursuant to the County Property Appraiser’s website: 5039-27-02-0160; 5039-27-02-0210; 5039-27-02-0220; 5039-34-01-0020; 5039-34-01-0100; 5039-34-01-0170; 5039-34-01-0280; 5039-34-01-0340; 5039-34-01-0431; 5039-34-01-0430; 5039-34-01-0420; and 5039-34-01-0570. The Property is technically designated Agricultural on both the Town’s and County’s Future Land Use (“FLU”) Maps and is within the A-1 Agricultural Estate (“A-1”) zoning district, though it is located within a specific corridor the Town Council has more recently identified as US Highway 27 Planned Business District through adoption of associated comprehensive plan and zoning measures discussed below. The Property is a portion of the Everglades Land Company Subdivision as recorded in Plat Book 2, Page 1 of the Public Records of Miami-Dade County. The Property is currently vacant and underutilized as agricultural cattle grazing. Adjacent land uses are summarized in the table below.

<b>Adjacent Land Uses</b>	
<b>North</b>	<ul style="list-style-type: none"> <li>• South New River (C-11) Canal</li> <li>• Seminole Travel Center/Truck Stop (North of the Canal) <ul style="list-style-type: none"> <li>○ FLU: Commercial (City of Weston); Commerce (County)</li> <li>○ Zoning: C-1, Commercial (City of Weston)</li> </ul> </li> <li>• South Florida Water Management District (North of the Canal) <ul style="list-style-type: none"> <li>○ FLU: Agricultural (City of Weston); Agriculture (County)</li> <li>○ Zoning: AE, Agricultural Estates (City of Weston)</li> </ul> </li> </ul>
<b>South</b>	<ul style="list-style-type: none"> <li>• Stirling Road</li> <li>• Broward County Landfill (South of Stirling Road) <ul style="list-style-type: none"> <li>○ FLU: Community (County)</li> <li>○ Zoning: A-6, Agricultural-Disposal (County)</li> </ul> </li> </ul>
<b>East</b>	<ul style="list-style-type: none"> <li>• Menorah Gardens &amp; Funeral Chapel <ul style="list-style-type: none"> <li>○ FLU: Community Facilities (Town); Community (County)</li> <li>○ Zoning: CF, Community Facility District (Town)</li> </ul> </li> </ul>
<b>West</b>	<ul style="list-style-type: none"> <li>• US 27 Highway</li> <li>• South Florida Water Management District <ul style="list-style-type: none"> <li>○ FLU: Conservation (Town); Agriculture (County)</li> <li>○ Zoning: A-1, Agricultural Estate District (Town)</li> </ul> </li> </ul>

**US Highway 27 Business Land Use and Zoning Categories**

On January 26, 2017, the Town Council adopted Ordinance No. 2017-02, which amended the text of the Future Land Use Element of the Town Comprehensive Plan (“Plan”) to establish a new land use designation entitled “US Highway 27 Business.” In adopting Ordinance No. 2017-02, the Town Council agreed with the Town Comprehensive Plan Advisory Board (“CPAB”) that the US 27 corridor is “unsuitable or marginal for rural residential use” and is more suitable for light industrial and business development that would diversify the Town’s tax base. As such, the Town Council adopted Future Land Use Objectives and Policies that would “form the framework for evaluating land use plan amendment petitions seeking the US Highway 27 designation” as well as “evaluating companion petitions for rezoning and site plan” while also protecting the Town’s rural character and lifestyle. The US Highway 27 Business category provisions of the Plan were amended by the Town Council on February 11, 2021, pursuant to Ordinance No. 2021-006, along with regulations added to the Town Unified Land Development Code (“ULDC) to create the necessary associated zoning classification entitled “US Highway 27 Planned Business District” and district regulations to implement the US Highway 27 Business Future Land Use category. The Town’s Plan was subsequently recertified by the Broward County Planning Council on June 24, 2021.

**US 27 Business Center**

Because the Property is located entirely within the US Highway 27 Planned Business District, the Applicant is submitting companion applications to effectuate the Town’s land use policy for its commercial—/industrial development. Specifically, the Applicant proposes a planned development, the US 27 Business Center, consisting of approximately 116,000 square feet of commercial uses and 600,000 square feet of industrial uses (“Project”). The companion



applications include: (1) a land use plan amendment (“LUPA”) to accomplish the Town’s desired conversion from the Agricultural land use designation to the US Highway 27 Business designation intended for the Property with a text amendment to delete from the US Highway 27 Business Future Land Use Element (“FLUE”) Policy and Performance Standards unsustainable language that would require water and sewer connection for the proposed project to be exclusively to the distant City of Sunrise water and sewer systems instead of proximate water and immediately adjacent sewer systems with sufficient capacity and to clarify that connection to municipal water and sewer systems is required prior to the issuance of a permit for any building with occupiable space as defined by the Florida Building Code, rather than any building or roofed structure; (2) an aligning rezoning of the Property from the A-1 Agricultural Estate zoning district to the US Highway 27 Planned Business District with a text amendment to ULDC Section 051-040(L) to clarify that connection to municipal water and sewer systems is required prior to the issuance of a permit for any building with occupiable space as defined by the Florida Building Code, rather than any building or roofed structure; (3) an associated application to plat the Property; and (4) a development agreement to provide assurances that the development of the Property will be permitted in accordance with the regulations for the US Highway 27 Business land use designation and the US Highway 27 Planned Business District zoning as well as the US 27 Business Center Design Guidelines, the Property’s Master Development Plan, and any amendments thereafter regarding same.

This Statement of Use and Justification demonstrates that the LUPA to accomplish the Town’s desired conversion from the Agricultural land use designation to the US Highway 27 Business designation intended for the Property with a text amendment to delete unsustainable language from the US Highway 27 Business FLUE Policy and Performance Standards that would require water and sewer connection for the proposed project to be exclusively to the distant City of Sunrise water and sewer systems instead of proximate water and immediately adjacent sewer systems with sufficient capacity and to clarify that connection to municipal water and sewer systems is required prior to the issuance of a permit for any building with occupiable space as defined by the Florida Building Code, rather than any building or roofed structure, complies with all applicable provisions of the Plan and the ULDC.

### **Land Use Plan Amendment**

As noted above, the Applicant is respectfully requesting a LUPA to accomplish the Town’s contemplated conversion from the Agricultural designation to the US Highway 27 Business designation created by the Town for this area with a minor, but vital text, amendment to enable the viability of the Town’s Plan because the current wording of the Policy and Performance Standards requiring that the Applicant secure water and sewer service exclusively from the City of Sunrise is not economically (or legally) viable. Applicant respectfully submits that the proposed LUPA with the corresponding text amendment would render the future land use objective and policies for the US 27 Business designation adopted by the Town achievable. Specifically, prior to adopting the amendments to the Town Plan that created the US Highway 27 Business land use category, the Town specifically tasked its CPAB to identify potential locations for commercial and

industrial development. Based on CPAB's recommendations, the Town made findings that the US 27 corridor is most suitable for business uses that would diversify the Town's tax base while protecting the rural character and lifestyle that Town residents enjoy. The Town took special consideration of the existing surrounding uses in drafting and approving its US Highway 27 Business land use category. The companion applications described above seek to apply the framework provided by the Town within the Plan to implement the US Highway 27 Business land use category upon the Property in a reasonable manner. The proposed LUPA is aligned with the Town's vision and provides the Town with a development opportunity that will transform vacant property into a substantial revenue producing development and employment center while remaining consistent with the Town's goals; and this request is the result of the growing need for commercial and industrial uses in southwest Broward County, which is uniquely situated to service the tri-county area and beyond.

### **Text Amendment**

The only barrier to achieving the Town's vision for the US Highway 27 Business land use category is the impracticable limitation that water and sewer service be provided exclusively by the City of Sunrise, which would require connections spanning four (4) miles from the Property. The Applicant respectfully submits that the following simple corresponding amendments would enable the viability of the Town's vision and fulfill all of its applicable objectives by allowing connection to any municipal provider:

FLUE POLICY 1.8-p: All land designated US Highway 27 Business shall be connected to, or shall enter into a binding agreement providing for the connection to, municipal ~~the City of Sunrise~~ water and sewer systems prior to issuance of any permit for the construction of any building with occupiable space as defined by the Florida Building Code ~~or roofed structure~~. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.

Performance Standards A.2. Municipal ~~City of Sunrise~~ sanitary sewer and potable facilities must be in place, or the provision of municipal ~~City of Sunrise~~ sanitary sewer and potable facilities must be the subject of a binding agreement with a municipality ~~the City of Sunrise~~ to serve any parcel designated US Highway 27 Business, prior to issuance of any permit for the construction of any building with occupiable space as defined by the Florida Building Code ~~or roofed structure~~. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.

The rationale for this requested deletion of the City of Sunrise limitation is multi-faceted. Any one of the following three reasons would justify approval of the requested text amendment. First, designating the City of Sunrise as the exclusive provider is akin to a monopolistic business regulation that has no place in a comprehensive land use plan. In this context, it is noteworthy that the language of FLUE Policy 1.8 and Performance Standard A.2 are inconsistent with the Town's

Plan as a whole which properly avoids this type of business regulation and allows citizens to obtain services from any available municipal source. For example, Town Plan Utilities Element Policy 1.2-1 states that: “The Town shall coordinate with the City of Sunrise and Cooper City Utilities *and other adjacent municipalities* to ensure potable water facilities are provided to meet the Town’s short-term and long-term future needs.” Also, Town Plan FLUE Policy 1.7-f states that: *all land with a Commercial designation shall be connected to municipal water and sewer* and the development review requirements within the Future Land Use Implementation section of the Town Plan refers to public potable water and sanitary sewer public facilities. Furthermore, the requirement to connect to the facilities of the City of Sunrise for this Property conflicts with the Town Plan FLUE Policy 1.17-b, which states that: *It shall be the general policy of the Town not to finance or otherwise cause the extension of public potable water systems within its boundaries except as necessary to serve its governmental facilities.* Finally, it should also be noted that the proposed text amendments would also be more consistent with ULDC Section 051-040(L) of the US Highway 27 Planned Business District regulations, which states (including the requested clarification of the type of structure requiring connection):

*Water and sewer.* No permit for the construction of any building with occupiable space as defined by the Florida Building Code ~~or roofed structure~~ may be issued until the development is connected to, or the subject of a binding agreement for, connection to *municipal* water and sewer systems. No certificate of occupancy, temporary or otherwise, may be issued until the property is served by municipal water and sewer.

Second, the requirement is impracticable. The closest connection to ~~water and~~ sewer facilities is located directly adjacent to the ~~southern portion of the~~ Property within the US 27 Highway right-of-way, while the closest connections to municipal water facilities are located approximately 2,000 feet to the east of the Amendment Site at the southwest corner of the intersections of Griffin Road and Southwest 207<sup>th</sup> Terrace and is approximately 2,500 feet to the east of the Amendment Site within the Stirling Road right-of-way to the east of Southwest 208<sup>th</sup> Lane. These connections are serviced by the City of Pembroke Pines. Presently, there are existing residents in the Town whose water and sewer services are supplied by the City of Pembroke Pines, and the City of Pembroke Pines is also willing to provide water and sewer services to the Property. Please see the City of Pembroke Pines Water and Sewer Availability letter dated April 11, 2023, attached hereto as Exhibit “A.” The closest City of Sunrise water and sewer facilities suitable in size to serve the Property are located at the southeast corner of Griffin and Dykes Road, which is over four (4) miles from the Property. Please see the City of Sunrise Water and Sewer Availability letter dated October 18, 2022, attached hereto as Exhibit “B.” There is no assembled contiguous right of way for water and sewer lines over that four (4) mile span. The Griffin Road right-of-way in this area is owned by multiple entities including the South Florida Water Management District, Broward County, and the Town. Furthermore, a number of private property owners of parcels adjacent to Griffin Road have not dedicated the portions of their parcels necessary to meet the ultimate right-of-way width of Griffin Road shown on the County’s Trafficways map. The Applicant has no legal means to assemble such water and sewer pipeline corridor, and even if the Applicant had such

legal means, the cost of assembling the corridor would be both astronomical and unrelated to the impacts of the Applicant's proposed development since there ~~isare~~ water connections already available in close proximity to the Property and sewer connection ~~already available~~ at the Property. In addition, construction of watermain and sewer main extension infrastructure spanning over four (4) miles in order to connect to City of Sunrise facilities is in itself cost-prohibitive, which cost is in excess of ten (10) million dollars. Please see the engineer's cost estimate attached hereto as Exhibit "C." (Notably, his cost estimate does not include the additional cost of lift stations or chlorination repump stations that may be necessary to address public safety concerns with respect to the substantial length of the lines that would necessitate these additional improvements to maintain water pressure and water quality levels over the more than four (4) miles needed to connect to City of Sunrise water facilities.) The time required to construct this infrastructure would add crippling delay for the proposed project, another form of unsustainable cost.

Third, application of the City of Sunrise limitation in FLUE Policy 1.8 and Performance Standard A.2 would be legally unsustainable for various reasons including that it would require imposition of permitting conditions that would clearly be illegal under Florida law (that is a "prohibited exaction" under §70.45 Fla. Stat.) as well as unconstitutional under both state and federal law. Specifically, conditioning approval of the proposed planned development upon the Applicant's extension of water and sewer infrastructure over the four (4) mile span described above lacks any rational nexus to the impacts of the Applicant's proposed project. The water and sewer infrastructure needs of the Applicant's proposed development can be met by connection to the ~~municipal existing proximate~~ water and ~~sewer facilities existing~~ immediately adjacent ~~to the Property~~ sewer municipal facilities. There is no rational nexus between creating over four (4) miles of infrastructure and the infrastructure needs of the proposed US 27 Business Center (or any development of the Property). Likewise, the cost of creating the infrastructure discussed above far exceeds what would be roughly proportional to the water and sewer infrastructure impacts or service needs of the Applicant's proposed planned development. Granting the Applicant's requested text amendment would enable the viability of the Town's adopted land use policy for the Property, fulfill all of its applicable objectives, and avoid entanglement in legal disputes.

### **Overall Plan Consistency**

The Applicant will further demonstrate below that the LUPA is consistent with the Town Comprehensive Plan.

#### ***FLUE Goal 1: Ensure the preservation of the town's rural lifestyle.***

As noted above, the Town Council found that the US 27 corridor is most suitable for business uses that would diversify the Town's tax base while protecting the rural character and lifestyle that Town residents enjoy. The Town Council adopted a comprehensive set of polices, use restrictions, and zoning regulations applicable to the proposed US 27 Business Center that would ensure the preservation of the Town's rural lifestyle.

***FLUE Objective 1.1. Protect all residential areas designated on the Town's Future Land Use Map in order to preserve the Town's existing rural character and lifestyle, while respecting those existing and constitutionally protected property rights of its individual landowners. {BCPC Objective 7.01.00}***

As discussed above, the Applicant's proposed LUPA with text amendment deleting the City of Sunrise limitation in the US Highway 27 Business category FLUE Policy 1.8-p and Performance Standard A.2 would be consistent with the objective to respect constitutionally protected property rights of landowners within the Town. This is a policy also mandated by state law. (See §163.3161(10) Fla. Stat.). Unless deleted, this limitation on the municipal water and sewer source will require conditioning approval of the very development which the Town's adopted policy for this area seeks to promote in an unconstitutional manner by imposing permitting conditions that exact infrastructure and associated costs which are unrelated to the proposed development and/or disproportionate to its infrastructure service needs.

***FLUE Policy 1.1-b: Land Use Plan amendments to more intensive categories shall be prohibited unless consistent with, and authorized by, FLUE Objective 1.3 and particularly policies 1.3-c, 1.3-d, and 1.3-e pertaining to evaluation of land use plan amendment requests; 1.8 (US Highway 27 Business Category); 1.12 (Community Facilities Category), or unless the Town Council determines that the more intensive use is consistent with, and furthers the overall goal to protect the Town's rural lifestyle. {BCPC Objective 7.01.03}***

The Applicant is seeking to amend the Property's land use designation from Agricultural to US Highway 27 Business as specifically contemplated by the Town and permitted pursuant to this Policy.

***FLUE Policy 1.1-f: The Town Council shall maintain a rural orientated lighting ordinance regulating all public and private properties.***

It should be noted that ULDC Section 051-040(K)(1) applicable to the US 27 Planned Business Center requires mitigation of potential ambient outdoor lighting impacts by limiting the height of parking lot lighting fixtures to twenty-five (25) feet. Thus, the proposed amendment will make the Property more consistent with this policy.

***FLUE Objective 1.3: Encourage the elimination of incompatible or inconsistent land uses and prevent future suburban blight. Continue implementing land use programs to encourage the elimination of existing incompatible land uses and prevent future incompatible land uses from occurring. {BCPC OBJECTIVE 14.02.00. Measurement: criteria and standards utilized to***

***evaluate all land use plan amendments to determine compatibility with the town's rural character and its adopted comprehensive plan.***}

The Applicant is requesting the LUPA in order to develop the vacant and underutilized Property with a combination of compatible commercial and light industrial development as approved and permitted by the Town in the Town Plan Policies for the US Highway 27 Business land use category and the ULDC regulations applicable to the US Highway 27 Planned Business District. The Town Plan Policies and ULDC regulations have been carefully designed to mitigate any impacts of the US Highway 27 Business Center upon adjacent land uses.

***FLUE Policy 1.3-a: The Town's Land Development regulations shall protect whenever possible all existing and planned rural residential areas from disruptive land uses and nuisances and provide standards for achieving compatibility between different land uses. {BCPC Policy 1.04.04}***

The US Highway 27 Business land use category policies and the US Highway 27 Planned Business District regulations create a framework for protecting rural residential areas, which are located to the east of the Menorah Gardens & Funeral Chapel property that provides a substantial buffer between the Property and the existing residential community further east ranging from approximately four hundred twenty (420) feet in width to approximately eight hundred twenty (820) feet in width and averaging nearly seven hundred feet (700) in width. The Applicant's proposal is consistent with that framework.

***FLUE Policy 1.3-c: The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and the Southwest Ranches Land Use Plans. {BCPC Policy 14.02.01}***

In adopting the US Highway 27 Business land use category, the Town Council found that the US 27 corridor is most suitable for business uses and ensured compatibility of existing and future land uses of the surrounding area by implementing a framework of Plan policies and ULDC regulations to protect the Town's rural character and lifestyle. The Broward County Planning Council recertified the Town Plan, including the US Highway 27 Business land use category on June 24, 2021. At this time, the Applicant is simply seeking to amend the Property's land use designation in order to implement the Town's vision for the US 27 corridor.

***FLUE Policy 1.3-d: New non-residential Land Use Plan designations shall be located on US-27 and designed in a manner that does not adversely impact existing and designated rural residential areas. {BCPC Policy 14.02.02}***

The Property fronts US 27. The Town Council adopted a comprehensive set of Plan policies and ULDC regulations for evaluating the LUPA, rezoning, and master plan request in order to protect

the Town's rural character and lifestyle. These policies and regulations are addressed in detail herein.

***FLUE Policy 1.3-n: In order to preserve rural residential neighborhoods and protect the nighttime environment from the effects of excessive lighting and/or excessive glare, the Town shall maintain lighting standards that regulate the maximum intensities and disbursement of outdoor lighting and excessive glare from outdoor lighting within the Town.***

It should be noted that ULDC Section 051-040(K)(1) applicable to the US 27 Planned Business Center requires mitigation of ambient outdoor lighting impacts by limiting the height of parking lot lighting fixtures to twenty-five (25) feet.

***FLUE Objective 1.8: US Highway 27 Business land use category - Establish and maintain a US Highway 27 Business land use category exclusively for the US Highway 27 corridor, allowing only carefully planned development that is designed to be compatible with adjacent rural residential land uses as substantially buffered by the existing cemetery and open space, and which would be environmentally neutral. Measurement: designation of a US Highway 27 Business category.***

In adopting the US Highway 27 Business land use category, the Town Council found that the US 27 corridor, and Applicant's Property in particular, is most suitable for commercial and light industrial business uses and ensured compatibility of existing and future land uses of the surrounding area by implementing a framework of Plan policies and ULDC regulations to protect the Town's rural character and lifestyle. At this time, the Applicant is simply seeking to amend the Property's land use designation in order to implement the Town's vision for its Property, which is located entirely within the US 27 corridor.

***FLUE Policy 1.8-a: The Town has identified the US 27 Corridor as appropriate for business uses on the land use plan map. The Town created the US Highway 27 Business Category for this purpose. Only parcels west of US Highway 27 and parcels fronting the east side of US 27 that are buffered from Rural Ranch land use designations by an intervening Open Space or Community Facilities land use designation are eligible for this designation, including parcels that also front Griffin Road or Stirling Road. Parcels designated US Highway 27 Business on the land use plan map must only be developed and used in strict compliance with the following policies. The Town Council shall consider the extent to which each application submitted for land use plan amendment, rezoning and development furthers the intent and spirit of the policies hereunder in determining whether to approve the application.***

The Property is entirely eligible and was specifically contemplated for the proposed land use designation. It is isolated from Rural Ranch land use designations in the Town by substantial

buffering on the east by the existing Menorah Gardens & Funeral Chapel property, which ranges from approximately four hundred twenty (420) feet in width to approximately eight hundred twenty (820) feet in width and averages nearly seven hundred feet (700) in width, on the west by US 27, on the south by the Broward County landfill, and on the north by the South New River Canal.

***FLUE Policy 1.8-b: A petitioner for the US Highway 27 Business designation shall demonstrate to the satisfaction of the Town Council one of the following: that there is a Town need for such land use; that the resulting development will substantially benefit the Town; or that it is not reasonable to expect the parcel to be developed with a rural residential use.***

At the direction of the Town Council, the Town CPAB identified the US 27 corridor as an area of the Town unsuitable for rural residential use but rather appropriate for nonresidential and nonagricultural uses without diminishing the Town's rural character or impinging upon the rural lifestyle enjoyed by the Town's residents. Based upon this finding, the Town amended its Plan to create the US Highway 27 Business land use category, which may be applied to the Property due to its location along the east side of US 27 in the Town. As such, the Town Council has determined that there is a Town need for light industrial and commercial uses, that development, such as the US 27 Planned Business Center, will substantially benefit the Town by providing a substantial tax base and employment center, and that it is not reasonable to expect the Property to be developed with a rural residential use.

***FLUE Policy 1.8-c: No US Highway 27 Business designation may border any parcel with a rural land use plan designation. This shall not apply to any rural residential parcel under unified control with a property designated US Highway 27 Business.***

The Property does not border any parcel with a Rural Land Use Plan designation.

***FLUE Policy 1.8-d: There shall be no nonresidential, nonagricultural building, structure, parking, storage or use within two hundred (200) feet of an abutting local Town street other than Stirling Road, nor shall there be any such structure, parking, storage or use within two hundred (200) feet of any parcel with a rural land use plan designation, unless such parcel is under unified control with the parcel designated US Highway 27 Business. Open space use, including buffers and drainage retention for a US Highway 27 Business use is not subject to this restriction.***

No nonresidential, nonagricultural building, structure, parking, storage or use will be placed within two hundred (200) feet of an abutting local Town street other than Stirling Road, and no such structure, parking, storage or use will be placed within two hundred (200) feet of any parcel with a rural land use plan designation.

***FLUE Policy 1.8-e: Access to development shall be from US 27, Stirling Road, or Griffin Road only.***



Access to the Property shall remain limited to access through US Highway 27, Stirling Road, and/or Griffin Road.

- (i) ***Since U.S. 27 is a Class 2 Controlled Access Facility, the Town will not approve an application to amend the Land Use Plan Map to US Highway 27 Business until a conceptual master access management plan (“access plan”) shall have been accepted by the Florida Department of Transportation (FDOT) for the entire US 27 corridor within the Town.***

Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023 and attached hereto as Exhibit “D.”

- (ii) ***It shall be the responsibility of an applicant for such map amendment to prepare the access plan and coordinate its acceptance by FDOT and Broward County Highway Construction and Engineering Department, and to coordinate the plan with owners of all other properties with frontage on US 27.***

Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023.

- (iii) ***The access plan, as may be amended with the consent of FDOT, shall be binding upon all properties.***

The Applicant acknowledges this Policy.

- (iv) ***The Town will not approve a plat application for property fronting US 27 until the applicant has submitted the plat to FDOT for review and obtained approval.***

The Applicant acknowledges this Policy.

***FLUE Policy 1.8-f: Permit those land uses, not to exceed a Floor Area Ratio (F.A.R.) of 0.75, per the US Highway 27 Business Category permitted uses subsection of this Element.***

The Property will be developed in accordance with the land uses and floor area ratio permitted by the US Highway 27 Business land use category.

***FLUE Policy 1.8.g: Buildings shall not exceed forty (40) feet in height, measured to the highest point on the building, including parapets and roof-mounted equipment, provided that the Town Council may authorize up to eight (8) additional feet of height after consideration of a line-of-site study demonstrating that the additional height will not adversely affect any property with a rural land use plan designation.***

The Applicant acknowledges this Policy. The Property will be developed in accordance with the height restriction.

***FLUE Policy 1.8-h: Every development shall provide at least twenty-five percent (25%) pervious area.***

The Applicant acknowledges this Policy. At least twenty-five percent (25%) pervious area will be provided.

***FLUE Policy 1.8.i: Development shall utilize extensive buffering in order to screen the development from properties with a rural land use plan designation, and shall utilize pleasing architecture and building placement to emphasize and showcase the building(s), while locating parking and outdoor storage areas behind the buildings or otherwise screening them from U.S. Highway 27, Stirling Road and Griffin Road. Developers shall provide Florida Vernacular architecture of Caribbean or Cracker style, or combination thereof. This architecture generally promotes generous roof overhangs, colonnades, porches and balconies, and sloped standing seam metal roofs. The land development regulations shall provide further architectural guidance. The Town Council may approve variations that are consistent with the Town's rural character. However, stucco walls in combination with flat, unarticulated rooflines or Mediterranean-style tile roofs that are typical of commercial development in South Florida are prohibited as a means of complying with the architectural requirement.***

The Applicant acknowledges this Policy. Please see the US 27 Business Center Design Guidelines for more information that demonstrates the proposed amendment is consistent with this policy.

***FLUE Policy 1.8-j: Developments shall be designed and operated so as to minimize demand for public safety services both on and off-site. This may include using Crime Prevention Through Environmental Design principles, careful selection of businesses and land uses, avoiding late night operating hours, erecting barriers adjacent to rural residential uses, and providing on-site security.***

The Applicant acknowledged this Policy and will consider it when selecting business and tenants for the Property.

***FLUE Policy 1.8-k: Developments shall adhere to the Town's dark-sky outdoor lighting regulations and policies, and are strongly encouraged to take additional measures that mitigate the development's ambient lighting impact on the Town. By way of example, a development could reduce the height of parking lot lighting fixtures by spacing the lower fixtures closer together, using advanced cut-off designs, and limiting the hours during which the lighting is on.***

The Applicant acknowledges this Policy and notes that ULDC Section 051-040(K)(1) applicable to the US 27 Planned Business Center at site plan approval for a specific development of all or any portion of the Property provides for, when possible, mitigation of potential ambient outdoor

lighting impacts in addition to limiting the height of parking lot lighting fixtures to twenty-five (25) feet.

***FLUE Policy 1.8-l: Developments shall design primary identification signage, and specifications for individual tenant signage, that compliment and coordinate with the architecture and landscaping of the development, and that enhance the built environment.***

The Applicant acknowledges this Policy. At site plan approval for a specific development of all or any portion of the property, signage will be designed to complement and coordinate with the architecture and landscaping of the US 27 Business Center to enhance the built environment. Please see the US 27 Business Center Design Guidelines for more information that demonstrates the proposed amendment is consistent with this policy.

***FLUE Policy 1.8-m: The land development regulations shall establish a zoning classification in the form of a planned development district, whereby the specific permitted uses, development standards and a conceptual development plan for the property are made part of the rezoning and will govern use and development of the property supplemental to regulations contained within the land development regulations. The land development regulations for the planned development district shall require that conceptual development plans incorporate all of the applicable elements of the US 27 conceptual master access management plan, which shall be adopted by reference.***

The Applicant acknowledges this Policy. Please refer to the Rezoning Statement of Use and Justification for more information regarding the master development plan and compliance with applicable ULDC regulations.

***FLUE Policy 1.8-n: Applications for land use plan amendment to establish a US Highway 27 Business designation shall be filed concurrently with a complete application for rezoning to the applicable planned development zoning district.***

The Applicant acknowledges this Policy. A companion application for rezoning of the Property from the A-1 Agricultural District to the US Highway 27 Planned Business District has been filed concurrently with this LUPA.

***FLUE Policy 1.8-o: The Town shall implement land development regulations to protect adjacent rural areas from potential negative impacts of business developments.***

The Applicant acknowledges this Policy and has demonstrated compliance with ULDC regulations applicable to the US 27 Business Center in the Rezoning and Master Development Plan sections below.

***FLUE POLICY 1.8-p: All land designated US Highway 27 Business shall be connected to, or shall enter into a binding agreement providing for the connection to, the City of Sunrise water and sewer systems prior to issuance of any permit for the construction of any building or roofed structure. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.***

As noted above, the Applicant is requesting that the Town Council adopt amendments to the text of the Plan and the proposed amendments to the text of the Plan ensure consistency between the Policies of the Plan and the ULDC regulations.

***FLUE OBJECTIVE 1.15: Ensure that public facilities and services meet level of service standards adopted in the Town's comprehensive plan, and that the Town's development regulations make appropriate provision for power distribution infrastructure. {BCPC Obj 11.00.00} Measurement: Adoption of Concurrency Standards in the Town's Land Development Code consistent with State and County law.***

Please refer to the County LUPA Application package included herein which provides an analysis of public facilities and services and demonstrates that all level of service standards are met.

***FLUE POLICY 1.15-b: To maintain the level of service standards identified within the Town's Comprehensive Plan, the Town shall, prior to final action on amendment to the Land Use Plan, determine whether adequate public facilities and services will be available when needed to serve the proposed development. {BCPC Policy 11.01.03}***

Please refer to the County LUPA Application package included herein which provides an analysis of public facilities and services and demonstrates that all level of service standards are met.

***FLUE POLICY 1.15-c: Prior to plat approval, the Town shall ensure that the public facilities and services necessary to meet the level of service (LOS) standards established within the Town's Comprehensive Plan will be available consistent with Concurrency requirements in subsection 163.3202(g), Florida Statutes, and section 163.3180, Florida Statutes, as amended, and the Concurrency Management policies included within Goal 8.00.00 of the Broward County Land Use Plan. {BCPC Policy 11.01.04}***

Please refer to the County LUPA Application package included herein which provides an analysis of public facilities and services and demonstrates that all level of service standards are met.

## **Section 2: Permitted Uses in Future Land Use Categories**

### **US Highway 27 Business Category: Performance Standards**

The intent of the US Highway 27 Business Category is to: *facilitate a limited range of “clean” light industrial and business uses along the US 27 corridor that are not a threat to the potable water quality of the Biscayne Aquifer or to the peaceful enjoyment of residential properties to the east.* Before adopting an amendment, such as the proposed LUPA, to change the land use designation of any parcel to US Highway 27 Business, the Town shall *carefully consider potential environmental, traffic and quality of life impacts* and the Applicant must demonstrate that the proposed LUPA is consistent with all of the performance standards below. Additionally, every such application for a LUPA shall be submitted concurrently with a rezoning application to an implementing zoning district.

The Applicant will demonstrate below that the LUPA is consistent with the US Highway 27 Business Category Performance Standards below. The Applicant is also requesting a rezoning of the Property from the A-1 Agricultural Estate zoning district to the US Highway 27 Planned Business District, which is discussed in more detail in the Rezoning Statement of Use and Justification.

A. *Performance Standards.*

1. *Development shall not generate levels of noise, vibration, odor, dust, fumes, smoke, glare, or night-time illumination that are incompatible with residential land uses east of US Highway 27 that can be detected from any property with a Agricultural. Rural Ranch or Rural Estate land use plan map designation.*

The Applicant acknowledges this standard. As development plans for the Property progress and site plan approval is requested for development of the US 27 Business Center, the Applicant will demonstrate that the proposed development does not generate levels of noise, vibration, odor, dust, fumes, smoke, glare, or night-time illumination that can be detected from residential land uses east of US 27. Development will also comply with all applicable provisions of the ULDC, in particular, Article 51 of the ULDC, which specifies development regulations for the US Highway 27 Planned Business District, and which were carefully crafted to protect existing residential communities to the east of US 27.

2. *City of Sunrise sanitary sewer and potable facilities must be in place, or the provision of City of Sunrise sanitary sewer and potable facilities must be the subject of a binding agreement with the City of Sunrise to serve any parcel designated US Highway 27 Business, prior to issuance of any permit for the construction of any building or roofed structure. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.*

As noted above, the Applicant is requesting that the Town Council adopt amendments to the text of the Plan, and the proposed amendments to the text of the Plan ensure consistency between the Policies of the Plan and the ULDC regulations.

*3. Development shall not involve use of any chemicals, substances or processes that create byproducts that are combustible, carcinogenic, biohazardous, or are otherwise toxic to humans or animals. The land development regulations may permit fuel storage tanks for emergency generators and for the purpose of servicing vehicles or equipment used in the regular course of business, provided that any such tanks may be required to exceed the installation, containment, inspection and other requirements of Article 27, Chapter 10, "Storage Tanks" of the Broward County Code of Ordinances, as may be amended from time to time.*

The Applicant acknowledges this standard. As development plans for the Property progress and site plan approval is requested for development of the US 27 Business Center, the Applicant will demonstrate compliance with the standard. Should fuel storage be proposed as an accessory use, the Applicant will comply with ULDC Section 51-30(D) regulating fuel storage and the installation, containment, inspection and other requirements of Article 27, Chapter 10, "Storage Tanks" of the Broward County Code of Ordinances.

*4. Any use – the nature of which may be considered dangerous, or which may potentially compromise the comfort, peace, enjoyment, health or safety of the community or any property with a Rural Ranches, Rural Estate or Agricultural land use plan map designation - shall be prohibited.*

Uses proposed within the US 27 Business Center will be limited to those permitted pursuant to ULDC Section 51-20.

*5. All development shall provide for north-south cross-access to abutting parcels in accordance with the conceptual master access management plan for the US-27 corridor (see FLUE Policy 1.8-e.). Such access may include dedication and construction of a frontage drive and/or site design that anticipates driveway connections or drive aisle connections with abutting properties, and which provides cross-access easements for such connections.*

The Applicant acknowledges this standard. Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023, and the Master Circulation and Access Plan showing the proposed frontage road that will provide for north-south access throughout the Property.

#### **FUTURE LAND USE IMPLEMENTATION:**

The Applicant will demonstrate below that the Development Review Requirements of the Implementation Section of the Town's Future Land Use Element of the Comprehensive Plan are met:

- A. Traffic circulation, recreational, drainage and flood protection, public potable water where applicable, solid waste and sanitary sewer public facilities, septic tanks, where applicable, and services will be available to meet established level of service standards,*

*consistent with Chapter 163.3202(g) Florida Statutes and the concurrency management policies included with the goal of the Town's Land Use Plan.*

Please refer to the County LUPA application package included herein, which provides an analysis of public facilities and services.

- B. Local streets and roads will provide safe, adequate access between buildings within the proposed development and the traffic ways identified on the Broward County Traffic Ways Plan prior to occupancy.*

The Applicant acknowledges this standard. Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023, and the Master Circulation and Access Plan, which includes a frontage road along US 27 and access to the Property from Griffin and Stirling Roads and US 27.

- C. Fire protection service will be adequate to protect people and property in the proposed development.*

Fire services are provided to the Property pursuant to the Interlocal Agreement between the Town of Davie and the Town of Southwest Ranches for Delivery of Emergency Medical, Fire Protection, and Fire Prevention Services recorded in Official Records Book 50374, Page 1550 of the Public Records of Broward County. The Applicant contacted the Town of Davie Fire Rescue Department regarding the US 27 Business Center prior to submitting this development application package to the Town of Southwest Ranches. No concerns were raised regarding the adequacy of fire protection services to the master plan area. The Applicant ~~will continue to work with~~has requested written confirmation from the Town of Davie ~~Police and Fire Rescue Departments as development plans progress for~~Department that fire protection services are available to serve the Property. ~~and will supplement this application upon receipt of same.~~

- D. Police protection service will be adequate to protect people and property in the proposed development.*

Police services are provided to the Property pursuant to the Interlocal Agreement between the Town of Davie and the Town of Southwest Ranches for Police Services recorded in Official Records Book 50374, Page 1520 of the Public Records of Broward County. The Applicant contacted the Town of Davie Police Department regarding the US 27 Business Center prior to submitting this development application package to the Town of Southwest Ranches. ~~No concerns were raised regarding the adequacy of to confirm that~~ police protection services ~~to the master plan area. The Applicant will continue~~are available to ~~work with the Town of Davie Police Department as development plans progress for~~serve the Property. Please see the correspondence attached hereto as Exhibit "E."

- E. School sites and school buildings will be adequate to serve the proposed development.*

No residential uses are proposed. As such, this standard does not apply.

- F. Development does not include a structure, or alteration thereof, that is subject to the notice requirements of Federal Aviation Regulations (FAR), Part 77, Subpart B, unless the Federal Aviation Administration issues, or has issued within the previous ninety (90) days, a written acknowledgment that said structure or alteration would not constitute a hazard to air navigation and does not require increases to minimum instrument right altitudes within a terminal area, increases to minimum obstruction clearance altitudes, or any other operational modifications at any existing airport or heliport or any planned or proposed airport as described in Federal Aviation Regulations (FAR) Part 77.21 (c)(2).*

The Applicant acknowledges this standard.

### **Conclusion**

In its current condition as a vacant, privately owned property having no significant environmental features that would require protection, the Property provides minimal community value. The proposed LUPA would provide employment opportunities during the construction phases and a long-term tax revenue stream to the Town. For these reasons, the Property would be better utilized as an industrial/commercial development and employment center. As discussed in detail above, the Plan and ULDC provisions applicable to the US Highway 27 Business Future Land Use category and the US Highway 27 Planned Business District result in a comprehensive set of polices, use restrictions, and zoning regulations that were carefully crafted to protect the Town's rural character and lifestyle, while enhancing the tax base. The LUPA is consistent and compatible with existing and proposed uses in the area; and the Property is substantially separated from properties to the south, west and north by three (3) major thoroughfares, while the Menorah Gardens & Funeral Chapel property provides a substantial buffer between the Property and rural residential uses further east. The Applicant is respectfully requesting Town Council approval of the LUPA to accomplish the Town's contemplated conversion from the Agricultural designation to the US Highway 27 Business designation created by the Town for this area with a minor, but vital text, amendment to enable the viability of the Town's Plan and to effectuate the Town's land use policy and vision for commercial and industrial development within the US27 corridor.



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**1. TRANSMITTAL INFORMATION**

**A. Letter of transmittal from municipal mayor or manager documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan, including the date that the local governing body held the transmittal public hearing. Please attach a copy of the referenced motion, resolution or ordinance. The local government’s action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land Use Plan.**

To be provided.

**B. Name, title, address, telephone number and e-mail address of the local government contact person.**

Jeff Katims, AICP, CNU-A  
Planner, Town of Southwest Ranches  
~~TranSystems~~  
~~3230 W. Commercial Blvd., Ste 450~~  
~~Complete Cities Planning Group~~  
~~200 South Andrews Avenue, Suite 504~~  
Ft. Lauderdale, FL ~~3330933301~~  
Phone: (954) ~~653-4700372-6767~~  
E-mail: ~~jkatims@transystems.com~~ ~~jeff@CompleteCities.net~~

**C. Summary minutes from both the local planning agency and the local government public hearings of the transmittal of the Broward County Land Use Plan amendment.**

To be provided.

**D. Description of public notification procedures followed for the amendment by the local government, including notices to surrounding property owners, advertisements in local publications, signage at proposed site, etc.**

Owners of property located within 1,500 feet of the Amendment Site will receive direct mailings with notice of the public hearing related to the land use and zoning changes proposed for the Amendment Site pursuant to Section 100-060 of the Town of Southwest Ranches’ (“Town”) Unified Land Development Code (“ULDC”), and sign notices will be posted along the United States Highway 27, Griffin Road, and Stirling Road frontages pursuant to Town ULDC Section 100-030(C).

**E. Whether the amendment is one of the following:**

**\*Development of Regional Impact**

**\*Small-scale development (Per Chapter 163.3187 Florida Statutes)**

**\*Emergency (Please describe on separate page)**

The amendment site is none of the above.

**2. APPLICANT INFORMATION**

**A. Name, title, address, telephone number and e-mail address of the applicant.**

Bergeron US 27, LLC and Bergeron SW Ranches US 27, LLC  
19612 SW 69<sup>th</sup> Place  
Pembroke Pines, Florida 33332  
Frank Saia, Vice President of Real Estate, Bergeron Family of Companies, Inc.  
Phone: (954) 680-0223 ext. 273  
E-mail: fsaia@bergeroninc.com

**B. Name, title, address, telephone number and e-mail address of the agent.**

Heather Jo Allen, Esq., AICP  
Keiser Legal, PLLC  
55 SE 2nd Avenue  
Delray Beach, Florida 33444  
Phone: (954) 801-0449  
E-mail: hjallen@keiserlegal.com

**C. Name, title, address, telephone number and e-mail address of the property owner(s).**

See Section 2.A (same as applicant).

**D. Applicant’s rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs). Planning Council staff may accept greater than two paragraphs, if submitted in an electronic format.**

On January 26, 2017, the Town Council adopted Ordinance No. 2017-02, which amended the text of the Future Land Use Element of the Town Comprehensive Plan (“Plan”) to establish a new land use designation entitled “US Highway 27 Business.” In adopting Ordinance No. 2017-02, the Town Council agreed with the Town Comprehensive Plan Advisory Board (“CPAB”) that the US 27 corridor is “unsuitable or marginal for rural residential use” and is more suitable for light industrial and business development that would diversify the Town’s tax base. As such, the Town Council adopted Future Land Use Objectives and Policies that would “form the framework for evaluating land use plan amendment petitions seeking the US Highway 27 designation” as well as “evaluating companion petitions for rezoning and site plan” while also protecting the Town’s rural character and lifestyle. The US Highway 27 Business category provisions of the Plan were amended by the Town Council on February 11, 2021, pursuant to Ordinance No. 2021-006, along with regulations added

to the Town Unified Land Development Code (“ULDC) to create the necessary associated zoning classification entitled “US Highway 27 Planned Business District” and district regulations to implement the US Highway 27 Business Future Land Use category. The Town’s Plan was subsequently recertified by the Broward County Planning Council on June 24, 2021, with a determination that the new US Highway 27 Business Future Land Use category is consistent with the County Commerce land use category.

The Applicant is the owner of the +/- 58.7 gross acre property that is generally located along the east side of US 27 between Stirling Road to the south and the South New River (C-11) Canal to the north in the Town (“Amendment Site”). The Applicant is seeking to amend the Amendment Site’s future land use designation from Agricultural (Town and County) to US Highway 27 Business (Town) and Commerce (County) in order to implement the Town’s vision for the US 27 corridor along with amendments to the text of the Town’s Comprehensive Plan provisions for the US Highway 27 Business category related to connection to municipal water and sewer service (“Proposed Amendment”). The Applicant is proposing to develop the Amendment Site with the US 27 Business Center planned development consisting of approximately 116,000 square feet of commercial uses and 600,000 square feet of light industrial uses. The Proposed Amendment provides the Town with an attractive development opportunity that will transform vacant property into a substantial revenue producing development while remaining true and consistent with the Town’s goals, objectives, and policies. Moreover, this request is the result of the growing need for commercial and industrial uses in southwest Broward County, which is uniquely situated to service the tri-county area and beyond.

**3. AMENDMENT SITE DESCRIPTION**

**A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.**

The +/- 58.7 gross acre Amendment Site is generally located along the east side of United States Highway 27 between Stirling Road to the south and the South New River (C-11) Canal to the north in the Town of Southwest Ranches.

**B. Sealed survey, including legal description of the area proposed to be amended.**

Please see Exhibit "A," Survey and Legal Description.

**C. Map at a scale clearly indicating the amendment's location, boundaries and proposed land uses.**

Please see Exhibit "B," Amendment Site Location Map.

**4. EXISTING AND PROPOSED USES**

**A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple land use designations, describe gross acreage within each designation. For Activity Center amendments, the proposed text indicating the maximum residential and non-residential uses must be included.**

<b>Table 1 Land Use Designations</b>		
	<b>Local (Town of SW Ranches)</b>	<b>Broward County</b>
<b>Current</b>	Agricultural	Agricultural
<b>Proposed</b>	US Highway 27 Business	Commerce

**B. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for the amendment site or adjacent areas.**

The flexibility provisions of the Broward County Land Use Plan have not been used for the Amendment Site or adjacent areas.

**C. Existing use of amendment site and adjacent areas.**

The Amendment Site is currently used for agricultural purposes. Please refer to Table 2 below for uses of adjacent areas along with the land use and zoning designations of adjacent areas.

<b>Table 2 Adjacent Site Uses</b>	
<b>North</b>	<ul style="list-style-type: none"> <li>• South New River Canal</li> <li>• Seminole Travel Center/Truck Stop (North of the Canal)                             <ul style="list-style-type: none"> <li>○ FLU: Commercial (City of Weston); Commerce (County)</li> <li>○ Zoning: C-1, Commercial (City of Weston)</li> </ul> </li> <li>• South Florida Water Management District (North of the Canal)                             <ul style="list-style-type: none"> <li>○ FLU: Agricultural (City of Weston); Agriculture (County)</li> <li>○ Zoning: AE, Agricultural Estates (City of Weston)</li> </ul> </li> </ul>
<b>South</b>	<ul style="list-style-type: none"> <li>• Stirling Road</li> <li>• Broward County Landfill (South of Stirling Road)                             <ul style="list-style-type: none"> <li>○ FLU: Community (County)</li> <li>○ Zoning: A-6, Agricultural-Disposal (County)</li> </ul> </li> </ul>
<b>East</b>	<ul style="list-style-type: none"> <li>• Menorah Gardens &amp; Funeral Chapel                             <ul style="list-style-type: none"> <li>○ FLU: Community Facilities (Town); Community (County)</li> <li>○ Zoning: CF, Community Facility District (Town)</li> </ul> </li> </ul>
<b>West</b>	<ul style="list-style-type: none"> <li>• US 27 Highway</li> <li>• South Florida Water Management District                             <ul style="list-style-type: none"> <li>○ FLU: Conservation (Town); Agriculture (County)</li> <li>○ Zoning: A-1, Agricultural Estate District (Town)</li> </ul> </li> </ul>



**D. Proposed use of the amendment site including proposed square footage (for analytical purposes only) for each non-residential use and/or dwelling unit count. For Activity Center amendments, also provide the existing square footage for each non-residential use and existing dwelling unit count within the amendment area.**

The Applicant proposes to develop the Amendment Site with a Planned Business Center consisting of approximately 116,000 square feet of commercial uses and 600,000 square feet of light industrial uses. Please see Exhibit “C,” Master Development Plan.

**E. Maximum allowable development per adopted and certified municipal land use plans under existing designation for the site, including square footage/floor area ratio/lot coverage/height limitations for each non-residential use and/or dwelling unit count.**

The Amendment Site is currently designated as Agricultural on the Town’s Future Land Use Map. The Permitted Uses in Future Land Use Categories Section of the Town Plan permits residential uses at a maximum density of one (1) dwelling unit per two (2) net acres or one (1) dwelling unit per two and one-half (2.5) gross acres. Therefore, a total of twenty-three (23) dwelling units are permitted upon the +/- 58.7 gross acre Amendment Site. Future Land Use Element Policy 1.11-a of the Town Plan permits a maximum floor area ratio of 0.10. Based upon the Amendment Site’s 2,463,318 square footage, a maximum of 246,332 square feet of agricultural development is permitted upon the Amendment Site.

## 5. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

### A. Potable Water Analysis

1. Provide the potable water level of service per the adopted and certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

Utilities Element Policy 1.2-m of the Town Plan provides the following level of service standards for potable water facilities serving the Town:

- Cooper City Facilities: 101.33 gallons per capita per day
- City of Sunrise: 65 gallons per capita per day.
- City of Pembroke Pines: 82.68 gallons per capita per day.

2. Identify the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources. Identify the wellfield serving the area in which the amendment is located including the South Florida Water Management District (SFWMD) permitted withdrawal and expiration date of the SFWMD permit.

Although the Amendment Site is within the water and sewer utility service area of the City of Sunrise, the closest City of Sunrise facilities suitable in size to serve the Amendment Site are located at the southeast corner of Griffin and Dykes Road over four (4) miles from the Amendment Site and both watermain and sewer main extensions over four (4) miles long would be required to connect to City of Sunrise facilities. Please see the City of Sunrise Water and Sewer Availability letter dated October 18, 2022, attached hereto as Exhibit "D." The closest connection to municipal ~~water and~~ sewer facilities is located directly adjacent to the ~~southern portion of the~~ Amendment Site within the US 27 Highway right-of-way, while the closest connections to municipal water facilities are located approximately 2,000 feet to the east of the Amendment Site at the southwest corner of the intersections of Griffin Road and Southwest 207<sup>th</sup> Terrace and is approximately 2,500 feet to the east of the Amendment Site within the Stirling Road right-of-way to the east of Southwest 208<sup>th</sup> Lane. These connections are serviced by the City of Pembroke Pines. The City of Pembroke Pines is also willing to provide water and sewer

services to the Amendment Site. Please see the City of Pembroke Pines Water and Sewer Availability letter dated April 11, 2023, attached hereto as Exhibit "E." To allow for connection to the existing municipal water and sewer facilities ~~directly adjacent~~most proximate to the Amendment Site and to clarify that connection to municipal water and sewer systems is required prior to the issuance of a permit for any building with occupiable space as defined by the Florida Building Code, rather than any building or roofed structure, the Applicant is proposing the following amendments to the Town's Plan:

Future Land Use Element POLICY 1.8-p: All land designated US Highway 27 Business shall be connected to, or shall enter into a binding agreement providing for the connection to, ~~municipal the City of Sunrise~~ water and sewer systems prior to issuance of any permit for the construction of any building with occupiable space as defined by the Florida Building Code ~~or roofed structure~~. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.

Performance Standards A.2. ~~Municipal City of Sunrise~~ sanitary sewer and potable facilities must be in place, or the provision of ~~municipal City of Sunrise~~ sanitary sewer and potable facilities must be the subject of a binding agreement with a municipality the City of Sunrise to serve any parcel designated US Highway 27 Business, prior to issuance of any permit for the construction of any building with occupiable space as defined by the Florida Building Code ~~or roofed structure~~. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.

**3. Identify the net impact on potable water demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.**

Potable water demands for the Amendment Site have been calculated based upon the Broward County Water and Wastewater Services ("WWS") Equivalent Residential Unit ("ERU") Factors latest addition published April 4, 2017. This reference manual provides an ERU Factor Schedule that lists ERU factors in terms of ERU per unit for common types of uses. The manual provides the conversion factor of one (1) ERU equal to 185 gallons per day (GPD) average water demand, which has been utilized to determine the total water impact on potable water demand in Table 3.

Table 3 Potable Water Impact					
Use	WWS Use	ERU	GPD	Calculation	Total
<b>Commercial</b>	C05/ Merchandising	0.185 ERU/ 1,000 SF	35 GPD/ 1,000 SF	35 GPD/1,000 SF x (116,000 SF)	<b>4,060 GPD</b>
<b>Proposed Industrial</b>	C-06- Warehouse (Mixed Use)	0.168 ERU/ 1,000 SF	31 GPD/ 1,000 SF	3331 GPD/1,000 SF x (716,600,000 SF)	<b>23,628,600 GPD</b>
<b>Total</b>					<b>22,660 GPD</b>

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**4. Correspondence from potable water provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.**

Please see Exhibit “D,” City of Sunrise’s Water and Sewer Service Availability Letter and Exhibit “E,” City of Pembroke Pine’s Water and Sewer Service Availability Letter.

**B. Sanitary Sewer Analysis**

**1. Provide the sanitary sewer level of service per the adopted and certified local land use plan.**

Utilities Element Policy 1.2 of the Town’s Plan states that the level of service standard for wastewater facilities shall be the standard of the municipal provider for centralized wastewater service of such service.

- City of Sunrise: Infrastructure Element Policy 1.1.1 Level of Service Standard equals 93 gallons per person per day.
- City of Pembroke Pines: Infrastructure Element Policy 1.7 Level of Service Standards equal 93 gallons per capita per day and 1,000 gallons per acre per day.

**2. Identify the sanitary sewer facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and funding sources.**

Although the Amendment Site is located within the southwest boundary of the City of Sunrise’s water treatment plant boundary, the closest City of Sunrise facilities

suitable in size to serve the Amendment Site are located at the southeast corner of Griffin and Dykes Road over four (4) miles from the Amendment Site and both watermain and sewer main extensions over four (4) miles long would be required to connect to City of Sunrise facilities. Please see the City of Sunrise Water and Sewer Availability letter dated October 18, 2022, attached hereto as Exhibit “D.” The closest connection to municipal ~~water and~~ sewer facilities is located directly adjacent to the ~~southern portion of the~~ Amendment Site within the US 27 Highway right-of-way, while the closest connections to municipal water facilities are located approximately 2,000 feet to the east of the Amendment Site at the southwest corner of the intersections of Griffin Road and Southwest 207<sup>th</sup> Terrace and is approximately 2,500 feet to the east of the Amendment Site within the Stirling Road right-of-way to the east of Southwest 208<sup>th</sup> Lane. These connections are serviced by the City of Pembroke Pines. The City of Pembroke Pines is also willing to provide water and sewer services to the ~~Property-Amendment Site~~. Please see the City of Pembroke Pines Water and Sewer Availability letter dated April 11, 2023, attached hereto as Exhibit “E.” To allow for connection to the existing municipal water and sewer facilities directly adjacent to the Amendment Site, the Applicant is proposing the amendments to the Town’s Plan discussed above under Potable Water Analysis, paragraph 2.

**3. Identify the net impact on sanitary sewer demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot\* or dwelling unit.**

Sanitary Sewer demands for the Amendment Site have been calculated based upon the Broward County Water and Wastewater Services (“WWS”) Equivalent Residential Unit (“ERU”) Factors latest additton published April 4, 2017. This reference manual provides an ERU Factor Schedule that lists ERU factors in terms of ERU per unit for common types of uses. For types of uses that utilize water, wastewater ERUs are based on water consumption; so the number of water and wastewater ERUs are the same value. The manual provides the conversion factor of one (1) ERU equal to 185 gallons per day (GPD) average sanitary sewer demand, which has been utilized to determine the total impact on sanitary sewer demand in Table 4.

Table 4 Sanitary Sewer Impact					
Use	WWS Use	ERU	GPD	Calculation	Total
<u>Commercial</u>	C05/ Merchandising	0.185 ERU/ 1,000 SF	35 GPD/ 1,000 SF	35 GPD/1,000 SF x (116,000 SF)	<u>4,060 GPD</u>
<u>Proposed Industrial</u>	C-06 <sup>cc</sup> / Warehouse (Mixed Use) <sup>cc</sup>	0.168 ERU/ 1,000 SF	31 GPD/ 1,000 SF	2731 GPD/1,000 SF x (716600,000 SF)	<u>19,332,18,600 GPD</u>
<u>Total</u>					<u>22,660 GPD</u>

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**4. Correspondence from sanitary sewer provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.**

Please see Exhibit “D,” City of Sunrise’s Water and Sewer Service Availability Letter and Exhibit “E,” City of Pembroke Pine’s Water and Sewer Service Availability Letter.

**C. Solid Waste Analysis**

**1. Provide the solid waste level of service per the adopted and certified local land use plan.**

Utilities Element Policy 1.1-f of the Town’s Plan provides the following level of service standards for industrial and commercial uses:

- Factory/Warehouse 2 lbs. per 100 sq. ft. per day,
- Office Building 1 lb. per 100 sq. ft. per day,
- Department Store 4 lbs. per 100 sq. ft. per day,
- Supermarket 9 lbs. per 100 sq. ft. per day,
- Restaurant 2 lbs. per meal per day, and
- Drug store 5 lbs. per 100 sq. ft. per day.

**2. Identify the solid waste facility serving the service area in which the amendment is located including the landfill/plant capacity, current and committed demand on the landfill/plant capacity and planned landfill/plant capacity.**

Waste Management provides solid waste collection and disposal for unincorporated Broward County and the Town. The current capacity at the Okeechobee Landfill exceeds 100,000,000 tons.

3. Identify the net impact on solid waste demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot\* or dwelling unit.

	<b>Use</b>	<b>Calculation</b>	<b>Total</b>
<b>Proposed</b>	C-06-“Warehouse (Mixed Use)”	2 LB/100 SF/Day x (716,000 SF)	<b>14,320 SF/Day</b>

4. Correspondence from the solid waste provider verifying the information submitted in items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

Please see the October 3, 2022, letter confirming capacity from Barbara Herrera, Government Affairs Manager of Waste Management Inc. of Florida (Phone: 954-856-7192, E-mail: bherrera@wm.com) attached hereto as Exhibit “F.”

**D. Drainage Analysis**

1. Provide the drainage level of service per the adopted and certified local land use plan.

Utilities Element Policy 1.1-g of the Town’s Plan provides the following level of service standards for drainage:

<b>Subject</b>	<b>Drainage Level of Service (LOS) Standards</b>
Road Protection	Residential streets with not greater than fifty feet of right-of-way, or private or public easement width, to have crown elevations no lower than the elevation for the respective area depicted on the ten-year "Flood Criteria Map."  Streets with greater than fifty feet of rights-of-way, or private or public easement width, to have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten-year "Flood Criteria Map."

Building Elevations	To have the lowest floor elevation no lower than the elevation for the respective area depicted on the "100-Year Flood Elevation Map."
Drainage	Off site discharge shall not exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system whichever is less.
Storm Sewers	Design frequency minimum to be three year rainfall intensity of the State Department of Transportation Zone 10 rainfall curves.
Flood Plain Routing Elevations	Calculated flood elevations based on the ten-year and one hundred-year return frequency rainfall of three-day duration shall not exceed the corresponding elevations of the ten-year "Flood Criteria Map" and the "100-Year Flood Elevation Map."
Antecedent Water Level	The higher elevation of either the control elevation or the elevation depicted on the map "Average Wet Season Water Levels."
On Site Storage	Minimum capacity above antecedent water level and below flood plain routing elevations to be design rainfall volume minus off site discharge occurring during design rainfall.
Water Quality	Per UE Policy 1.1-h.

Utilities Element Policy 1.1-h states that the Town shall utilize the provisions of Chapter 27, Article V of the Broward County Code of Ordinances, as it existed on the date of adoption of this policy, as water quality standards for stormwater discharge.

**2. Identify the drainage district and drainage systems serving the amendment area.**

The Amendment Site is located within the South Broward Drainage District ("SBDD"). The Amendment Site is located within the SBDD S-10 Basin and has an existing outfall connection to the SBDD. The Amendment Site is bordered to the north by the South Florida Water Management District ("SFWMD") C-11 Canal, and drainage will be managed through SBDD Basin S-10.

**3. Identify any planned drainage improvements, including year, funding sources and other relevant information.**

~~There are no planned drainage improvements identified. On site retention will be provided to meet the required level of service.~~

The planned drainage improvements for the Amendment Site will consist of regrading the site to allow for the construction of onsite perimeter stormwater retention swales that will provide water quality treatment, water quantity attenuation and well as conveyance of water around the perimeter of the site to a proposed outfall. Water quality requirements for treatment of stormwater runoff for the site will be achieved within the perimeter swale. The proposed onsite wetland



mitigation area will also provide stormwater attenuation to meet stormwater compensating storage requirements. The proposed perimeter swale and berm system will be the backbone primary stormwater collection and conveyance system.

As site plans develop for the development of the Amendment Site, secondary stormwater conveyance systems will be designed and permitted for direct connection to the perimeter swale and berm system. Three (3) outfall control structures are proposed for the stormwater management system. One outfall control structure is proposed for the portion of the Amendment Site north of Griffin Road. This structure will outfall to the SBDD canal to the east of the Amendment Site once water quality has been met within the swale system. Two outfall control structures are proposed for the portion of the Amendment Site south of Griffin Rd and north of Striling Road. One outfall control structure will be constructed at the existing outfall location along the eastern property line of the Amendment site approximately 3,000 feet south of the intersection of Griffin Road and US-27. The second outfall control structure will be located on the southeast corner of the proposed wetland mitigation area to allow for discharge and regulation of the water level within the wetland to return to the S-10 Basin control elevation of 4.0 NGVD after a major storm event.

Due to the Amendment Site's proposed commercial and industrial use, 150 percent of the calculated water quality will be required by SFWMD and SBDD. The stormwater management system has been designed to provide the required 150 percent water quality requirement before allowing stormwater to outfall from the site.

**4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.**

Applications for both SFWMD and SBDD have been submitted. SFWMD has also issued a permit to the Amendment Site in the past.

**Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.**

The SFWMD application number for the Amendment Site is 210507-6155. The SFWMD has previously issued a permit to the Amendment Site under permit number 06-05580-P.

**5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local**

government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrates how the site will be drained and the impact on the surrounding properties.

The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage of proposed water management retention area, elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

Drainage Information	
Wet Season Water Level	4.00' NGVD
Design Storm Elevation	4.00' NGVD
Natural Land Elevation	5.00' NGVD
Proposed Land Elevation	6.85' NGVD
100-Year, 3-Day Flood Elevation	7.30' NGVD
Acreage of Water Management Area	11.23524 AC
Minimum Building Finish Floor Elevation	8.00' NGVD
Minimum Road Crown Elevation	7.12' NGVD

Please find full drainage calculations for the Amendment Site within the Drainage Study attached as Exhibit "G."

**6. Correspondence from local drainage district verifying the information submitted in items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.**

Please see the contact information below:

Kevin Hart, P.E., CFM  
 District Director of South Broward Drainage District  
 (Phone: 954-680-3337, e-mail: kevin@sbdd.org)

A SBDD Land Use Plan Amendment Application has been submitted to SBDD for review and approval. A copy of the SBDD service availability letter from SBDD will be provided upon receipt. A copy of the application submitted to SBDD is attached as Exhibit "H."

**E. Recreation and Open Space Analysis**

**1. Provide the recreation and open space level of service per the adopted and certified local land use plan.**

Recreation and Open Space Element Policy 1.2-a of the Town's Plan states that the Town shall provide for a minimum of six (6) acres of parks for every 1,000 existing and projected permanent residents.

**2. For amendments which will result in an increased demand for "community parks" acreage, as required by the Broward County Land Use Plan, an up-to-date inventory of the municipal community parks inventory must be submitted.**

The Proposed Amendment does not include a residential component and therefore will not increase the demand for park acreage.

**3. Identify the net impact on demand for "community parks" acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.**

The Proposed Amendment does not include a residential component and therefore will not increase the demand for park acreage.

**4. Identify the projected "community parks" acreage needs based on the local government's projected build-out population.**

Pursuant to the Capital Improvements Element Data, Inventory and Analysis presented to the Town Council on November 19, 2021, the Town owns a total of 153.54 acres of park land, while the demand for local and community parks and recreation facilities for the long-term planning horizon will be 58.38 acres. As such, the Town far exceeds the adopted level of service standard of six (6) acres of parks for every 1,000 existing and projected permanent residents.

**5. As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Policies 2.5.4 and 2.5.5 (a. through e.), regarding the provision of open space.**

Broward County Land Use Plan Policy 2.5.4 encourages the preservation of open space areas and strongly discourages amendments to the Broward County Land Use Plan which would result in the loss of open space. No open space is proposed to be re-designated pursuant to the Proposed Amendment.

Broward County Land Use Plan Policy 2.5.5 applies to amendments to the Broward County Land Use Plan containing golf courses and does not apply to the Proposed Amendment.

**F. Traffic Circulation Analysis**

Please be advised, if required, that the Planning Council staff will request from the Broward Metropolitan Planning Organization (MPO), as per Policy 2.14.6 of the BCLUP, an analysis of the impacts of the amendment to the regional transportation network. The MPO will charge a separate cost-recovery fee directly to applicants for technical assistance requested by the Planning Council for the preparation and review of the land use plan amendment transportation analysis. Please contact the MPO for additional information regarding this fee.

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.

The +/- 58.7 gross acre Amendment Site is in the Town of Southwest Ranches and is bounded by US 27 on the west, Griffin Road to the north, Stirling Road to the south and SW 210<sup>th</sup> Terrace/Menorah Gardens & Funeral Chapels to the east. The roadways near the proposed site operate at an acceptable LOS C or better (see Table 6).

**Table 6  
Existing Impacted Roadways (2022 Conditions)**

Segment Number/ Name	Geometry	*AADT	**Daily Capacity	Daily V/C	***Daily LOS	*Peak Hour Volume	***Peak Hour Capacity	Peak Hour V/C	***Peak Hour LOS
1. US 27 (NS Orientation)	4-Lane divided	18000	66200	0.27	B	<del>1711</del> 1800	5960	0.2930	B
2. Sheridan St (EW Orientation)	2-Lane undivided	<del>2900</del> 4400	16815	0.1726	<del>E</del> B	276440	1520	0.1829	<del>E</del> B
3. Sheridan St (EW Orientation)	4 Lane divided	28000	37810	0.74	C	2800	3401	0.82	D
4. Sheridan St (EW Orientation)	6 Lane divided	43500	56905	0.76	C	4350	5121	0.85	D
5. Stirling Road (EW Orientation)	2-Lane undivided	2150	13320	0.16	<del>E</del> B	204215	1197	0.1718	<del>E</del> B
6. Griffin Road (EW Orientation)	2-Lane undivided	6400	16815	0.38	<del>E</del> B	608640	1520	0.4042	C
7. Griffin Road (EW Orientation)	4 Lane divided	14900	37810	0.40	C	1490	3401	0.44	C
8. Griffin Road (EW Orientation)	4 Lane divided	22000	37810	0.58	C	2200	3401	0.65	C
9. Griffin Road (EW Orientation)	6 Lane divided	42500	56905	0.75	C	4250	5121	0.83	D

\*Source: FDOT Traffic Online.

\*\*Broward County Roadway Capacity and Level of Service (LOS) Analysis.

\*\*\* Segment Information

- Segment 1: US 27 – From Sheridan Street to Griffin Road.
- Segment 2: Sheridan St. – US-27 to SW 196<sup>th</sup> Ave. is currently 2-lane undivided, to be widened to four-lane divided between 2031 and 2035.
- Segment 3: Sheridan St. - From SW 196<sup>th</sup> Ave. to Dykes Road (NW 160<sup>th</sup> Ave.) (currently 4-lane divided).
- Segment 4: Sheridan St. - From Dykes Road (NW 160<sup>th</sup> Ave.) to I-75 (currently 6-lane divided).
- Segment 5: Stirling Rd. – From US 27 to SW 196 Ave. (currently 2-lane undivided).
- Segment 6: Griffin Rd. – US-27 to Bonaventure Blvd. is currently two-lane, to be widened to 4-lane divided and set to be constructed between 2036 and 2045.
- Segment 7: Griffin Rd. – From Bonaventure Blvd. to SW 172 Avenue (currently 4-lane divided).
- Segment 8: From SW 172 Avenue to Weston Road/Dykes Road (SW 160 Avenue) (currently 4-lane divided).
- Segment 9: Griffin Rd. – From Weston Road/Dykes Road (SW 160 Avenue) to I-75. (currently 6-lane divided).

**Proposed Land Uses and Trip Generation**

The proposed land use consists of Business Park (20-30% Office, Commercial, 70-80% Industrial, Warehouse) (ITE Land Use Code 770) ~~applied to the industrial portion of the proposed development~~ and Strip Retail Plaza (Retail) (ITE Land Use Code 822) ~~applied to the commercial portion of the proposed development. The areages the acreage~~ listed in Table 7 ~~are is~~ based on the proposed Floor Area Ratio (FAR) percentage, which is less than the 75% maximum permitted. The proposed land uses encompass all the uses that will be utilized to develop the Master Development Plan. See Exhibit “C.” ITE Trip generation manual (11th edition) was used to generate the daily, AM and PM peak hour trips for the proposed land uses and are listed in Table 8. Pursuant to practices used by the Broward County Planning Council to establish AM and PM peak hour impacts, the applicable ITE rate or equation was used to generate the vehicular trips listed in Table 8.

ITE Land Use Code	ITE Land Use	Total Area (Acres) (Gross)	FAR (%)	Area of Use (Acres)	Area of Use in (SQ FT)	Area (KSF)
770	<b>Business Park (20-30% Office, Commercial, 70-80% Industrial, Warehouse)</b>	38.19	36%	13.75	600,000	600
822	<b>Strip Retail Plaza (Commercial)</b>	14.7	36%	13.75	116,000	116
<b>Totals</b>		<b>52.89*</b>	<b>18%</b>	<b>16.40</b>	<b>716,000</b>	<b>716</b>

\*Total Acreage excludes 3.66 acres (wetlands).

ITE Land Use	Daily (Veh/Day)	AM Peak Hr (Veh/Hr)	PM Peak Hr. (Veh/Hr)

770	7,088	737	706
822	5,125	274	764
<b>Totals</b>	<b>12,213</b>	<b>1,011</b>	<b>1,470</b>

2. Identify the projected level of service for the roadways impacted by the proposed amendment for the long-range planning horizon. Please utilize average daily and p.m. peak hour traffic volumes per Broward Metropolitan Planning Organization (MPO) plans and projections.

Using data from Broward MPO, a future projection of the existing roadways was done without the project traffic. The roadways near the proposed site operate at an acceptable LOS D or better (see Table 9).

**Table 9  
Existing Impacted Roadways (\*2045 Conditions)**

***Segment Number/Name	Geometry	AADT	Daily Capacity	Daily V/C	Daily LOS	Peak Hour Volume	Peak Hour Capacity	Peak Hour V/C	Peak Hour LOS
1. US 27 (NS Orientation)	4-Lane divided	22200	66200	0.34	<u>BC</u>	2109	5960	0.35	<u>BC</u>
2. Sheridan St (EW Orientation)	<del>2-***4 Lane undivided</del>	4300	<del>66200</del> <u>16815</u>	<del>0.2606</del>	<del>EA</del>	409	<del>5960</del> <u>1520</u>	<del>0.2707</del>	<del>EA</del>
3. Sheridan St (EW Orientation)	<u>4 Lane divided</u>	<u>35400</u>	<u>37810</u>	<u>0.94</u>	<u>C</u>	<u>3363</u>	<u>3401</u>	<u>0.99</u>	<u>D</u>
4. Sheridan St (EW Orientation)	<u>6 Lane divided</u>	<u>52700</u>	<u>56905</u>	<u>0.93</u>	<u>C</u>	<u>5007</u>	<u>5121</u>	<u>0.98</u>	<u>D</u>
5. Stirling Road (EW Orientation)	2-Lane undivided	7300	13320	0.55	<u>DC</u>	694	1197	0.58	D
6. Griffin Road (EW Orientation)	<u>**2 Lane divided</u>	<u>10500</u>	<u>16815</u>	<u>0.62</u>	<u>C</u>	<u>998</u>	<u>1520</u>	<u>0.66</u>	<u>C</u>
7. Griffin Road (EW Orientation)	<del>**4- Lane undivided</del>	<del>23100</del> <u>10500</u>	<del>**37810</del> <u>66200</u>	<del>**0.1661</del>	<del>**AC</del>	<u>998</u> <u>2195</u>	<del>**3401</del> <u>5960</u>	<del>**0.1765</del>	<del>**AC</del>
8. Griffin Road (EW Orientation)	<u>4 Lane undivided</u>	<u>30700</u>	<u>37810</u>	<u>0.81</u>	<u>C</u>	<u>2917</u>	<u>3401</u>	<u>0.86</u>	<u>C</u>
9. Griffin Road (EW Orientation)	<u>6 Lane undivided</u>	<u>49700</u>	<u>56905</u>	<u>0.87</u>	<u>D</u>	<u>4722</u>	<u>5121</u>	<u>0.92</u>	<u>D</u>

\*Source: Broward MPO. ~~\*\* Griffin Road~~ Sheridan Street (US-27 to SW 196<sup>th</sup> Ave.) is programmed by Broward County MPO to be widened from two to 4-lane divided (Project Sponsor: City of Pembroke Pines) and set to be constructed between 2031 and 2035. \*\*\* Griffin Road (US-27 to Bonaventure Blvd.) is programmed by Broward MPO to be widened from two to 4-lane divided (Project Sponsor: Town of Southwest Ranches) and set to be constructed between 2036 and 2045.

\*\*\* Segment Information

Segment 1: US 27 – From Sheridan Street to Griffin Road.

Segment 2: Sheridan St. – US-27 to SW 196<sup>th</sup> Ave. is currently 2-lane undivided, to be widened to four-lane divided between 2031 and 2035.

Segment 3: Sheridan St. - From SW 196<sup>th</sup> Ave. to Dykes Road (NW 160<sup>th</sup> Ave.) (currently 4-lane divided).

Segment 4: Sheridan St. - From Dykes Road (NW 160<sup>th</sup> Ave.) to I-75 (currently 6-lane divided).

Segment 5: Stirling Rd. – From US 27 to SW 196 Ave. (currently 2-lane undivided).

Segment 6: Griffin Rd. – US-27 to Bonaventure Blvd. is currently two-lane, to be widened to 4-lane divided and set to be constructed between 2036 and 2045.

Segment 7: Griffin Rd. – From Bonaventure Blvd. to SW 172 Avenue (currently 4-lane divided).

Segment 8: From SW 172 Avenue to Weston Road/Dykes Road (SW 160 Avenue) (currently 4-lane divided).

Segment 9: Griffin Rd. – From Weston Road/Dykes Road (SW 160 Avenue) to I-75. (currently 6-lane divided).

- 3. Planning Council staff will analyze traffic impacts resulting from the amendment. The applicant may provide a traffic impact analysis for the amendment – calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the long-range planning horizon.**

To the traffic data obtained from Broward MPO, the proposed development's trips were distributed/assigned (see Table 10) to the adjacent roadway network. Sixty percent (60%) of the trips were distributed to US 27, twelve percent (12%) was added to Sheridan Street, twenty five percent (25%) to Griffin Road, and three percent (3%) was added to Stirling Road (see Figure 1). Peak hour and annual average daily traffic (AADT) volumes were assigned. All roadway segments would operate at acceptable LOS D or better through year 2045 as evidenced by the traffic analysis, and the project traffic would not deteriorate the operation of the adjacent roadways during the peak hour and during the entire day. Adjacent to the site and parallel to US 27, a continuous frontage road (2-lane) will be constructed between Griffin and Stirling Road with driveway access to the proposed development, which will ease traffic demand along the adjacent US 27 corridor.

**Table 10  
Trip Assignment (2045 Conditions)**

<u>*** Segment Number/Name</u>	Project Traffic Peak Hour (AADT)	2045 Project + Future Traffic Volumes Peak Hour (AADT)	Percent of Capacity (Daily)	Capacity (Daily)	**V/C Ratio Peak Hr. (Daily)	*LOS (Daily) Peak Hr. (Daily)
<u>1.US 27 (NS Orientation) (60%)</u>	607 (7,328) <u>(4-lane)</u>	2716 (29,528)	10% (11%)	5,960 (66,200)	0.46 (0.45)	C (C)
<u>2.Sheridan Street (EW Orientation) (12%)</u>	176 (1,466) <u>****(4-lane)</u>	585 (5,766)	<del>12%</del> <del>(93%)</del> <u>(2%)</u>	<del>5,960</del> <del>(66,200)</del> <del>520</del> <del>(16,815)</del>	<del>0.3910</del> <del>(0.3409)</del>	<del>C</del> <del>(C)</del> <u>(A)</u>
<u>3.Sheridan Street (EW Orientation) (12%)</u>	176 (1,466) <u>(4-lane)</u>	<u>3,539</u> <u>(36866)</u>	<u>5%</u> <u>(4%)</u>	<u>3,401</u> <u>(37,810)</u>	<u>1.04</u> <u>(0.98)</u>	<u>E</u> <u>(D)</u>
<u>4.Sheridan Street (EW Orientation) (12%)</u>	176 (1,466) <u>(6-lane)</u>	<u>5,183</u> <u>(54,166)</u>	<u>3%</u> <u>(3%)</u>	<u>5,121</u> <u>(56,905)</u>	<u>1.01</u> <u>(0.95)</u>	<u>E</u> <u>(D)</u>
<u>5.Stirling Road (EW Orientation) (3%)</u>	44 (366) <u>(2-lane)</u>	738 (7,666)	4% (3%)	1,197 (13,320)	0.62 (0.58)	<del>D</del> <del>(C)</del> <u>(C)</u>
<u>6.Griffin Road (EW Orientation) (25%)</u>	368 (3,053) <u>****(2-lane)</u>	1,366 (13,553)	<del>6%</del> <del>(524%)</del> <u>(18%)</u>	<del>1,520</del> <del>(16,815)</del> <del>960</del> <del>(66,200)</del>	<del>0.2390</del> <del>(0.2081)</del>	<del>B</del> <del>(D)</del> <u>(C)</u>
<u>7.Griffin Road (EW Orientation) (25%)</u>	368 (3,053) <u>(4-lane)</u>	<u>2,563</u> <u>(26,153)</u>	<u>11%</u> <u>(8%)</u>	<u>3,401</u> <u>(37,810)</u>	<u>0.75</u> <u>(0.69)</u>	<u>C</u> <u>(C)</u>
<u>8.Griffin Road (EW Orientation) (25%)</u>	368 (3,053) <u>(4-lane)</u>	<u>3,285</u> <u>(33,753)</u>	<u>11%</u> <u>(8%)</u>	<u>3,401</u> <u>(37,810)</u>	<u>0.97</u> <u>(0.89)</u>	<u>D</u> <u>(D)</u>
<u>9.Griffin Road (EW Orientation) (25%)</u>	368 (3,053) <u>(6-lane)</u>	<u>5,090</u> <u>(52,753)</u>	<u>7%</u> <u>(5%)</u>	<u>5,121</u> <u>(56,905)</u>	<u>0.99</u> <u>(0.93)</u>	<u>D</u> <u>(D)</u>

\*LOS based on V/C ratios computed for AADT. LOS "A" (least delay). LOS "F" (most delay).

\*\*Volume to Capacity Ratio (V/C).

\*\*\* Segment Information



- Segment 1: US 27 – From Sheridan Street to Griffin Road.
- \*\*\*Segment 2: Sheridan St. – US-27 to SW 196<sup>th</sup> Ave. is currently 2-lane undivided, to be widened to four-lane divided between 2031 and 2035.
- Segment 3: Sheridan St. - From SW 196<sup>th</sup> Ave. to Dykes Road (NW 160<sup>th</sup> Ave.) (currently 4-lane divided).
- Segment 4: Sheridan St. - From Dykes Road (NW 160<sup>th</sup> Ave.) to I-75 (currently 6-lane divided).
- Segment 5: Stirling Rd. – From US 27 to SW 196 Ave. (currently 2-lane undivided).
- \*\*\*Segment 6: Griffin Rd. – US-27 to Bonaventure Blvd. is currently two-lane, to be widened to 4-lane divided and set to be constructed between 2036 and 2045.
- Segment 7: Griffin Rd. – From Bonaventure Blvd. to SW 172 Avenue (currently 4-lane divided).
- Segment 8: From SW 172 Avenue to Weston Road/Dykes Road (SW 160 Avenue) (currently 4-lane divided).
- Segment 9: Griffin Rd. – From Weston Road/Dykes Road (SW 160 Avenue) to I-75. (currently 6-lane divided).

**Figure 1: Project Trip Distribution and Traffic Assignment (At Buildout)**



4. Provide any relevant transportation studies relating to this amendment, as applicable.

No transportation studies (operational, safety) are available. In coordinating with FDOT and Broward County, there are no planned roadway capacity improvements along US 27, Griffin Road, Stirling Road, and Sheridan Road. [Broward MPO is planning on widening Sheridan St. \(Segment 2\) from two to four lane divided between US 27 and 196th Ave which will provide more capacity. The construction timeframe for implementation is between 2031 and 2035. Broward MPO is also planning on widening Griffin Road \(Segment 6\) from two to four divided and set to be constructed between 2036 and 2045. These improvements are listed in the Broward MPO, Commitment 2045 Metropolitan Transportation Plan \(Final Report, Adopted December 12, 2019, Amendment No. 04, February 8, 2024\).](#)

#### **G. Mass Transit Analysis**

- 1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile.**

No transit service is provided within a quarter mile of the Amendment Site, and there is no planned expansion at this time. The Broward County Mass Transit Division operates Broward County Transit (“BCT”), a fixed-route bus system serving a percentage of the residents of the Town. More specifically, the Amendment Site is nearest to BCT Route 23, which travels north and south from Pembroke Lakes Mall to Sawgrass Mills Mall. This transit route will be easily accessible through bus stops located near the intersections of Stirling and Dykes Roads and Griffin and Dykes Roads. This route currently provides north and southbound service during weekdays only.

- 2. Describe how the proposed amendment furthers or supports mass transit use.**

The Proposed Amendment supports mass transit use by providing industrial and commercial density near the service area of an existing transit route. Pursuant to the letter from Romary Justafort, Service Planner, Service and Strategic Planning – Broward County Transit dated November 3, 2022, and attached hereto as Exhibit “I,” development of the Amendment Site will be considered as BCT updates its Transit Development Plan and undertakes a comprehensive operational analysis because the proposed development increases employment opportunities along the Griffin and Stirling Road corridors in the Town. The Amendment Site will be noted as a key area of development for possible transit service expansion and/or new service once development of the Amendment Site is completed.

- 3. Correspondence from transit provider verifying the information submitted in items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.**

Please see the letter from Romary Justafort, Service Planner, Service and Strategic Planning – Broward County Transit dated November 3, 2022, and attached hereto as Exhibit “I.”

**H. Public Education Analysis**

**Please be advised that the Planning Council staff will request from The School Board of Broward County (SBBC), as per Policy 2.15.2 of the BCLUP, an analysis of the impacts of the amendment on public education facilities. Per SBBC Policy 1161, the applicant will be subject to a fee for the analysis and review of the land use plan application. The applicant should contact the Growth Management Section of the SBBC to facilitate this review and determine the associated fees.**

**1. Public School Impact Application.**

The Proposed Amendment is to amend the Amendment Site’s future land use designation from Agricultural as currently shown on both the Town’s and County’s Future Land Use Maps to the Town’s US Highway 27 Business land use designation and to the County’s Commerce land use designation. No residential uses are proposed. As such, a Public School Impact Application is not required.

**2. The associated fee in the form of a check made payable to the SBBC.**

Not applicable.

## 6. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

**Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment's impact on natural and historic resources.**

### **A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.**

The Amendment Site is vacant and does not include or impact any historic site or district on the National Register of Historic Places or locally designated historic sites.

### **B. Archaeological sites listed on the Florida Master Site File.**

A search of the Florida Master Site File was completed on October 18, 2022, by Eman M. Vovsi, Ph.D., Sr. Data Base Analyst, Florida Department of State, Bureau of Historic Preservation, Florida Master Site File; and no cultural resources were detected within the Amendment Site. Please refer to the correspondence dated October 18, 2022, attached as Exhibit "J."

### **C. Wetlands.**

According to the Broward County Wetland Map dated September 8, 2022, there are no known wetlands within the Amendment Site. That being said, the Amendment Site is subject to that certain Conservation Easement recorded in Official Records Book 50923, Page 1868 of the Broward County Public Records, which dedicated approximately two and one half (+/-2.5) acres to the South Florida Water Management District and Broward County as a perpetual conservation easement for construction of an onsite wetland mitigation area. The Applicant has received the following permit modifications through the Florida Department of Environmental Protection (FDEP No. 06-0404099-002-EI) and the Broward County Environmental Protection and Growth Management Department (BCEPGMD ERL No. DF05-1107); and a State 404 program application has been processed and approved through the Florida Department of Environmental Protection (FDEP No. 06-0404099-003-SFI). Additional land area of (+/-1.1 acres) will be dedicated to the Florida Department of Environmental Protection, Broward County, and the South Florida Water Management District in conjunction with the permit modification for a wetland buffer area surrounding the existing +/- 2.5 acre proposed onsite wetland mitigation area bringing the total conservation easement area within the Amendment Site to +/- 3.66 acres.

Under the current agricultural land use, the Amendment Site has received the previously referenced regulatory approvals for the mitigation of +/- 30.37 acres of wetlands. The +/- 30.37 acres of wetlands to be mitigated consist of +/- 27.69 acres of low-quality melaleuca (*Melaleuca quinquenervia*) wetlands, and +/- 2.68 acres of wetland mitigation previously approved by regulatory agencies in 2006. The proposed mitigation plan consists of the creation/enhancement of a +/- 2.5-acre onsite wetland mitigation area and the creation of a +/-1.1-acre transitional wetland buffer surrounding the +/- 2.5 acres, for a total of +/- 3.6 acres of onsite mitigation area. In addition to the proposed onsite mitigation area, the remaining mitigation required for the wetland impacts has been satisfied ~~by credit purchases~~through the purchase of ten (10) credits from the Hole in ~~mitigation banks~~the Donut Mitigation Bank as approved by the aforementioned regulatory environmental regulatory agencies, which will significantly improve the regional benefits of natural wetland functions throughout South Florida. Copies of wetlands permits and mitigation documents are attached hereto as Exhibit “K.”

**D. Local Areas of Particular Concern as identified within the Broward County Land Use Plan.**

There are no known Local Areas of Particular Concern within the Amendment Site according to the Broward County Land Use plan adopted February 8, 2022. The current land use designation for the Amendment Site is Agricultural.

**E. Priority Planning Area map and Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.**

The Amendment Site is not within a Priority Planning Area.

**F. “Endangered” or “threatened species” or “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.**

There are no endangered or threatened species or species of special concern known to inhabit the Amendment Site.

**G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.**

There are no plants listed on the Regulated Plant Index known to inhabit the Amendment Site.

**H. Wellfields – indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the affected zone and any provisions which will be made to protect the wellfield.**

The Amendment Site is not located within a wellfield protection zone of influence.

**I. Soils – describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area’s natural features.**

Development of the Amendment Site will include traditional earthwork means and methods for the excavation of onsite swales to generate clean fill for placement in areas of proposed development and the construction of perimeter berms. To protect the surrounding properties and water bodies and to retain all soils onsite during all construction activity, the Site Contractor will be required to implement and maintain Best Management Practices (BMPs) in accordance with the required State of Florida’s NPDES licensing program. Erosion control BMPs, such as the installation of silt fences, turbidity control barriers and soil tracking prevention devices will be implemented prior to and during all project-related construction activities. The Amendment Site’s topography will be modified to allow for the construction of onsite stormwater retention swales and the proposed onsite wetland mitigation area. Modification of the Amendment Site’s topography has been designed to provide a balance of elevated areas of proposed development and compensating stormwater management areas and perimeter that is equal to or better than the current condition of the Amendment Site due to the construction of perimeter berms and drainage control structures that limit discharge of stormwater from the site.

With respect to areas of proposed onsite wetland mitigation, all erosion control BMPs, such as the installation of silt fences, turbidity control barriers and construction fencing will be adhered to prior to and during all project-related construction activities. Earthwork for the mitigation area will include the scraping down of the existing soils to the various proposed wetland elevations for the habitat types to be achieved, with all construction equipment being staged on the existing uplands of the Amendment Site. Upon completion of the preliminary earthwork, a minimum one foot (1’) muck blanket will be installed as a planting substrate, with existing onsite muck used to the greatest extent possible. A qualified environmental professional will review mitigation-related earthwork to ensure accuracy of the approved mitigation layout and design. Upon the completion of construction activities and construction observation, as-built surveys will be reviewed to ensure the permitted elevations, design and planting substrate have been constructed properly. After approval of the project as-built surveys, the mitigation area

will be planted in accordance with the approved planting plan, and subsequently inspected for a time-zero monitoring report to begin the maintenance and monitoring period in accordance with the applicable permits.

**J. Beach Access – Indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.**

The Amendment Site does not front the ocean and has no impact on access to public beaches.

**7. AFFORDABLE HOUSING**

**Describe how the local government is addressing Broward County Land Use Plan Policy 2.16.2, consistent with Article 5 of this Document.**

Broward County Land Use Plan- Policy 2.16.2 applies to amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Plan. The Proposed Amendment does not contain or add any residential units.



## 8. **LAND USE COMPATIBILITY**

**Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent municipalities and/or county jurisdictions). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.**

On January 26, 2017, the Town Council adopted Ordinance No. 2017-02, which amended the text of the Future Land Use Element of the Town Plan to establish a new land use designation entitled “US Highway 27 Business.” In adopting Ordinance No. 2017-02, the Town Council agreed with the Town CPAB that the US 27 corridor is “unsuitable or marginal for rural residential use” and is more suitable for light industrial and business development that would diversify the Town’s tax base. As such, the Town Council adopted Future Land Use Objectives and Policies that would “form the framework for evaluating land use plan amendment petitions seeking the US Highway 27 designation” as well as “evaluating companion petitions for rezoning and site plan” while also protecting the Town’s rural character and lifestyle. The US Highway 27 Business category provisions of the Plan were amended by the Town Council on February 11, 2021, pursuant to Ordinance No. 2021-006, along with regulations added to the Town Unified Land Development Code (“ULDC) to create the necessary associated zoning classification entitled “US Highway 27 Planned Business District” and district regulations to implement the US Highway 27 Business Future Land Use category. The Town’s Plan was subsequently recertified by the Broward County Planning Council on June 24, 2021, with a determination that the new US Highway 27 Business Future Land Use category is consistent with the County Commerce land use category.

The Applicant is the owner of the +/- 58.7 gross acre Amendment Site that is generally located along the east side of US 27 between Stirling Road to the south and the South New River (C-11) Canal to the north in the Town. The Applicant is requesting the Proposed Amendment to amend the Amendment Site’s future land use designation from Agricultural (Town and County) to US Highway 27 Business (Town) and Commerce (County) in order to implement the Town’s vision for the US 27 corridor along with amendments to the text of the Town’s Comprehensive Plan provisions for the US Highway 27 Business category related to connection to municipal water and sewer service. The Applicant is proposing to develop the Amendment Site with the US 27 Business Center planned development consisting of approximately 116,000 square feet of commercial uses and 600,000 square feet of light industrial uses. The Proposed Amendment provides the Town with an attractive development opportunity that will transform vacant property into a substantial revenue producing development while remaining true and consistent with the Town’s goals, objectives, and policies. Moreover, this request is the result of the growing need for commercial and industrial uses in southwest Broward County, which is uniquely situated to service the tri-county area and beyond.

Prior to adopting the amendments to the Town Plan that created the US Highway 27 Business land use category, the Town specifically tasked its CPAB to identify potential locations for commercial and industrial development. Based on CPAB's recommendations, the Town made findings that the US 27 corridor is most suitable for business uses that would diversify the Town's tax base while protecting the rural character and lifestyle that Town residents enjoy. The Town took special consideration of the existing surrounding uses in drafting and approving its US Highway 27 Business land use category. The Applicant is simply seeking to apply the framework provided by the Town within the Town Plan to implement the US Highway 27 Business land use category upon the Amendment Site in a reasonable manner.

The Proposed Amendment is also consistent and compatible with existing and proposed uses in the area. It should be noted that the Amendment Site is bounded by Stirling Road on the south, US 27 on the west, the South New River Canal to the north, and the Menorah Gardens & Funeral Chapel property on the east. As such, the Amendment Site is substantially separated from properties to the south, west and north by these major thoroughfares, while the Menorah Gardens & Funeral Chapel property provides a substantial buffer between the Amendment Site and rural residential uses further east as the Menorah property has an average width of nearly 700 feet.

**9. HURRICANE EVACUATION ANALYSIS**

**(Required for those land use plan amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division).**

**Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and seasonal residential dwelling units (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Division.**

The Amendment Site is not located in a Hurricane Evacuation Zone as identified by the Broward County Emergency Management Division.

**10. REDEVELOPMENT ANALYSIS**

**Indicate if the amendment is located in an identified redevelopment area (i.e., Community Redevelopment Agency, Community Development Block Grant). If so, describe how the amendment will facilitate redevelopment and promote approved redevelopment plans.**

The Amendment Site is not located within a redevelopment area.

**11. INTERGOVERNMENTAL COORDINATION**

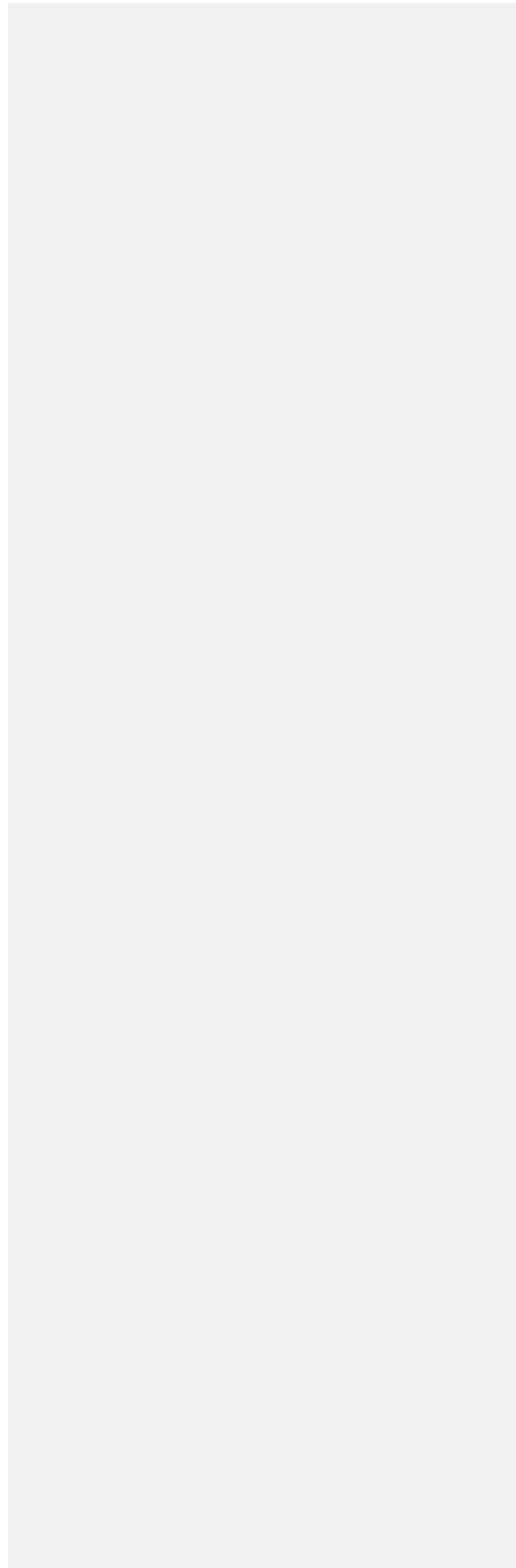
**Indicate whether the proposed amendment site is adjacent to other local governments.**

The Amendment Site is not directly adjacent to other local governments. However, the property to the north of the Amendment Site beyond the South New River Canal is within the City of Weston while the property to the south of the Amendment Site beyond Stirling Road is located within unincorporated Broward County and is used as the Broward County Landfill.

**12. PUBLIC OUTREACH**

**Describe how the applicant and/or local government notified and coordinated with adjacent property owners, master associations, homeowner associations, etc.**

Owners of property located within 1,500 feet of the Amendment Site will receive direct mailings with notice of the public hearing related to the land use and zoning changes proposed for the Amendment Site pursuant to Section 100-060 of the Town ULDC, and sign notices will be posted along the United States Highway 27, Griffin Road, and Stirling Road frontages pursuant to Town ULDC Section 100-030(C).



### **13. DESCRIBE CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN**

#### **Highlighted Regional Issues:**

The Proposed Amendment is consistent with the following strategies from Section 1: Highlighted Regional Issues of BrowardNext, the Broward County Land Use Plan (“County Plan”):

- Multi-Modal:
  - STRATEGY MM-2: Recognize and address the transportation and housing connection.
    - Promote and support redevelopment and mixed use opportunities within and along major transportation hubs and corridors.
    - Proposed Amendment: The Applicant is requesting the Proposed Amendment to allow for development of a vacant and underutilized property located on three (3) major transportation corridors, US 27, Griffin Road and Stirling Road, with a planned business center.
- World-Class Natural Resource Protection and Enhancement
  - STRATEGY EP-3: Preserve and protect Broward County’s natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.
    - Continue to eliminate invasive exotic vegetation.
    - Proposed Amendment: A general permit condition instituted by BCEPGMD for the wetland mitigation area is that “less than 2% coverage by invasive exotic and undesirable species is allowable if plants are dispersed and not concentrated in any particular area. Treatment efforts should be tailored to prevent invasive exotic species from becoming reproductively mature.” A general permit condition instituted by FDEP is “maintaining the wetlands free of nuisance and exotic vegetation in perpetuity.”

#### **BrowardNext, the Broward County Land Use Plan**

The Proposed Amendment is consistent with the following policies of the County Plan:

- *Policy 2.3.1 Local governments shall employ their local land use plans, zoning ordinances and land development codes to establish differing intensities of commerce development compatible with adjacent and surrounding land uses, including but not limited to lands designated “Commercial,” “Industrial” or similar designations by the local land use plan.*
- Proposed Amendment: As noted herein, the Town recently adopted amendments to the Town Plan and the Town ULDC in response to its determination that the US 27 corridor is “unsuitable or marginal for rural residential use” and is more suitable for light industrial and business development that would diversify the Town’s tax base. The Town took special consideration of the existing surrounding uses in

drafting and approving its US Highway 27 Business land use category and companion zoning regulations. The Applicant is simply seeking to apply the framework provided within the Town Plan to implement the US Highway 27 Business land use category upon the Amendment Site.

- *Policy 2.10.2 The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and local land use plans. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance from existing land use patterns.*
- **Proposed Amendment:** As noted herein, the Amendment Site is uniquely situated along a major regional transportation route with an existing buffer with an average width of nearly 700 feet providing separation from nearby residential uses. The Amendment Site is substantially separated and buffered from nearby properties by two (2) major thoroughfares, Stirling Road to the south and US 27 to the west, the South New River Canal to the north, and the Menorah Gardens & Funeral Chapel property on the east. Therefore, any impacts of the Proposed Amendment are mitigated by the Amendment Site's location and existing separations and buffering from nearby uses. Furthermore, the Town Plan and ULDC provisions applicable to the US Highway 27 Business Future Land Use category and US Highway 27 Planned Business District result in a comprehensive set of polices, use restrictions, and zoning regulations that were carefully crafted to protect the Town's rural character and lifestyle. As such, the Proposed Amendment is consistent and compatible with existing and proposed uses in the area.
- *Policy 2.10.3 In order to prevent future incompatible land uses, the established character of predominately developed areas shall be a primary consideration when amendments to the Broward County Land Use Plan are proposed.*
- **Proposed Amendment:** As noted herein, the Town identified the US 27 corridor as appropriate for business uses that would diversify the Town's tax base and provide an employment center while protecting the rural character and lifestyle that Town residents enjoy. The Town took special consideration of the existing surrounding uses in drafting and approving its US Highway 27 Business land use category. The Applicant is simply seeking to apply the framework provided by the Town to implement the Town's vision for the US 27 corridor. The Proposed Amendment to the County Plan ensures consistency between the Town and County Comprehensive Plans. The Proposed Amendment provides the Town and County with an attractive development opportunity that will transform vacant property into a substantial revenue producing development and employment center while remaining true and consistent with the Town's goals; and this request is the result of the growing need for commercial and industrial uses in southwest Broward County, which is uniquely situated to service the tri-county area and beyond.



- *Policy 3.2.1 Broward County should endeavor to expand its economic base through expansion of the industrial and manufacturing sectors of its economy.*  
**Proposed Amendment:** The Proposed Amendment allows the County to expand and diversify its economic base through the expansion of the industrial sector of its economy. The Proposed Amendment allows for development of a vacant and underutilized property with a planned business center consisting of light industrial and commercial uses to serve the tri-county area.
- *Policy 3.2.2 Activities intended to diversify Broward County's economy should not adversely impact the quality of life of the County's permanent, seasonal, or tourist populations.*
- **Proposed Amendment:** As noted herein, the Town adopted a comprehensive set of policies, use restrictions, and zoning regulations applicable to the Proposed Amendment that were carefully crafted to protect the existing uses within the area and to preserve the Town's rural character and lifestyle. It should be noted that the Amendment Site is just east of Everglades Holiday Park, and the commercial component of the US 27 Business Center will allow for the provision of additional goods and services to tourists visiting this major attraction.

#### **Town of Southwest Ranches Comprehensive Plan:**

The proposed Amendment is also consistent with the following Goals, Objectives, and Policies and provisions of the Town Plan:

##### *FLUE Goal 1: Ensure the preservation of the town's rural lifestyle.*

As noted above, the Town Council found that the US 27 corridor is most suitable for business uses that would diversify the Town's tax base while protecting the rural character and lifestyle that Town residents enjoy. The Town Council adopted a comprehensive set of policies, use restrictions, and zoning regulations applicable to the proposed US 27 Business Center upon the Amendment Site that would ensure the preservation of the Town's rural lifestyle.

##### *FLUE Objective 1.1. Protect all residential areas designated on the Town's Future Land Use Map in order to preserve the Town's existing rural character and lifestyle, while respecting those existing and constitutionally protected property rights of its individual landowners.*

As discussed above, the Applicant's Proposed Amendment including the text amendment deleting the City of Sunrise limitation in the US Highway 27 Business category FLUE Policy 1.8-p and Performance Standard A.2, as well as clarifying the type of structure that triggers the requirement to connect to municipal water and sewer facilities, would be consistent with the objective to respect constitutionally protected property rights of landowners within the Town. This is a policy also mandated by state law. (See. §163.3161(10) Fla. Stat.). Unless deleted, this limitation on the municipal water and sewer source will require conditioning approval of the very development which the Town's adopted policy for this area seeks to promote in an unconstitutional manner by

imposing permitting conditions that exact infrastructure and associated costs which are unrelated to the proposed development and/or disproportionate to its infrastructure service needs.

*FLUE Policy 1.1-b: Land Use Plan amendments to more intensive categories shall be prohibited unless consistent with, and authorized by, FLUE Objective 1.3 and particularly policies 1.3-c, 1.3-d, and 1.3-e pertaining to evaluation of land use plan amendment requests; 1.8 (US Highway 27 Business Category); 1.12 (Community Facilities Category), or unless the Town Council determines that the more intensive use is consistent with, and furthers the overall goal to protect the Town's rural lifestyle. {BCPC Objective 7.01.03}*

The Applicant is requesting the Proposed Amendment to accomplish the Town's desired conversion of the Amendment Site from Agricultural to US Highway 27 Business as specifically contemplated by the Town and permitted pursuant to this Policy.

*FLUE Policy 1.1-f: The Town Council shall maintain a rural orientated lighting ordinance regulating all public and private properties.*

It should be noted that Town ULDC Section 051-040(K)(1) applicable to the US 27 Planned Business Center upon the Amendment Site requires mitigation of potential ambient outdoor lighting impacts by limiting the height of parking lot lighting fixtures to twenty-five (25) feet. Thus, the Proposed Amendment will make the Amendment Site more consistent with this policy.

*FLUE Objective 1.3: Encourage the elimination of incompatible or inconsistent land uses and prevent future suburban blight. Continue implementing land use programs to encourage the elimination of existing incompatible land uses and prevent future incompatible land uses from occurring. {BCPC OBJECTIVE 14.02.00. Measurement: criteria and standards utilized to evaluate all land use plan amendments to determine compatibility with the town's rural character and its adopted comprehensive plan.}*

The Applicant is requesting the Proposed Amendment in order to develop the vacant and underutilized Amendment Site with a combination of compatible commercial and light industrial development as approved and permitted by the Town in the Town Plan Policies for the US Highway 27 Business land use category and the Town ULDC regulations applicable to the US Highway 27 Planned Business District. The Town Plan Policies and Town ULDC regulations have been carefully designed to mitigate any impacts of the US Highway 27 Business Center upon adjacent land uses.

*FLUE Policy 1.3-a: The Town's Land Development regulations shall protect whenever possible all existing and planned rural residential areas from disruptive land uses and nuisances and provide standards for achieving compatibility between different land uses. {BCPC Policy 1.04.04}*

The US Highway 27 Business land use category policies and the US Highway 27 Planned Business District regulations create a framework for protecting rural residential areas, which are located to the east of the Menorah Gardens & Funeral Chapel property that provides a substantial buffer between the Amendment Site and the existing residential community further east ranging from approximately four hundred twenty (420) feet in width to approximately eight hundred twenty

(820) feet in width and averaging nearly seven hundred feet (700) in width. The Applicant's proposal is consistent with that framework.

*FLUE Policy 1.3-c: The compatibility of existing and future land uses shall be a primary consideration in the review and approval of amendments to the Broward County and the Southwest Ranches Land Use Plans. {BCPC Policy 14.02.01}*

In adopting the US Highway 27 Business land use category, the Town Council found that the US 27 corridor is most suitable for business uses and ensured compatibility of existing and future land uses of the surrounding area by implementing a framework of Town Plan policies and ULDC regulations to protect the Town's rural character and lifestyle. The Broward County Planning Council recertified the Town Plan, including the US Highway 27 Business land use category on June 24, 2021. At this time, the Applicant is simply seeking the Proposed Amendment to implement the Town's vision for the US 27 corridor.

*FLUE Policy 1.3-d: New non-residential Land Use Plan designations shall be located on US-27 and designed in a manner that does not adversely impact existing and designated rural residential areas. {BCPC Policy 14.02.02}*

The Amendment Site fronts US 27. The Town Council adopted a comprehensive set of Town Plan policies and Town ULDC regulations for evaluating the Proposed Amendment in order to protect the Town's rural character and lifestyle.

*FLUE Policy 1.3-n: In order to preserve rural residential neighborhoods and protect the nighttime environment from the effects of excessive lighting and/or excessive glare, the Town shall maintain lighting standards that regulate the maximum intensities and disbursement of outdoor lighting and excessive glare from outdoor lighting within the Town.*

It should be noted that Town ULDC Section 051-040(K)(1) applicable to the US 27 Planned Business Center upon the Amendment Site requires mitigation of ambient outdoor lighting impacts by limiting the height of parking lot lighting fixtures to twenty-five (25) feet.

*FLUE Objective 1.8: US Highway 27 Business land use category - Establish and maintain a US Highway 27 Business land use category exclusively for the US Highway 27 corridor, allowing only carefully planned development that is designed to be compatible with adjacent rural residential land uses as substantially buffered by the existing cemetery and open space, and which would be environmentally neutral. Measurement: designation of a US Highway 27 Business category.*

In adopting the US Highway 27 Business land use category, the Town Council found that the US 27 corridor, and the Amendment Site in particular, is most suitable for commercial and light industrial business uses and ensured compatibility of existing and future land uses of the surrounding area by implementing a framework of Town Plan policies and Town ULDC regulations to protect the Town's rural character and lifestyle. At this time, the Applicant is simply seeking the Proposed Amendment to implement the Town's vision for the Amendment Site, which is located entirely within the US 27 corridor.

*FLUE Policy 1.8-a: The Town has identified the US 27 Corridor as appropriate for business uses on the land use plan map. The Town created the US Highway 27 Business Category for this purpose. Only parcels west of US Highway 27 and parcels fronting the east side of US 27 that are buffered from Rural Ranch land use designations by an intervening Open Space or Community Facilities land use designation are eligible for this designation, including parcels that also front Griffin Road or Stirling Road. Parcels designated US Highway 27 Business on the land use plan map must only be developed and used in strict compliance with the following policies. The Town Council shall consider the extent to which each application submitted for land use plan amendment, rezoning and development furthers the intent and spirit of the policies hereunder in determining whether to approve the application.*

The Amendment Site is entirely eligible and was specifically contemplated for the proposed land use designation. It is isolated from Rural Ranch land use designations in the Town by substantial buffering on the east by the existing Menorah Gardens & Funeral Chapel property, which ranges from approximately four hundred twenty (420) feet in width to approximately eight hundred twenty (820) feet in width and averages nearly seven hundred feet (700) in width, on the west by US 27, on the south by the Broward County landfill, and on the north by the South New River Canal.

*FLUE Policy 1.8-b: A petitioner for the US Highway 27 Business designation shall demonstrate to the satisfaction of the Town Council one of the following: that there is a Town need for such land use; that the resulting development will substantially benefit the Town; or that it is not reasonable to expect the parcel to be developed with a rural residential use.*

At the direction of the Town Council, the Town CPAB identified the US 27 corridor as an area of the Town unsuitable for rural residential use but rather appropriate for nonresidential and nonagricultural uses without diminishing the Town's rural character or impinging upon the rural lifestyle enjoyed by the Town's residents. Based upon this finding, the Town amended its Plan to create the US Highway 27 Business land use category, which may be applied to the Amendment Site due to its location along the east side of US 27 in the Town. As such, the Town Council has determined that there is a Town need for light industrial and commercial uses that development, such as the US 27 Planned Business Center, will substantially benefit the Town by providing a substantial tax base and employment center, and that it is not reasonable to expect the Amendment Site to be developed with a rural residential use.

*FLUE Policy 1.8-c: No US Highway 27 Business designation may border any parcel with a rural land use plan designation. This shall not apply to any rural residential parcel under unified control with a property designated US Highway 27 Business.*

The Amendment Site does not border any parcel with a Rural Land Use Plan designation.

*FLUE Policy 1.8-d: There shall be no nonresidential, nonagricultural building, structure, parking, storage or use within two hundred (200) feet of an abutting local Town street other than Stirling Road, nor shall there be any such structure, parking, storage or use within two hundred (200) feet of any parcel with a rural land use plan designation, unless such parcel is under unified control with the parcel designated US Highway 27 Business. Open space use, including buffers and drainage retention for a US Highway 27 Business use is not subject to this restriction.*

No nonresidential, nonagricultural building, structure, parking, storage or use will be placed within two hundred (200) feet of an abutting local Town street other than Stirling Road, and no such structure, parking, storage or use will be placed within two hundred (200) feet of any parcel with a rural land use plan designation.

*FLUE Policy 1.8-e: Access to development shall be from US 27, Stirling Road, or Griffin Road only.*

Access to the Amendment shall remain limited to access through US Highway 27, Stirling Road, and/or Griffin Road.

- (i) *Since U.S. 27 is a Class 2 Controlled Access Facility, the Town will not approve an application to amend the Land Use Plan Map to US Highway 27 Business until a conceptual master access management plan ("access plan") shall have been accepted by the Florida Department of Transportation (FDOT) for the entire US 27 corridor within the Town.*
- (ii) *It shall be the responsibility of an applicant for such map amendment to prepare the access plan and coordinate its acceptance by FDOT and Broward County Highway Construction and Engineering Department, and to coordinate the plan with owners of all other properties with frontage on US 27.*
- (iii) *The access plan, as may be amended with the consent of FDOT, shall be binding upon all properties.*
- (iv) *The Town will not approve a plat application for property fronting US 27 until the applicant has submitted the plat to FDOT for review and obtained approval.*  
Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023, and attached hereto as Exhibit "L."

*FLUE Policy 1.8-f: Permit those land uses, not to exceed a Floor Area Ratio (F.A.R.) of 0.75, per the US Highway 27 Business Category permitted uses subsection of this Element.*

The Amendment Site will be developed in accordance with the land uses and floor area ratio permitted by the US Highway 27 Business land use category.

*FLUE Policy 1.8.g: Buildings shall not exceed forty (40) feet in height, measured to the highest point on the building, including parapets and roof-mounted equipment, provided that the Town Council may authorize up to eight (8) additional feet of height after consideration of a line-of-site study demonstrating that the additional height will not adversely affect any property with a rural land use plan designation.*

The Applicant acknowledges this Policy. The Amendment Site will be developed in accordance with the height restriction.

*FLUE Policy 1.8-h: Every development shall provide at least twenty-five percent (25%) pervious area.*

The Applicant acknowledges this Policy. At least twenty-five percent (25%) pervious area will be provided.

*FLUE Policy 1.8.i: Development shall utilize extensive buffering in order to screen the development from properties with a rural land use plan designation, and shall utilize pleasing architecture and building placement to emphasize and showcase the building(s), while locating parking and outdoor storage areas behind the buildings or otherwise screening them from U.S. Highway 27, Stirling Road and Griffin Road. Developers shall provide Florida Vernacular architecture of Caribbean or Cracker style, or combination thereof. This architecture generally promotes generous roof overhangs, colonnades, porches and balconies, and sloped standing seam metal roofs. The land development regulations shall provide further architectural guidance. The Town Council may approve variations that are consistent with the Town's rural character. However, stucco walls in combination with flat, unarticulated rooflines or Mediterranean-style tile roofs that are typical of commercial development in South Florida are prohibited as a means of complying with the architectural requirement.*

The Applicant acknowledges this Policy.

*FLUE Policy 1.8-j: Developments shall be designed and operated so as to minimize demand for public safety services both on and off-site. This may include using Crime Prevention Through Environmental Design principles, careful selection of businesses and land uses, avoiding late night operating hours, erecting barriers adjacent to rural residential uses, and providing on-site security.*

The Applicant acknowledges this Policy and will consider it when selecting business and tenants for the Amendment Site.

*FLUE Policy 1.8-k: Developments shall adhere to the Town's dark-sky outdoor lighting regulations and policies, and are strongly encouraged to take additional measures that mitigate the development's ambient lighting impact on the Town. By way of example, a development could reduce the height of parking lot lighting fixtures by spacing the lower fixtures closer together, using advanced cut-off designs, and limiting the hours during which the lighting is on.*

The Applicant acknowledges this Policy and notes that Town ULDC Section 051-040(K)(1) applicable to the US 27 Planned Business Center at site plan approval for a specific development of all or any portion of the Amendment Site provides for, when possible, mitigation of potential ambient outdoor lighting impacts in addition to limiting the height of parking lot lighting fixtures to twenty-five (25) feet.

*FLUE Policy 1.8-l: Developments shall design primary identification signage, and specifications for individual tenant signage, that compliment and coordinate with the architecture and landscaping of the development, and that enhance the built environment.*

The Applicant acknowledges this Policy. At site plan approval for a specific development of all or any portion of the Amendment Site, signage will be designed to complement and coordinate with the architecture and landscaping of the US 27 Business Center to enhance the built environment.

*FLUE Policy 1.8-m: The land development regulations shall establish a zoning classification in the form of a planned development district, whereby the specific permitted uses, development standards and a conceptual development plan for the property are made part of the rezoning and will govern use and development of the property supplemental to regulations contained within the land development regulations. The land development regulations for the planned development district shall require that conceptual development plans incorporate all of the applicable elements of the US 27 conceptual master access management plan, which shall be adopted by reference.*

The Applicant acknowledges this Policy.

*FLUE Policy 1.8-n: Applications for land use plan amendment to establish a US Highway 27 Business designation shall be filed concurrently with a complete application for rezoning to the applicable planned development zoning district.*

The Applicant acknowledges this Policy. A companion application for rezoning of the Property from the A-1 Agricultural District to the US Highway 27 Planned Business District has been filed concurrently with the Proposed Amendment.

*FLUE Policy 1.8-o: The Town shall implement land development regulations to protect adjacent rural areas from potential negative impacts of business developments.*

The Applicant acknowledges this Policy.

*FLUE POLICY 1.8-p: All land designated US Highway 27 Business shall be connected to, or shall enter into a binding agreement providing for the connection to, the City of Sunrise water and sewer systems prior to issuance of any permit for the construction of any building or roofed structure. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.*

As noted above, the Applicant is requesting that the Town Council adopt amendments to the text of the Town Plan, and the proposed amendments to the text of the Plan ensures consistency between the Policies of the Plan and the Town ULDC regulations.

*FLUE OBJECTIVE 1.15: Ensure that public facilities and services meet level of service standards adopted in the Town's comprehensive plan, and that the Town's development regulations make appropriate provision for power distribution infrastructure. {BCPC Obj 11.00.00} Measurement: Adoption of Concurrency Standards in the Town's Land Development Code consistent with State and County law.*

Please refer to the Analysis of Public Facilities and Services section above.

*FLUE POLICY 1.15-b: To maintain the level of service standards identified within the Town's Comprehensive Plan, the Town shall, prior to final action on amendment to the Land Use Plan, determine whether adequate public facilities and services will be available when needed to serve the proposed development. {BCPC Policy 11.01.03}*

Please refer to the Analysis of Public Facilities and Services section above.

*FLUE POLICY 1.15-c: Prior to plat approval, the Town shall ensure that the public facilities and services necessary to meet the level of service (LOS) standards established within the Town's Comprehensive Plan will be available consistent with Concurrency requirements in subsection 163.3202(g), Florida Statutes, and section 163.3180, Florida Statutes, as amended, and the Concurrency Management policies included within Goal 8.00.00 of the Broward County Land Use Plan. {BCPC Policy 11.01.04}*

Please refer to the Analysis of Public Facilities and Services section above.

## Section 2: Permitted Uses in Future Land Use Categories

### US Highway 27 Business Category: Performance Standards

The intent of the US Highway 27 Business Category is to: *facilitate a limited range of "clean" light industrial and business uses along the US 27 corridor that are not a threat to the potable water quality of the Biscayne Aquifer or to the peaceful enjoyment of residential properties to the east.* Before adopting an amendment, such as the proposed LUPA, to change the land use designation of any parcel to US Highway 27 Business, the Town shall *carefully consider potential environmental, traffic and quality of life impacts* and the Applicant must demonstrate that the proposed LUPA is consistent with all of the performance standards below. Additionally, every such application for a LUPA shall be submitted concurrently with a rezoning application to an implementing zoning district.

The Applicant will demonstrate below that the Proposed Amendment is consistent with the US Highway 27 Business Category Performance Standards below.

#### A. *Performance Standards.*

*1. Development shall not generate levels of noise, vibration, odor, dust, fumes, smoke, glare, or night-time illumination that are incompatible with residential land uses east of US Highway 27 that can be detected from any property with a Agricultural. Rural Ranch or Rural Estate land use plan map designation.*

The Applicant acknowledges this standard. As development plans for the Amendment Site progress and site plan approval is requested for development of the US 27 Business Center, the Applicant will demonstrate that the proposed development does not generate levels of noise, vibration, odor, dust, fumes, smoke, glare, or night-time illumination that can be detected from residential land uses east of US 27. Development will also comply with all applicable provisions of the Town ULDC, in particular, Article 51 of the ULDC, which specifies development regulations for the US Highway 27 Planned Business District, and



which were carefully crafted to protect existing residential communities to the east of US 27.

*2. City of Sunrise sanitary sewer and potable facilities must be in place, or the provision of City of Sunrise sanitary sewer and potable facilities must be the subject of a binding agreement with the City of Sunrise to serve any parcel designated US Highway 27 Business, prior to issuance of any permit for the construction of any building or roofed structure. Such service must be in place prior to the issuance of a certificate of occupancy, temporary or otherwise.*

As noted above, the Applicant is requesting that the Town Council adopt amendments to the text of the Plan, and the proposed amendments to the text of the Plan ensure consistency between the Policies of the Plan and the ULDC regulations.

*3. Development shall not involve use of any chemicals, substances or processes that create byproducts that are combustible, carcinogenic, biohazardous, or are otherwise toxic to humans or animals. The land development regulations may permit fuel storage tanks for emergency generators and for the purpose of servicing vehicles or equipment used in the regular course of business, provided that any such tanks may be required to exceed the installation, containment, inspection and other requirements of Article 27, Chapter 10, "Storage Tanks" of the Broward County Code of Ordinances, as may be amended from time to time.*

The Applicant acknowledges this standard. As development plans for the Amendment Site progress and site plan approval is requested for development of the US 27 Business Center, the Applicant will demonstrate compliance with the standard. Should fuel storage be proposed as an accessory use, the Applicant will comply with ULDC Section 51-30(D) regulating fuel storage and the installation, containment, inspection and other requirements of Article 27, Chapter 10, "Storage Tanks" of the Broward County Code of Ordinances.

*4. Any use – the nature of which may be considered dangerous, or which may potentially compromise the comfort, peace, enjoyment, health or safety of the community or any property with a Rural Ranches, Rural Estate or Agricultural land use plan map designation - shall be prohibited.*

Uses proposed within the US 27 Business Center will be limited to those permitted pursuant to Town ULDC Section 51-20.

*5. All development shall provide for north-south cross-access to abutting parcels in accordance with the conceptual master access management plan for the US-27 corridor (see FLUE Policy 1.8-e.). Such access may include dedication and construction of a frontage drive and/or site design that anticipates driveway connections or drive aisle connections with abutting properties, and which provides cross-access easements for such connections.*

The Applicant acknowledges this standard. Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023 and the Master Circulation and Access Plan attached

hereto as Exhibit “M” showing the proposed frontage road that will provide for north-south access throughout the Amendment Site.

**FUTURE LAND USE IMPLEMENTATION:**

The Applicant will demonstrate below that the Development Review Requirements of the Implementation Section of the Town’s Future Land Use Element of the Comprehensive Plan are met:

*A. Traffic circulation, recreational, drainage and flood protection, public potable water where applicable, solid waste and sanitary sewer public facilities, septic tanks, where applicable, and services will be available to meet established level of service standards, consistent with Chapter 163.3202(g) Florida Statutes and the concurrency management policies included with the goal of the Town’s Land Use Plan.*

Please refer to the Analysis of Public Facilities and Services section above.

*B. Local streets and roads will provide safe, adequate access between buildings within the proposed development and the traffic ways identified on the Broward County Traffic Ways Plan prior to occupancy.*

The Applicant acknowledges this standard. Please refer to the Pre-Application Letter provided by FDOT on May 1, 2023, and the Master Circulation and Access Plan, which includes a frontage road along US 27 and access to the Property from Griffin and Stirling Roads and US 27.

*C. Fire protection service will be adequate to protect people and property in the proposed development.*

Fire services are provided to the Amendment Site pursuant to the Interlocal Agreement between the Town of Davie and the Town of Southwest Ranches for Delivery of Emergency Medical, Fire Protection, and Fire Prevention Services recorded in Official Records Book 50374, Page 1550 of the Public Records of Broward County. The Applicant contacted the Town of Davie Fire Rescue Department regarding the US 27 Business Center prior to submitting this development application package to the Town of Southwest Ranches. No concerns were raised regarding the adequacy of fire protection services to the Amendment Site. The Applicant will continue to work with the Town of Davie Police and Fire Rescue Departments as development plans progress for the Amendment Site.

*D. Police protection service will be adequate to protect people and property in the proposed development.*

Police services are provided to the Amendment Site pursuant to the Interlocal Agreement between the Town of Davie and the Town of Southwest Ranches for Police Services recorded in Official Records Book 50374, Page 1520 of the Public Records of Broward County. The Applicant contacted the Town of Davie Police Department regarding the US 27 Business Center prior to submitting this development application package to the Town of Southwest Ranches. No concerns were raised regarding the adequacy of police protection services to the Amendment Site. The Applicant will

continue to work with the Town of Davie Police Department as development plans progress for the Amendment Site.

*E. School sites and school buildings will be adequate to serve the proposed development. No residential uses are proposed. As such, this standard does not apply.*

*F. Development does not include a structure, or alteration thereof, that is subject to the notice requirements of Federal Aviation Regulations (FAR), Part 77, Subpart B, unless the Federal Aviation Administration issues, or has issued within the previous ninety (90) days, a written acknowledgment that said structure or alteration would not constitute a hazard to air navigation and does not require increases to minimum instrument right altitudes within a terminal area, increases to minimum obstruction clearance altitudes, or any other operational modifications at any existing airport or heliport or any planned or proposed airport as described in Federal Aviation Regulations (FAR) Part 77.21 (c)(2).*

The Applicant acknowledges this standard.

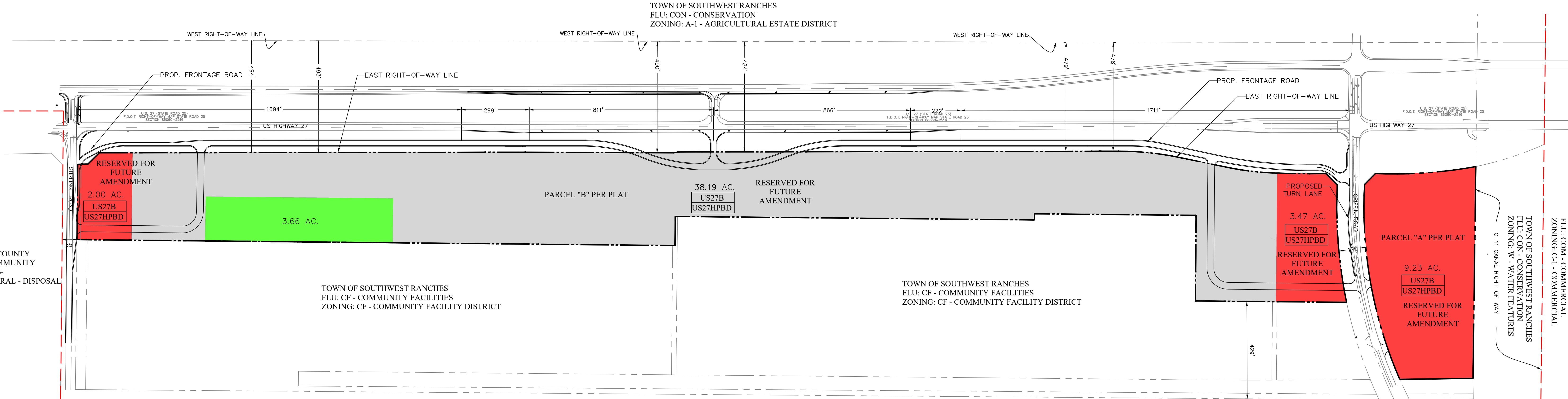
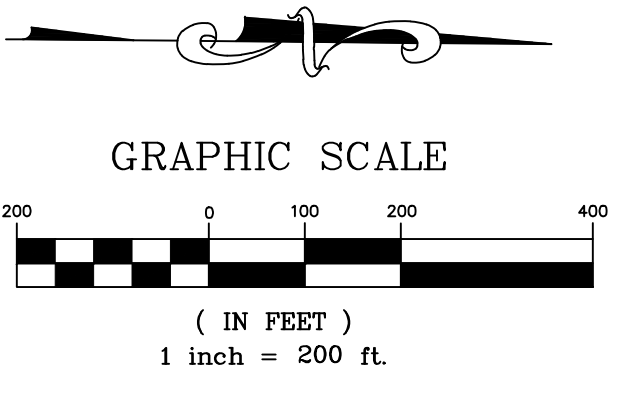
**14. ADDITIONAL SUPPORT DOCUMENTS**

**A. Other support documents or summary of support documents on which the proposed amendment is based.**

No additional support documents are included herein.

**B. Any proposed voluntary mitigation or draft agreements.**

The Applicant is proposing a Development Agreement with the Town pursuant to the Florida Local Government Development Agreement Act in Florida Statutes Sections §163.3220 - §163.3243 to preserve the development rights for the Amendment Site under the US Highway 27 Business land use category and the US Highway 27 Planned Business District. The intent of the development agreement is to provide assurances that development of the Amendment Site will be permitted in accordance with the regulations for the US Highway 27 Business land use designation and the US Highway 27 Planned Business District zoning district in effect as of the effective date of the Development Agreement as well as the US 27 Business Center Design Guidelines, the Amendment Site's Master Development Plan, and any amendments thereafter regarding same.



**PROJECT DESCRIPTION**

THE PROPOSED US-27 BUSINESS CENTER WILL FOLLOW THE THE INTENT AND APPLICABILITY AS PROVIDED IN ARTICLE 51 - US HIGHWAY 27 PLANNED BUSINESS DISTRICT IN THE TOWN OF SOUTHWEST RANCHES, FL - CODE OF ORDINANCES

**PLAT DESCRIPTION**

A PORTION OF TRACTS 51, 52, 61, AND 62, OF SECTION 27, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 89°46'19" WEST, ALONG THE SOUTH LINE OF SAID SECTION 27 FOR 1317.07 FEET; THENCE NORTH 01°19'41" WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 27, FOR 874.72 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL; THENCE NORTH 89°57'39" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 90.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°20'39" EAST, 322.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GRIFFIN ROAD AND A POINT ON A CIRCULAR CURVE CONCAVE NORTHWESTERLY FROM WHICH A RADIAL LINE BEARS NORTH 24°26'02" WEST; THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1849.86 FEET AND A CENTRAL ANGLE OF 24°12'21", AN ARC DISTANCE OF 781.52 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89°46'15" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE 97.45 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86060-2516; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) NORTH 45°14'08" WEST, 69.95 FEET; 2) NORTH 00°50'31" WEST 150.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; 3) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1442.00 FEET AND A CENTRAL ANGLE OF 11°36'38", AN ARC DISTANCE OF 292.21 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL; THENCE SOUTH 89°57'39" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 933.35 FEET TO THE POINT OF BEGINNING.

AND

TRACTS 71, 90, 103, & 122, AND PORTIONS OF TRACTS 6, 7, 8, 25, 26, 39, 40, 57, 58, 72, 89, 104, & 121, OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, AND THE PLATTED RIGHTS-OF-WAY ADJACENT THERETO, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE NORTH 89°51'57" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 FOR 328.93 FEET; THENCE NORTH 02°25'14" WEST 10.01 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 86060-2516 THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: 1) CONTINUE NORTH 02°25'14" WEST 45.04 FEET; 2) NORTH 45°29'17" WEST 70.27 FEET; 3) NORTH 00°50'31" WEST 4478.25 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; 4) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1358.00 FEET, A CENTRAL ANGLE OF 11°47'41", FOR AN ARC DISTANCE OF 279.55 FEET TO A POINT OF TANGENCY; 5) NORTH 10°57'10" EAST 200.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; 6) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1442.00 FEET, A CENTRAL ANGLE OF 11°47'41", FOR AN ARC DISTANCE OF 296.85 FEET TO A POINT OF TANGENCY; 7) NORTH 00°50'31" WEST 150.00 FEET; 8) NORTH 44°45'52" EAST 71.46 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRIFFIN ROAD; THENCE NORTH 89°46'15" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 94.04 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1869.86 FEET, A CENTRAL ANGLE OF 12°22'13", FOR AN ARC DISTANCE OF 425.29 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF "SHARON GARDENS MEMORIAL PARK", AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 00°12'20" EAST ALONG SAID WESTERLY BOUNDARY 665.12 FEET TO A POINT ON THE NORTH LINE OF "SHARON GARDENS MEMORIAL PARK REVISION THREE", AS RECORDED IN PLAT BOOK 110, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 89°46'19" WEST ALONG SAID NORTH LINE 350.00 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE SOUTH 89°23'54" WEST 27.00 FEET TO A POINT ON A LINE 27.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID "SHARON GARDENS MEMORIAL PARK REVISION THREE"; THENCE SOUTH 00°11'26" EAST ALONG SAID PARALLEL LINE 712.00 FEET; THENCE NORTH 89°23'54" EAST 27.00 FEET TO A POINT ON SAID WEST LINE OF "SHARON GARDENS MEMORIAL PARK REVISION THREE"; THENCE SOUTH 00°11'26" EAST ALONG THE WEST LINE OF SAID "SHARON GARDENS MEMORIAL PARK REVISION THREE" AND SAID "SHARON GARDENS MEMORIAL PARK" 1579.82 FEET; THENCE NORTH 89°49'12" EAST ALONG SAID WESTERLY BOUNDARY OF "SHARON GARDENS MEMORIAL PARK" 128.21 FEET; THENCE SOUTH 00°11'00" EAST ALONG THE EAST LINES OF SAID TRACTS 71, 90, 103, AND 122 AND THE EXTENSIONS THEREOF 2631.36 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 122; THENCE SOUTH 89°51'57" WEST ALONG THE SOUTH LINE OF SAID TRACTS 121 AND 122 FOR 331.49 FEET TO THE POINT OF BEGINNING.

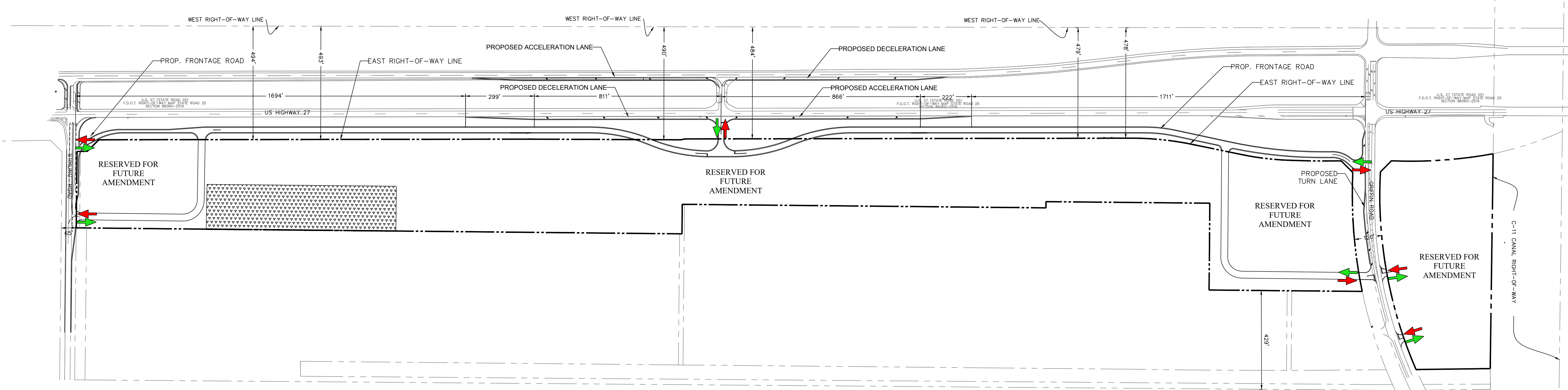
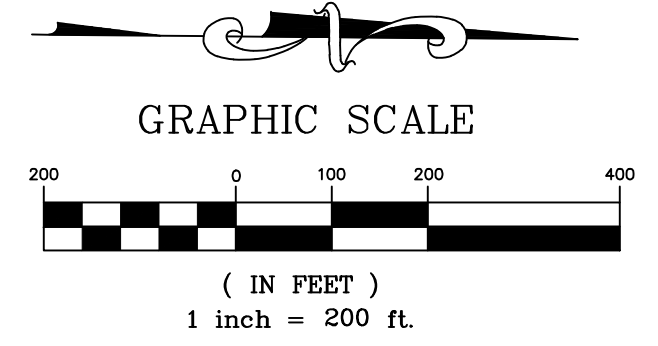
SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 56.546 ACRES, MORE OR LESS

SITE DATA TABLE		
PARCEL INFORMATION		
PARCEL ID #S	5039-27-02-0160; 5039-27-02-0210; 5039-27-02-0220; 5039-34-01-0020; 5039-34-01-0100; 5039-34-01-0170; 5039-34-01-0280; 5039-34-01-0340; 5039-34-01-0431; 5039-34-01-0430; 5039-34-01-0420; 5039-34-01-0570	
PLANNING/ZONING		
	EXISTING	PROPOSED
TOSWR FUTURE LAND USE CATEGORY	AGRICULTURAL (A)	US HIGHWAY 27 BUSINESS (US27B)
TOSWR ZONING CATEGORY	AGRICULTURAL ESTATE (A-1)	US-27 HIGHWAY PLANNED BUSINESS DISTRICT (US27HPBD)
SITE AREA BREAKDOWN		
	ACRES	SQUARE FEET
GROSS SITE AREA	58.70 AC	2,556,972 SF
NET SITE AREA	56.55 AC	2,463,318 SF
WETLAND MITIGATION AREA	3.66 AC	159,430 SF
TOTAL DEVELOPABLE AREA	52.89 AC	2,303,888 SF
TOTAL RETAIL/COMMERCIAL AREA	14.70 AC	640,332 SF
TOTAL LIGHT INDUSTRIAL AREA	38.19 AC	1,663,556 SF
	ALLOWABLE	PROPOSED
IMPERVIOUS AREA	75%	39.67 AC (75%)
PERVIOUS AREA	25%	13.22 AC (25%)
DEVELOPMENT REQUIREMENTS		
	ALLOWABLE	PROPOSED
BUILDING HEIGHT	40.0'	40.0'
FRONT SETBACK	-	25.0'
REAR SETBACK	-	25.0'
INTERIOR SIDE SETBACK	-	0.0'
STREET SIDE SETBACK	-	25.0'
FLOOR AREA RATIO (F.A.R.)		
	ALLOWABLE	PROPOSED
RETAIL/COMMERCIAL	0.75	0.18 (116,000 SF)
LIGHT INDUSTRIAL	0.75	0.36 (600,000 SF)
TOTAL	0.75	0.31 (716,000 SF)

LEGEND	
RETAIL/COMMERCIAL LAND USE	
INDUSTRIAL LAND USE	
WETLAND MITIGATION AREA	
R/W LINE	
PROJECT BOUNDARY	
TOSWR BOUNDARY	
TOSWR FUTURE LAND USE CATEGORY	
TOSWR FUTURE LAND USE CATEGORY	

**NOTES:**

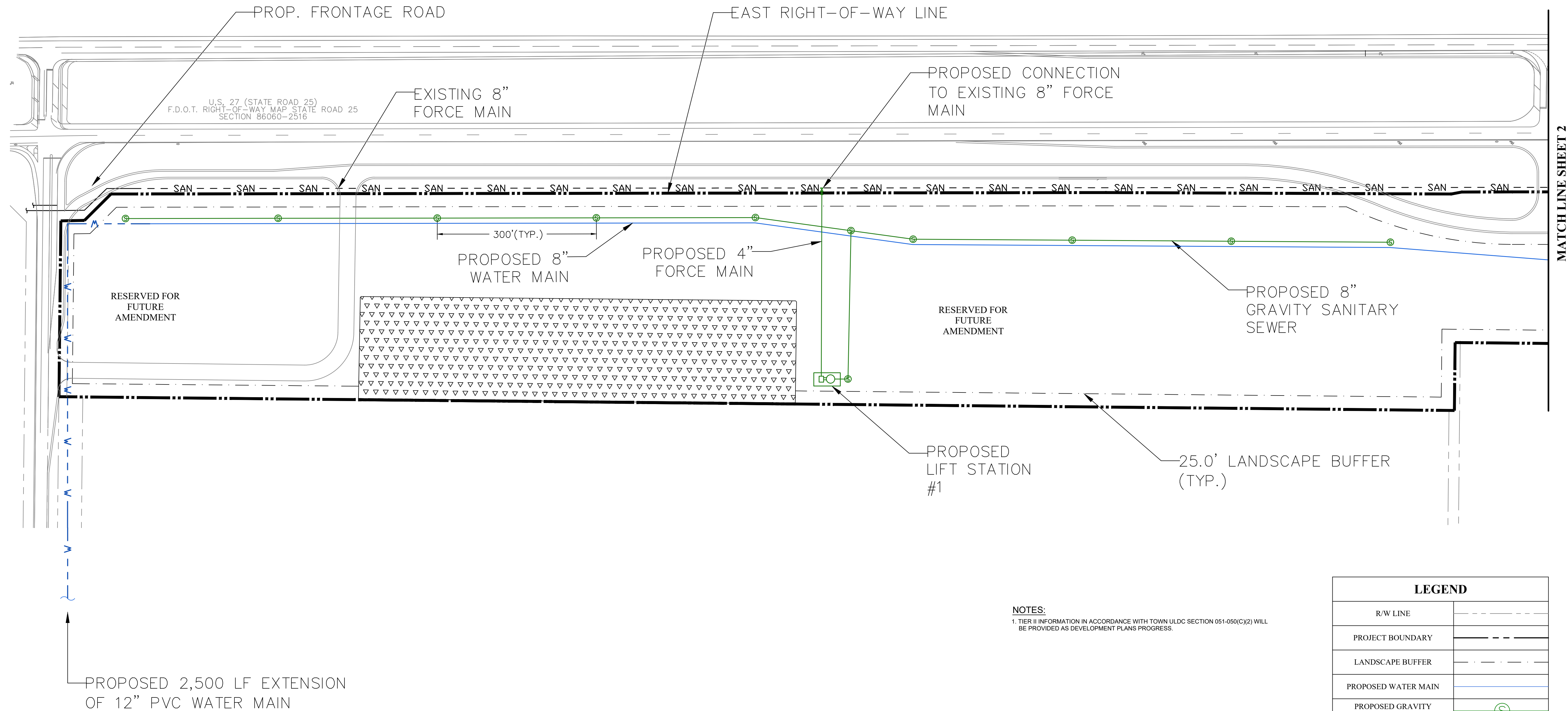
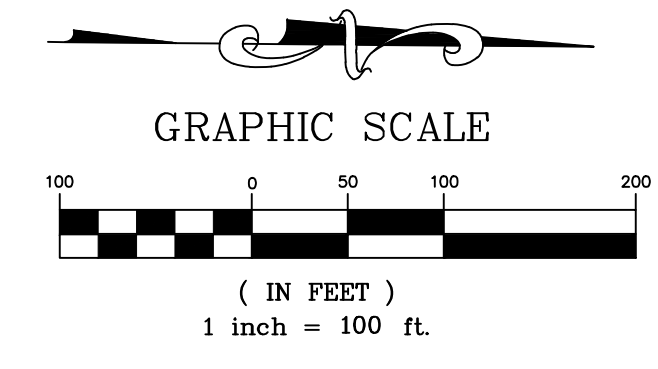
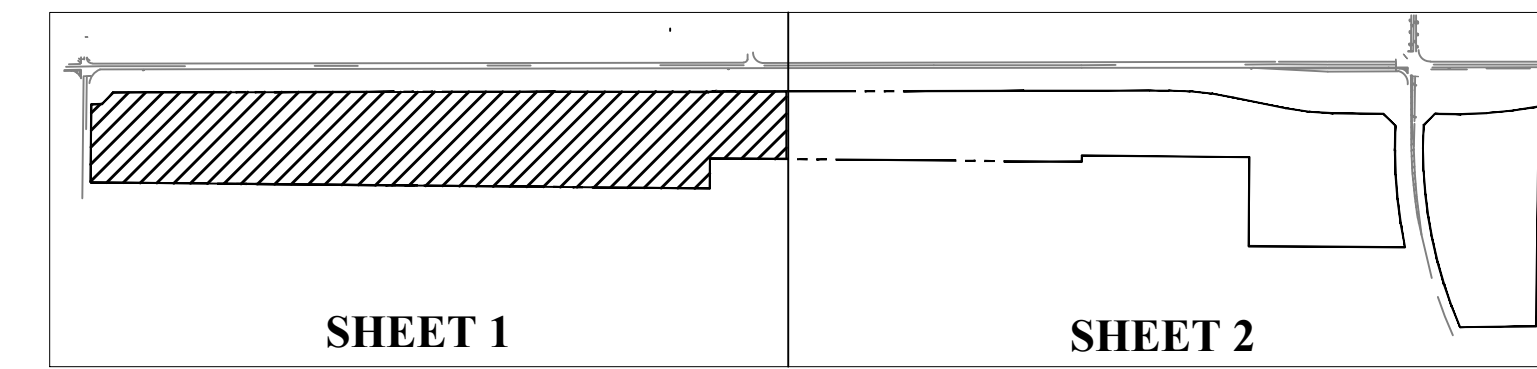
1. TIER II INFORMATION IN ACCORDANCE WITH TOWN ULDC SECTION 051-050(C)(2) WILL BE PROVIDED AS DEVELOPMENT PLANS PROGRESS.



- NOTES:
1. ADDITIONAL FRONTAGE ROAD DRIVEWAY ACCESS POINTS TO BE CONFIRMED UPON REVIEW AND ACCEPTANCE OF PROPOSED SITE PLAN.
  2. TIER II INFORMATION IN ACCORDANCE WITH TOWN ULDC SECTION 051-050(C)(2) WILL BE PROVIDED AS DEVELOPMENT PLANS PROGRESS.

LEGEND	
WETLAND MITIGATION AREA	
R/W LINE	
PROJECT BOUNDARY	
PROPOSED INGRESS	
PROPOSED EGRESS	

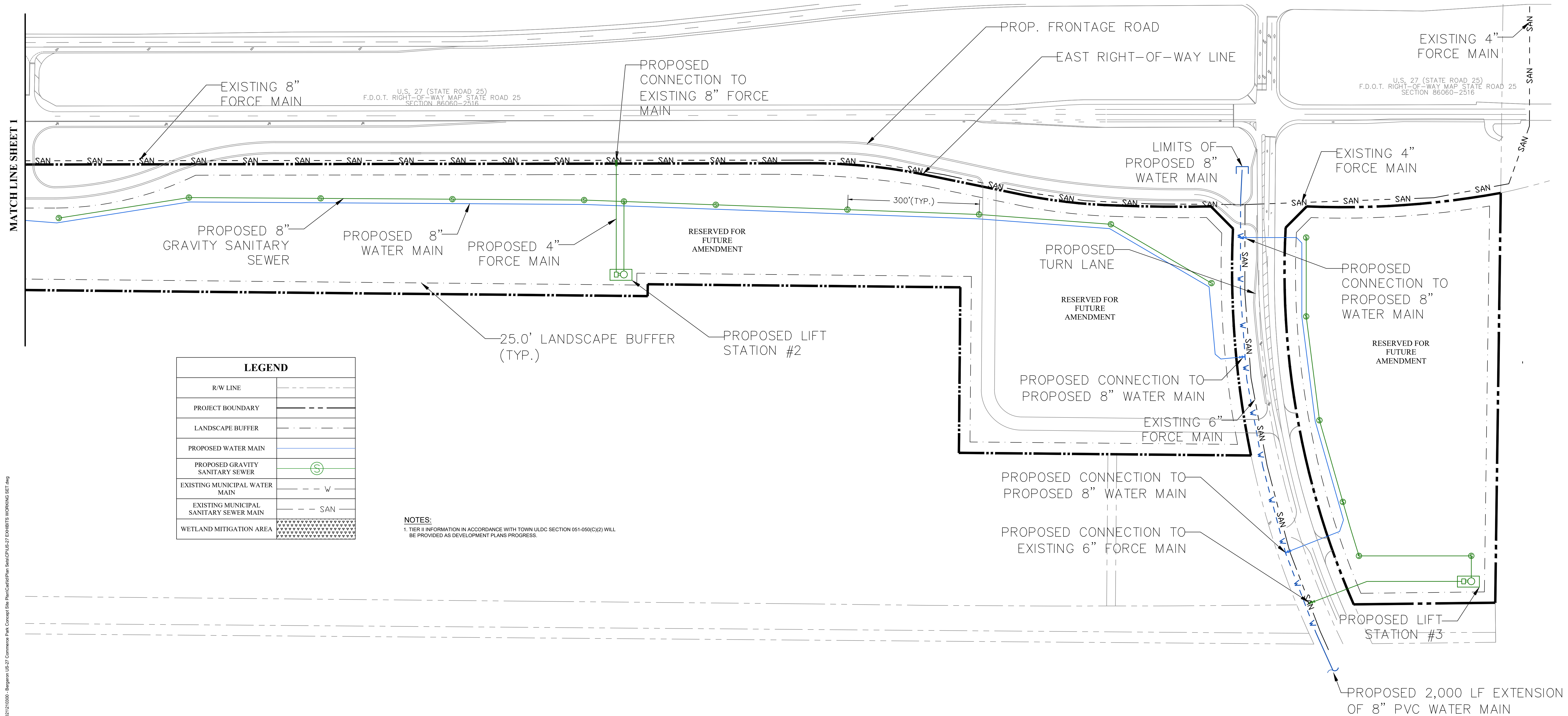
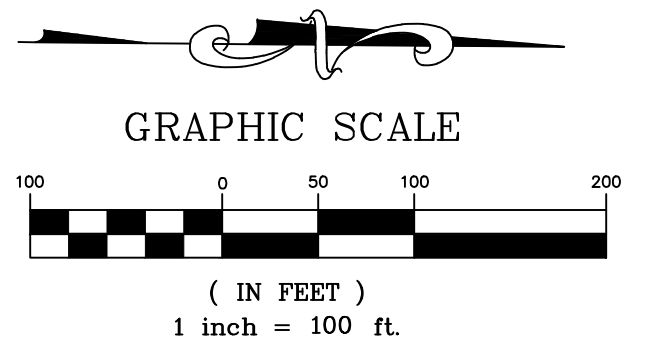
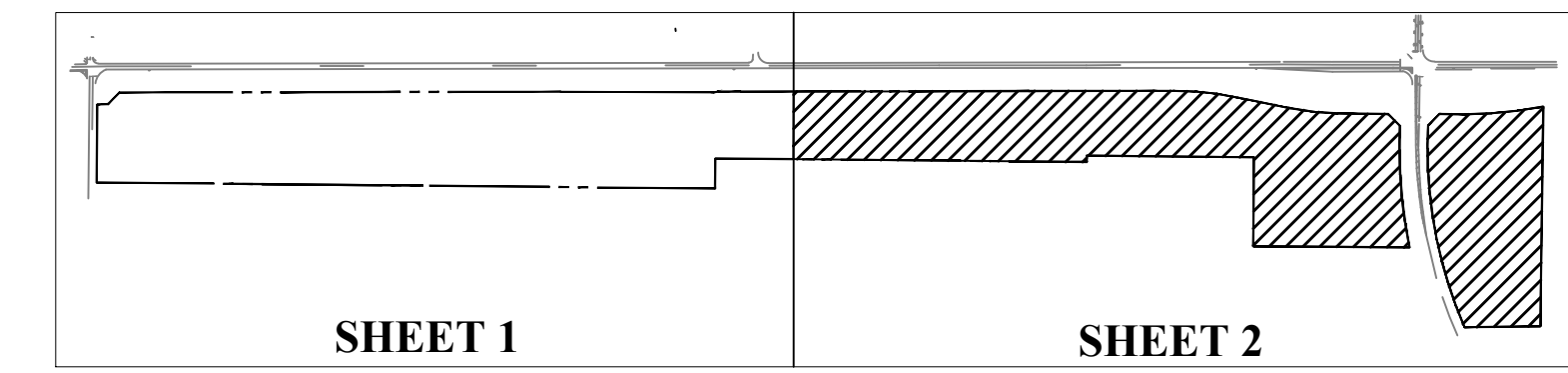
P:\Projects\2021\0300 - Bergeron US-27 Commerce Park Concept Site Plan\Cadd\Plan-Schem\CPU\US-27 EXHIBITS\KORNING\SET.dwg



**NOTES:**  
 1. TIER II INFORMATION IN ACCORDANCE WITH TOWN ULDC SECTION 051-050(C)(2) WILL BE PROVIDED AS DEVELOPMENT PLANS PROGRESS.

LEGEND	
R/W LINE	---
PROJECT BOUNDARY	----
LANDSCAPE BUFFER	- - - -
PROPOSED WATER MAIN	— (blue line) —
PROPOSED GRAVITY SANITARY SEWER	— (green line with S) —
EXISTING MUNICIPAL WATER MAIN	- - - W - - -
EXISTING MUNICIPAL SANITARY SEWER MAIN	- - - SAN - - -
WETLAND MITIGATION AREA	[Hatched pattern]

W:\Projects\Projects\_2021\10300 - Bergeron US-27 Commerce Park Concept Site Plan\CAD\Plan Set\UP\US-27 Exhibits\WORKING SET.dwg



LEGEND	
R/W LINE	---
PROJECT BOUNDARY	---
LANDSCAPE BUFFER	---
PROPOSED WATER MAIN	---
PROPOSED GRAVITY SANITARY SEWER	---
EXISTING MUNICIPAL WATER MAIN	---
EXISTING MUNICIPAL SANITARY SEWER MAIN	---
WETLAND MITIGATION AREA	---

**NOTES:**  
 1. TIER II INFORMATION IN ACCORDANCE WITH TOWN ULDC SECTION 051-050(C)(2) WILL BE PROVIDED AS DEVELOPMENT PLANS PROGRESS.



**Exhibit "A"**  
**Survey and Legal Description**

**LEGAL DESCRIPTION:**

**PARCEL 1**  
A PORTION OF TRACTS 51, 52, 61, AND 62, OF SECTION 27, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 89°46'19" WEST, ALONG THE SOUTH LINE OF SAID SECTION 27 FOR 1317.07 FEET; THENCE NORTH 01°0'41" WEST, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE SOUTHEAST-NE-QUARTER (SE ¼) OF SAID SECTION 27, FOR 874.72 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL; THENCE NORTH 89°57'39" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 90.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°20'39" EAST, 322.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF A CIRCULAR CURVE CONCAVE NORTHERLY FROM WHICH A RADIAL LINE BEARS NORTH 24°26'02" WEST; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1849.86 FEET AND A CENTRAL ANGLE OF 24°21'21", AN ARC DISTANCE OF 781.52 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89°46'19" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE 97.45 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86060-2516; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) NORTH 45°14'08" WEST, 69.95 FEET; 2) NORTH 00°50'31" WEST 15.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; 3) NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1442.00 FEET AND A CENTRAL ANGLE OF 11°06'38", AN ARC DISTANCE OF 292.21 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL; THENCE SOUTH 89°57'39" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 933.35 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

**PARCEL 2**  
A PORTION OF TRACTS 61 AND 62, OF SECTION 27, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 89°46'19" WEST ALONG THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 1,754.27 FEET; THENCE NORTH 00°12'20" WEST ALONG THE WESTERLY BOUNDARY LINE OF SHARON GARDENS MEMORIAL PARK, AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°46'19" WEST ALONG THE SOUTH LINE OF SAID TRACTS 61 AND 62 RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86060-2516, BEING THE ARC OF A CIRCULAR CURVE CONCAVE WESTERLY FROM WHICH A RADIAL LINE BEARS NORTH 89°28'43" WEST; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1442.00 FEET, A CENTRAL ANGLE OF 02°21'48", FOR AN ARC DISTANCE OF 59.48 FEET TO A POINT OF TANGENCY; 2) NORTH 00°50'31" WEST 15.00 FEET; 3) NORTH 44°55'21" EAST 71.46 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE SOUTH 89°46'19" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE 94.04 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 12°22'13", FOR AN ARC DISTANCE OF 425.30 FEET TO A POINT ON SAID WEST BOUNDARY LINE OF "SHARON GARDENS MEMORIAL PARK"; THENCE SOUTH 00°12'20" EAST ALONG SAID WEST BOUNDARY LINE 305.73 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

**PARCEL 3**  
A PORTION OF TRACTS 6, 7, 8, 25 AND 26, OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 E, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH 89°46'19" WEST ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 1,754.27 FEET; THENCE SOUTH 00°12'20" EAST ALONG THE WESTERLY BOUNDARY LINE OF SHARON GARDENS MEMORIAL PARK, AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°12'20" EAST ALONG SAID WESTERLY BOUNDARY LINE 330.38 FEET; THENCE SOUTH 89°46'19" WEST ALONG THE NORTH LINE OF "SHARON GARDENS MEMORIAL PARK REVISION THREE", AS RECORDED IN PLAT BOOK 110, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, 350.00 FEET TO THE NORTHWEST CORNER OF SECTION "B" OF SAID PLAT; THENCE SOUTH 89°23'54" WEST 27.00 FEET TO A POINT ON A LINE 27.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID "SHARON GARDENS MEMORIAL PARK REVISION THREE"; THENCE SOUTH 00°11'26" EAST ALONG SAID PARALLEL LINE 712.00 FEET; THENCE NORTH 89°23'54" EAST 27.00 FEET TO A POINT ON SAID WEST BOUNDARY LINE OF "SHARON GARDENS MEMORIAL PARK REVISION THREE"; THENCE SOUTH 00°11'26" EAST ALONG SAID WEST LINE 249.22 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 26; THENCE SOUTH 89°47'45" WEST ALONG THE SOUTH LINE OF SAID TRACTS 25 AND 26 FOR 299.28 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86060-2516; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) NORTH 00°50'31" WEST 610.84 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; 2) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1358.00 FEET, A CENTRAL ANGLE OF 11°47'41", FOR AN ARC DISTANCE OF 279.55 FEET TO A POINT OF TANGENCY; 3) NORTH 10°57'10" EAST 200.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1442.00 FEET, A CENTRAL ANGLE OF 08°38'10", FOR AN ARC DISTANCE OF 217.35 FEET; THENCE NORTH 89°46'19" EAST ALONG THE NORTH LINE OF SAID TRACTS 6, 7 AND 8, FOR 566.16 FEET TO THE POINT OF BEGINNING.

**PARCEL 4**  
A PORTION OF TRACTS 39, 40, 57, AND 58, OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 SAID SECTION 34; THENCE SOUTH 89°49'12" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 34 FOR 2106.07 FEET TO A POINT ON THE WEST LINE OF "SHARON GARDENS MEMORIAL PARK", AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 00°11'26" WEST ALONG SAID WEST LINE 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'12" WEST, ALONG THE SOUTH LINE OF TRACTS 57 AND 58, 284.27 FEET; THENCE NORTH 00°50'31" WEST 1300.56 FEET; THENCE NORTH 89°47'45" EAST ALONG THE NORTH LINE OF SAID TRACTS 39 AND 40, FOR 299.06 FEET TO A POINT ON SAID WEST LINE; THENCE SOUTH 00°11'26" EAST ALONG SAID WEST LINE 1300.59 FEET TO THE POINT OF BEGINNING.

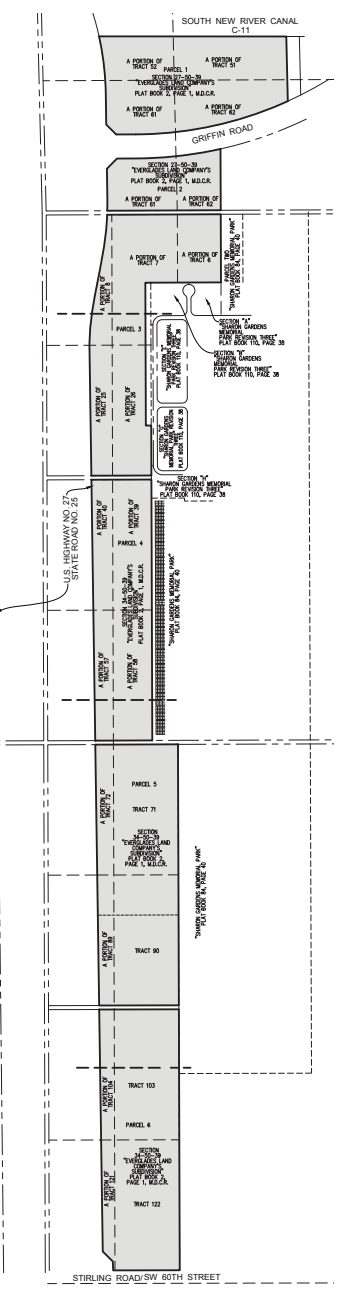
**PARCEL 5**  
A PORTION OF TRACTS 72 AND 89, AND TRACTS 71 AND 90 OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 34; THENCE SOUTH 89°49'10" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 34 FOR 1977.86 FEET; THENCE SOUTH 00°11'00" EAST 10.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 71 AND THE POINT OF BEGINNING; THENCE SOUTH 00°11'00" EAST ALONG THE EAST LINE OF SAID TRACTS 71 AND 90 FOR 1300.68 FEET; THENCE SOUTH 89°50'14" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 89 AND 90, 397.30 FEET TO A POINT ON A LINE 278.00 FEET EAST OF AND PARALLEL WITH THE BASELINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86060-2516; THENCE NORTH 00°50'31" WEST ALONG SAID PARALLEL LINE, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 25, FOR 1300.61 FEET; THENCE NORTH 89°49'12" EAST ALONG THE NORTH LINE OF SAID TRACTS 71 AND 72, FOR 412.25 FEET TO THE POINT OF BEGINNING.

**PARCEL 6**  
A PORTION OF TRACTS 104 AND 121, AND TRACTS 103 AND 122, OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH 89°51'57" WEST ALONG THE SOUTH LINE OF SAID SECTION 34 FOR 1980.10 FEET; THENCE NORTH 00°11'00" WEST 10.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 122 AND THE POINT OF BEGINNING; THENCE SOUTH 89°51'57" WEST ALONG THE SOUTH LINE OF SAID TRACTS 121 AND 122 FOR 331.49 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86060-2516; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) NORTH 02°01'14" WEST 45.04 FEET; 2) NORTH 45°02'12" WEST 70.27 FEET; 3) NORTH 00°50'31" WEST 1206.27 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 104; THENCE NORTH 89°50'51" EAST ALONG THE NORTH LINE OF SAID TRACTS 103 AND 104 FOR 397.07 FEET TO THE NORTHWEST CORNER OF SAID TRACT 103; THENCE SOUTH 00°11'00" EAST ALONG THE EAST LINE OF SAID TRACTS 103 AND 122 FOR 1300.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING A TOTAL OF 2,430,932 SQUARE FEET (55,8065 ACRES), MORE OR LESS.



VICINITY MAP NOT TO SCALE

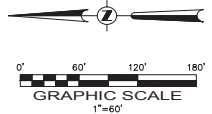
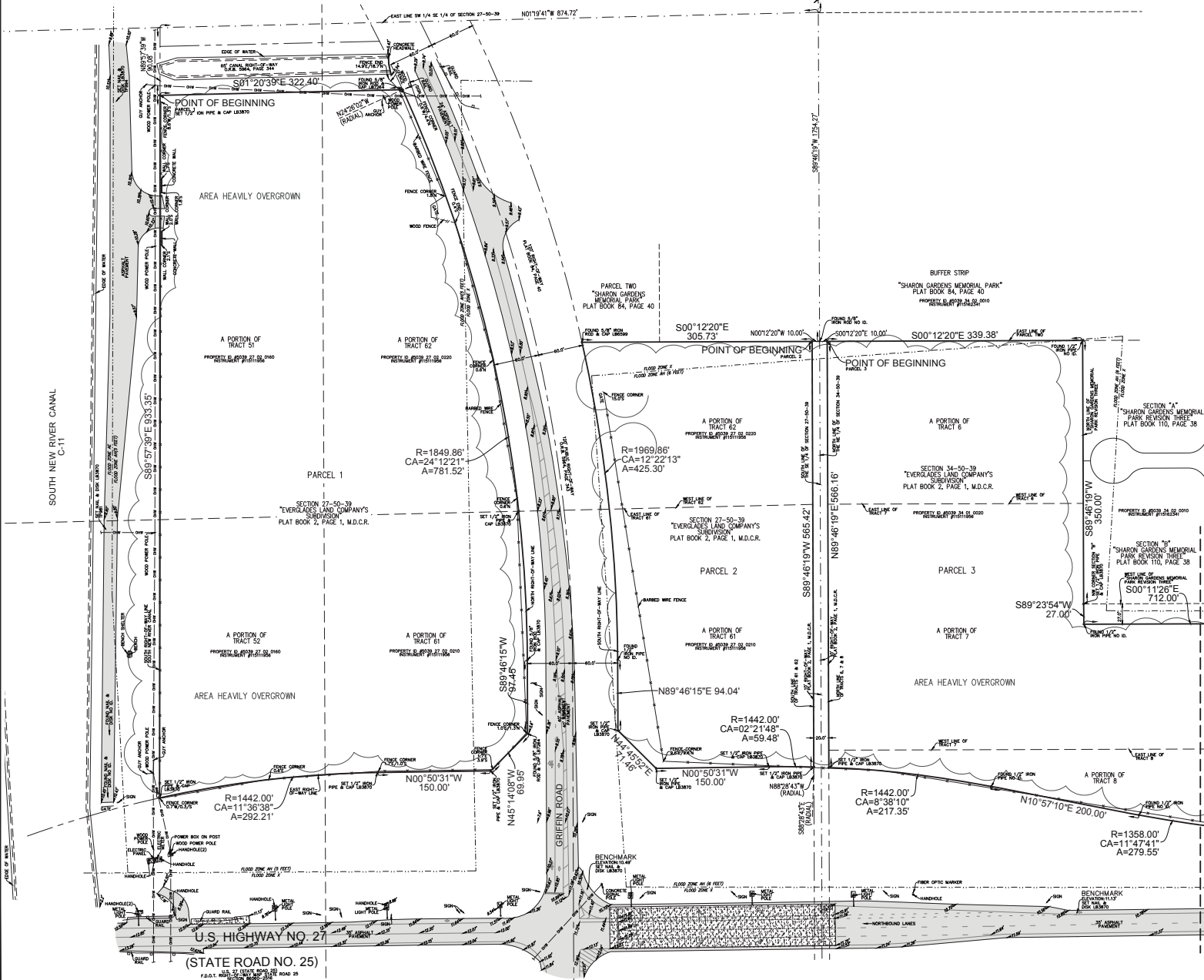
- NOTES:
1. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BROWARD COUNTY BENCHMARK #3298; ELEVATION: 5.969 FEET.
3. FLOOD ZONE #1/2; BASE FLOOD ELEVATION: 5 FEET/6 FEET/NONE; PANEL #I201100520H; COMMUNITY #120691; MAP DATE: 8/18/14.
4. THIS SITE LIES IN SECTIONS 27 AND 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, BROWARD COUNTY, FLORIDA.
5. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, FL-E ZONE, WITH THE SOUTH LINE OF PARCEL "A" BEING N89°42'48"W.
6. REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION, BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
7. THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: CARNAHAN PROCTOR & CROSS.
8. THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.2'; THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.1'.
9. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A COMMITMENT FOR TITLE INSURANCE. ONLY PLATTED OR KNOWN EASEMENTS ARE DEPICTED HEREON.
10. ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY PUBLIC RECORDS, UNLESS OTHERWISE NOTED.
11. THE FLOOD ZONE DESIGNATION LINES DEPICTED HEREON ARE PLACED IN APPROXIMATE LOCATIONS, AS SCALED FROM THE IMAGE FROM THE FEMA-GOV WEBSITE.

CERTIFICATION: I HEREBY CERTIFY THAT THIS MAP OF SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 472, F.S., FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02(2)(b) OF THE FLORIDA STATUTES.
John F. Pulice, Date: 2023.09.15 11:07:51
John F. Pulice, PROFESSIONAL SURVEYOR AND MAPPER LS2691
VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS8274
DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4200
STATE OF FLORIDA

BOUNDARY AND TOPOGRAPHIC SURVEY
PULSE LAND SURVEYORS, INC.
5381 N. HOLLAND ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: survey@pulselandsurveyors.com
WEBSITE: www.pulselandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB93870
DRAWN BY: L.H. CHECKED BY: J.F.P. SCALE: N/A SURVEY DATE: 10/07/22 CLIENT: CARNAHAN PROCTOR & CROSS ORDER NO. 70470

POINT OF COMMENCEMENT  
 BE 3299.00, CA 330  
 S89°46'19"W 1317.07'

- LEGEND**
- CONCRETE
  - ASPHALT PAVEMENT
  - GRAVEL ROAD
  - ELEVATION
  - OVERHEAD WIRES
  - CENTERLINE
  - R= RADIUS
  - CA= CENTRAL ANGLE
  - A= ARC LENGTH
  - F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
  - FPL FLORIDA POWER & LIGHT COMPANY
  - LB LICENSED BUSINESS
  - M.D.C.R. MIAMI-DADE COUNTY RECORDS
  - O.R.B. OFFICIAL RECORDS BOOK
  - PRM PERMANENT REFERENCE MONUMENT (4" X 4" BRASS DISK IN CONCRETE MONUMENT)
  - TP TRAVERSE POINT (FOR FIELD INFORMATION ONLY)



MATCHLINE  
SEE SHEET 3

SHEET 2 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THRU 5, INCLUSIVE.

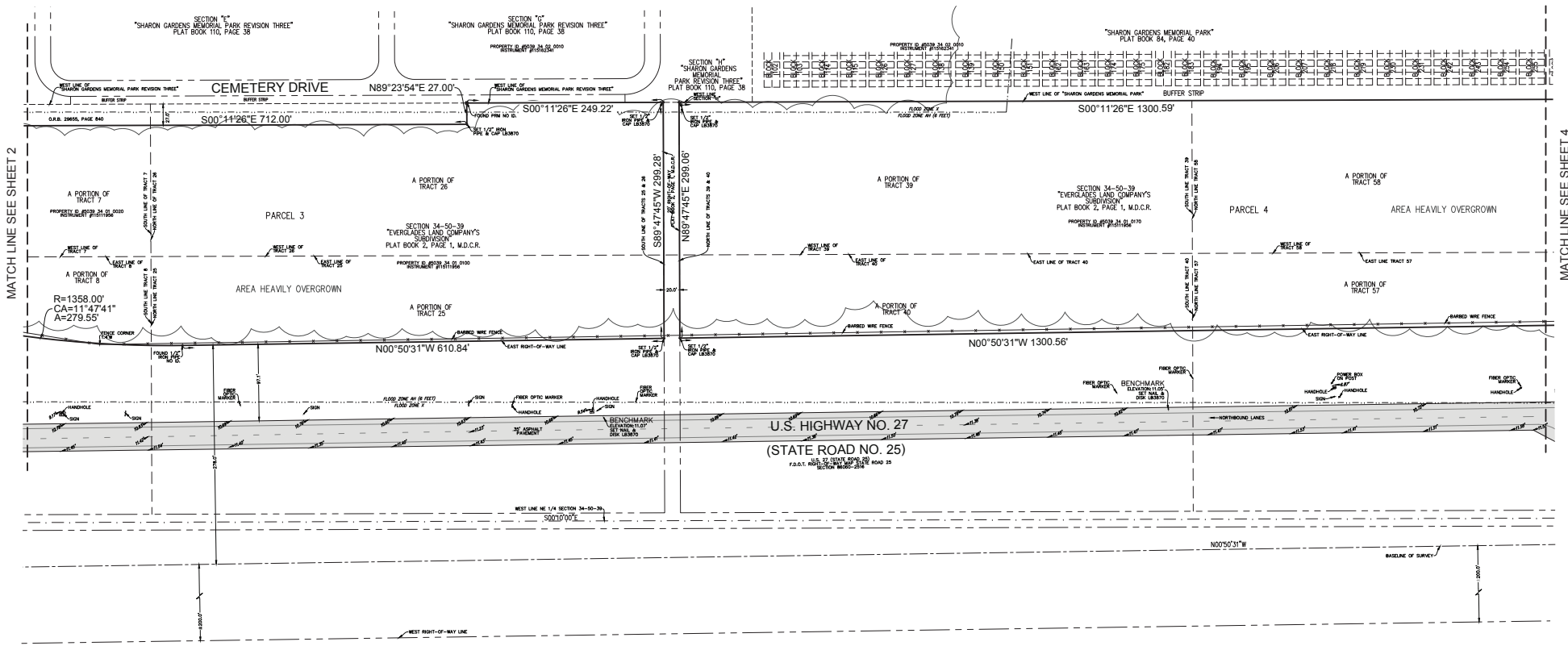
**BERGERON US 27**  
 GRIFFIN ROAD & US 27  
 SOUTHWEST RANCHES, FLORIDA 33332  
 (TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY)

**BOUNDARY AND TOPOGRAPHIC SURVEY**

**PULICE LAND SURVEYORS, INC.**  
 5381 NOB HILL ROAD  
 SUNRISE, FLORIDA 33351  
 TELEPHONE: (954) 572-1777  
 FAX: (954) 572-1778  
 E-MAIL: [survey@puliceandsurveyors.com](mailto:survey@puliceandsurveyors.com)  
 WEBSITE: [www.puliceandsurveyors.com](http://www.puliceandsurveyors.com)  
 CERTIFICATE OF AUTHORIZATION LB93870

















DRAWN BY: L.H.      SCALE: 1" = 60'  
 CHECKED BY: J.F.P.      SURVEY DATE: 10/07/22      CLIENT: CARNAHAN PROCTOR & CROSS  
 ORDER NO.: 70470

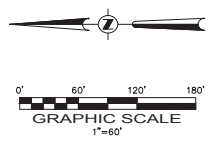
U.S. HIGHWAY NO. 27  
 (STATE ROAD NO. 25)



MATCH LINE SEE SHEET 2


MATCH LINE SEE SHEET 4

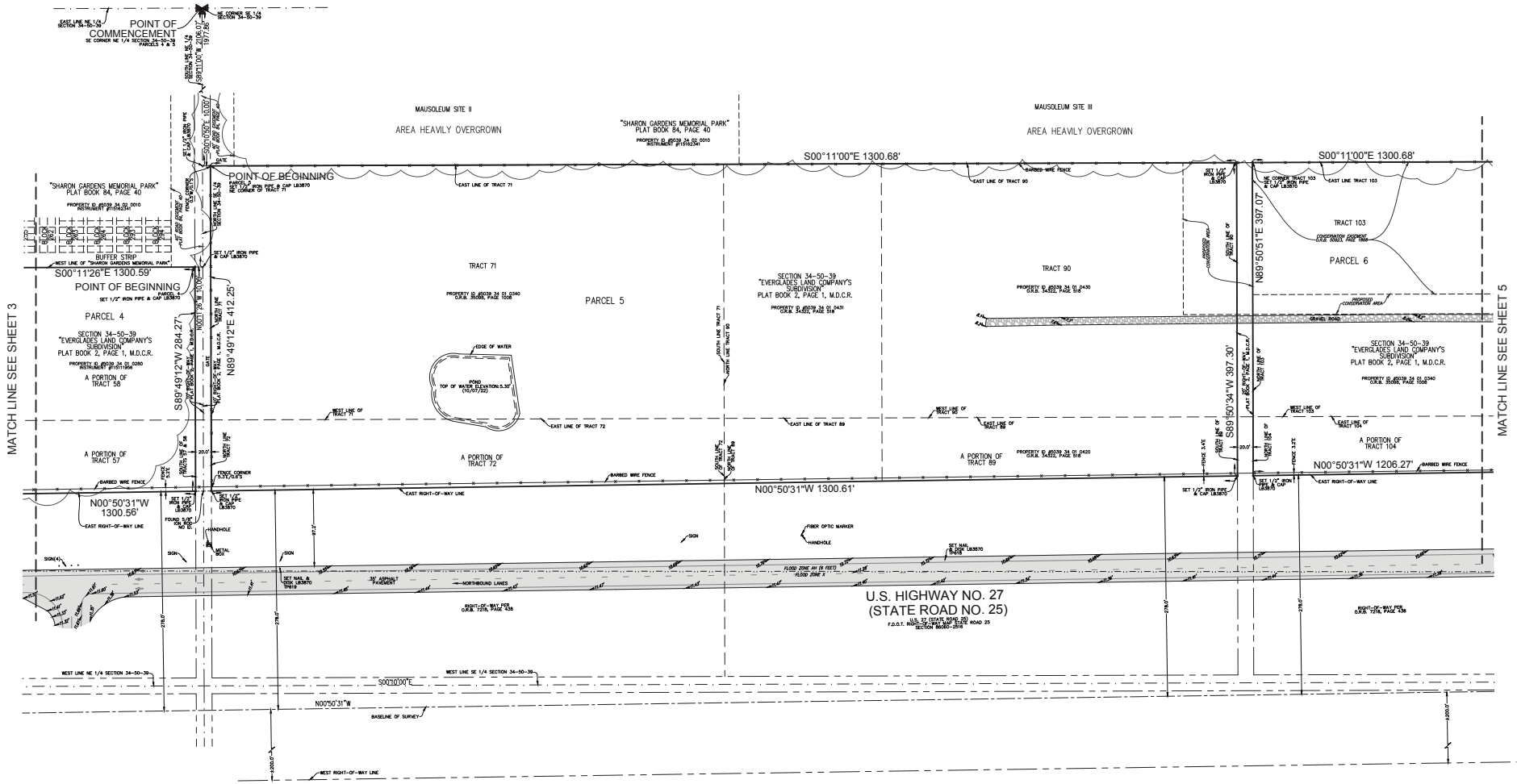
- LEGEND**
-  CONCRETE
  -  ASPHALT PAVEMENT
  -  GRAVEL ROAD
  -  ELEVATION
  -  OVERHEAD WIRES
  -  CENTERLINE
  -  R=
  -  CA=
  -  A=
  -  F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
  -  FPL FLORIDA POWER & LIGHT COMPANY
  -  LB LICENSED BUSINESS
  -  M.D.C.R. MIAMI-DADE COUNTY RECORDS
  -  O.R.B. OFFICIAL RECORDS BOOK
  -  PRM PERMANENT REFERENCE MONUMENT (4" x 4" BRASS DISK IN CONCRETE MONUMENT)
  -  TP TRAVERSE POINT (FOR FIELD INFORMATION ONLY)



SHEET 3 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THRU 5, INCLUSIVE

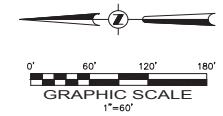
<p><b>BERGERON US 27</b>          GRIFFIN ROAD &amp; US 27          SOUTHWEST FRANCHISE, FLORIDA 33332          (TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY)</p>	
<p><b>BOUNDARY AND TOPOGRAPHIC SURVEY</b></p>	
	<p><b>PULICE LAND SURVEYORS, INC.</b>          5381 NOD HILL ROAD          SUNRISE, FLORIDA 33351          TELEPHONE: (954) 572-1777          FAX: (954) 572-1778          E-MAIL: <a href="mailto:survey@puliceandsurveyors.com">survey@puliceandsurveyors.com</a>          WEBSITE: <a href="http://www.puliceandsurveyors.com">www.puliceandsurveyors.com</a>          CERTIFICATE OF AUTHORIZATION LB93870</p>
DRAWN BY: L.H. CHECKED BY: J.F.P.	SCALE: 1" = 60' SURVEY DATE: 10/07/22
CLIENT: CARNAHAN PROCTOR & CROSS ORDER NO. 70470	



MATCH LINE SEE SHEET 3

MATCH LINE SEE SHEET 5

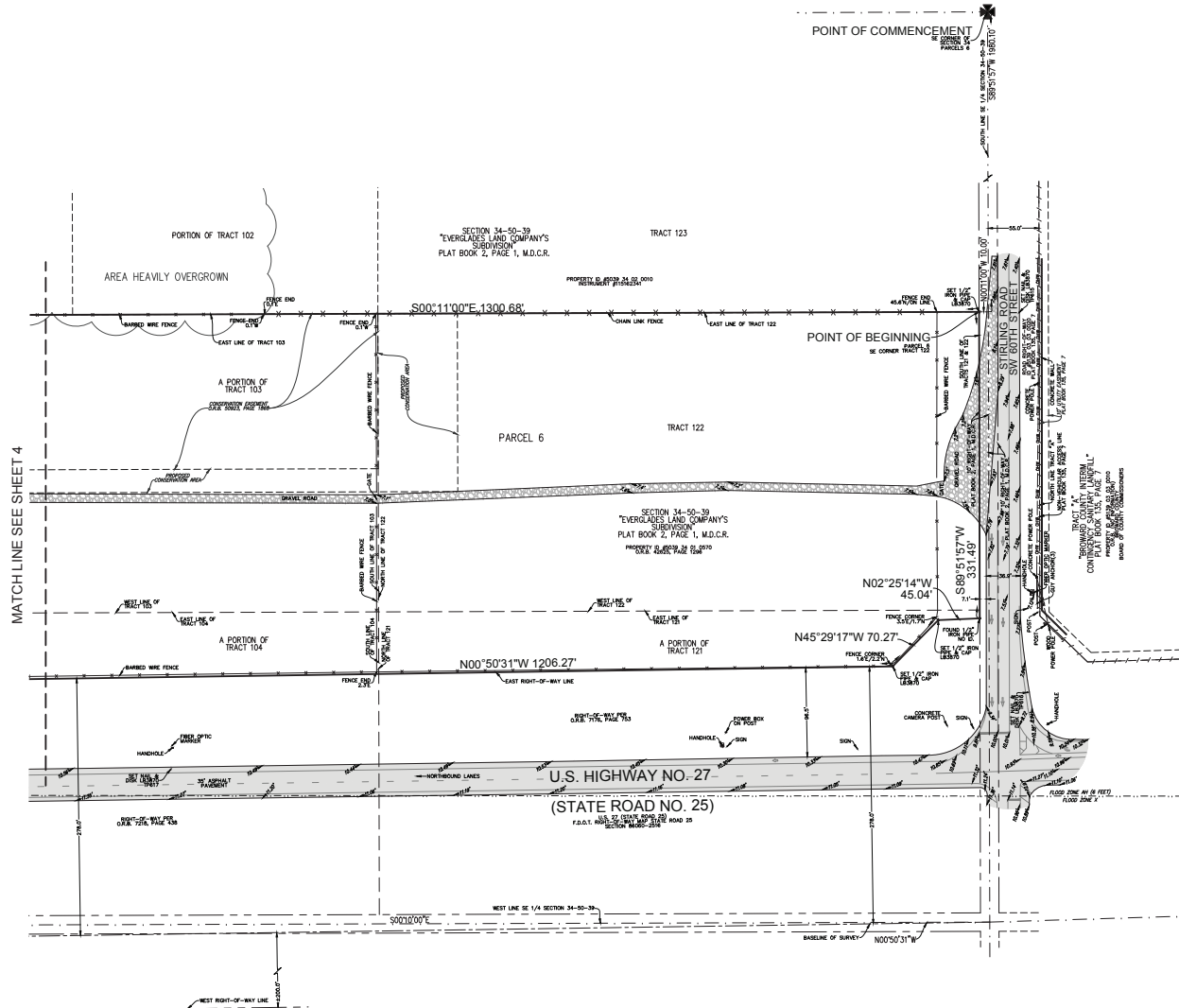
- LEGEND**
- CONCRETE
  - ASPHALT PAVEMENT
  - GRAVEL ROAD
  - ELEVATION
  - OVERHEAD WIRES
  - CENTERLINE
  - $R=$  RADIUS
  - $CA=$  CENTRAL ANGLE
  - $A=$  ARC LENGTH
  - F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
  - FPL FLORIDA POWER & LIGHT COMPANY
  - LB LICENSED BUSINESS
  - M.D.C.R. MIAMI-DADE COUNTY RECORDS
  - O.R.B. OFFICIAL RECORDS BOOK
  - PRM PERMANENT REFERENCE MONUMENT
  - (4" X 4" BRASS DISK IN CONCRETE MONUMENT)
  - TP TRAVERSE POINT (FOR FIELD INFORMATION ONLY)



SHEET 4 OF 5

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THRU 5, INCLUSIVE

<p><b>BERGERON US 27</b>          GRIFFIN ROAD &amp; US 27          SOUTHWEST RANCHES, FLORIDA 33332          (TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY)</p>		
<p><b>BOUNDARY AND TOPOGRAPHIC SURVEY</b></p>		
	<p><b>PULICE LAND SURVEYORS, INC.</b>          5381 NOD HILL ROAD          SUNRISE, FLORIDA 33351          TELEPHONE: (954) 572-1777          FAX: (954) 572-1778          E-MAIL: <a href="mailto:survey@puliceandsurveyors.com">survey@puliceandsurveyors.com</a>          WEBSITE: <a href="http://www.puliceandsurveyors.com">www.puliceandsurveyors.com</a>          CERTIFICATE OF AUTHORIZATION LB93870</p>	
DRAWN BY: L.H. CHECKED BY: J.F.P.	SCALE: 1" = 60' SURVEY DATE: 10/07/22	CLIENT: CARNAHAN PROCTOR & CROSS ORDER NO. 70470

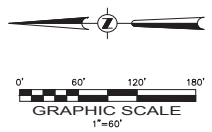


- LEGEND**
- CONCRETE
  - ASPHALT PAVEMENT
  - GRAVEL ROAD
  - ELEVATION
  - OVERHEAD WIRES
  - CENTERLINE
  - R= RADIUS
  - CA= CENTRAL ANGLE
  - A= ARC LENGTH
  - F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
  - FPL FLORIDA POWER & LIGHT COMPANY
  - LB LICENSED BUSINESS
  - M.D.C.R. MIAMI-DADE COUNTY RECORDS
  - O.R.B. OFFICIAL RECORDS BOOK
  - PRM PERMANENT REFERENCE MONUMENT (4" X 4" BRASS DISK IN CONCRETE MONUMENT)
  - TP TRAVERSE POINT (FOR FIELD INFORMATION ONLY)

SHEET 5 OF 5

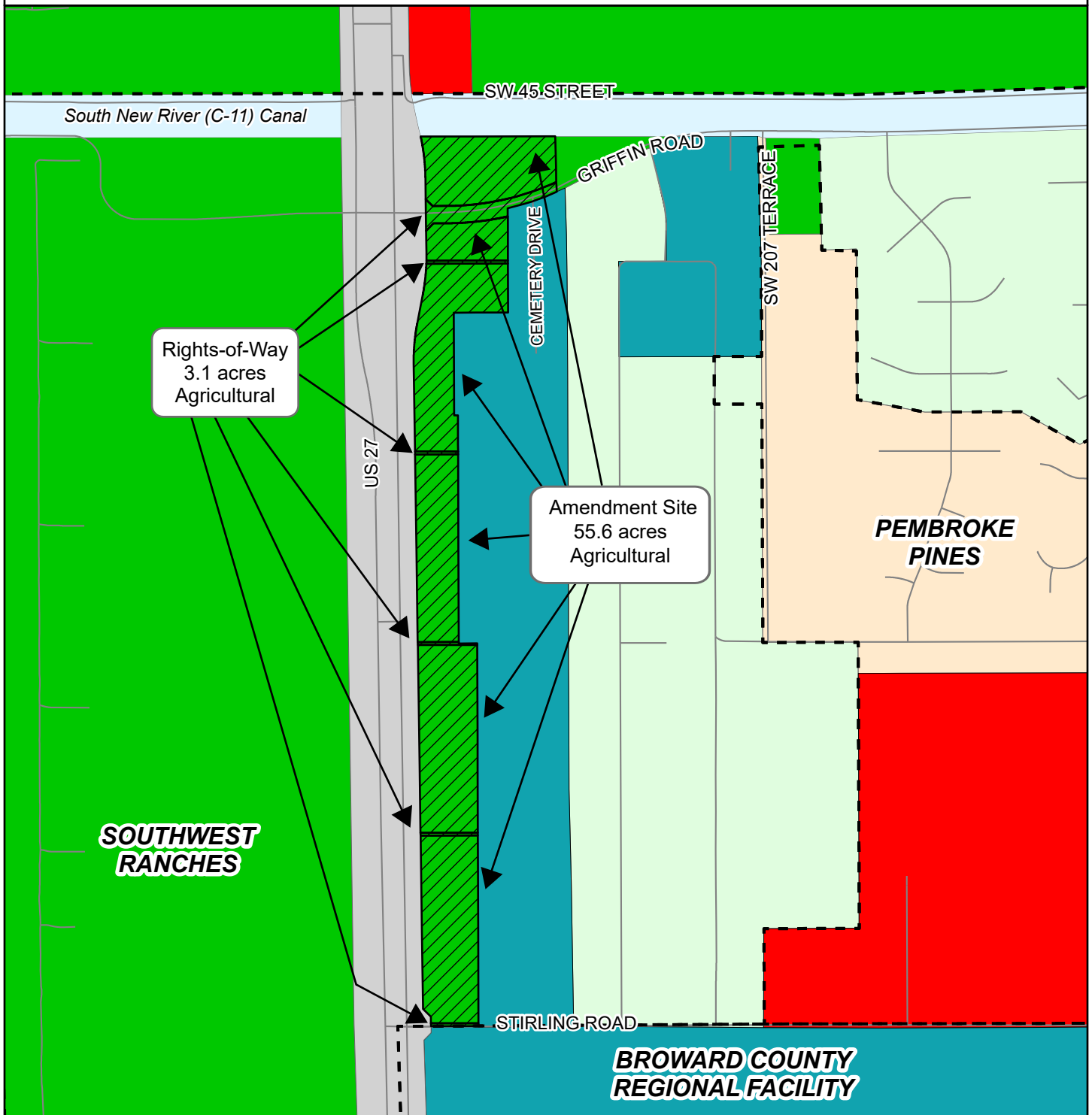
THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 THRU 5, INCLUSIVE










<p><b>BERGERON US 27</b>          GRIFFIN ROAD &amp; US 27          SOUTHWEST FRANCHISE, FLORIDA 33332          (TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY)</p>		
<p><b>BOUNDARY AND TOPOGRAPHIC SURVEY</b></p>		
<p><b>PULICE LAND SURVEYORS, INC.</b>          5381 NODD HILL ROAD          SUNRISE, FLORIDA 33351          TELEPHONE: (954) 572-1777          FAX: (954) 572-1778          E-MAIL: <a href="mailto:survey@pulselandsurveyors.com">survey@pulselandsurveyors.com</a>          WEBSITE: <a href="http://www.pulselandsurveyors.com">www.pulselandsurveyors.com</a>          CERTIFICATE OF AUTHORIZATION LB93870</p>		
<p>DRAWN BY: L.H.          CHECKED BY: J.F.P.</p>	<p>SCALE: 1" = 60'          SURVEY DATE: 10/07/22</p>	<p>CLIENT: CARNAHAN PROCTOR &amp; CROSS          ORDER NO. 70470</p>



**Exhibit “B”**  
**Amendment Site Location Map**

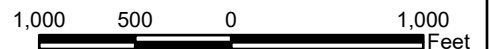
# Amendment Site Location Map



- |  |  |
|--|--|
|  Subject Site           |  Agricultural             |
|  Municipal Boundary     |  Community                |
|  Rural Ranches          |  Transportation           |
|  Estate (1) Residential |  Water / Primary Drainage |
|  Commerce               |  |

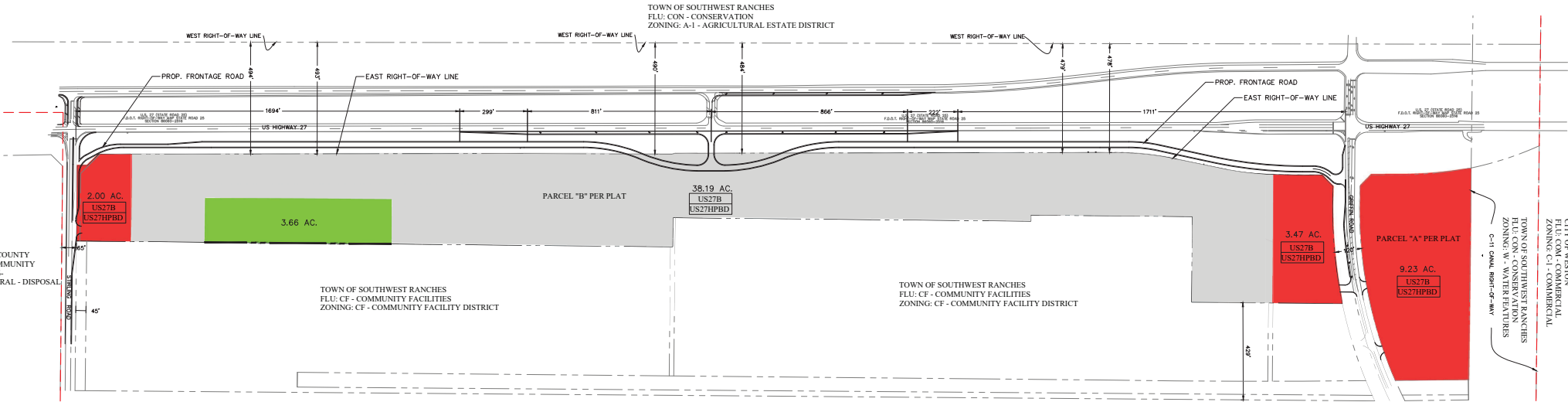
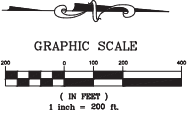
**Total Gross Acres = 58.7**

AD 22-011 Allen Southwest Ranches  
Acreage Determination





**Exhibit “C”**  
**Master Development Plan**



**PROJECT DESCRIPTION**

THE PROPOSED US-27 BUSINESS CENTER WILL FOLLOW THE INTENT AND APPLICABILITY AS PROVIDED IN ARTICLE 51 - US HIGHWAY 27 PLANNED BUSINESS DISTRICT IN THE TOWN OF SOUTHWEST RANCHES, FL - CODE OF ORDINANCES.

**PLAT DESCRIPTION**

A PORTION OF TRACTS 51, 52, 61, AND 62, OF SECTION 27, TOWNSHIP 50 SOUTH, RANGE 39 EAST, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 89°46'19" WEST, ALONG THE SOUTH LINE OF SAID SECTION 27 FOR 1917.07 FEET; THENCE NORTH 01°14'41" WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 27, FOR 874.72 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL; THENCE NORTH 89°27'39" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 89.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°20'39" EAST, 322.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GRIFFIN ROAD AND A POINT ON A CIRCULAR CURVE CONCAVE NORTHERLY FROM WHICH A RADIAL LINE BEARS NORTH 42°52'59" WEST; THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1849.86 FEET AND A CENTRAL ANGLE OF 247°21', AN ARC DISTANCE OF 191.55 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89°46'19" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE 97.45 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 8600-2516; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) NORTH 45°14'08" WEST, 69.95 FEET; 2) NORTH 00°30'31" WEST 150.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; 3) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1442.00 FEET AND A CENTRAL ANGLE OF 11°30'38", AN ARC DISTANCE OF 292.21 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL; THENCE SOUTH 89°57'39" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 933.35 FEET TO THE POINT OF BEGINNING.

**AND**

TRACTS 71, 80, 103, & 122, AND PORTIONS OF TRACTS 6, 7, 8, 25, 30, 39, 40, 57, 58, 72, 89, 104, & 121 OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, AND THE PLATTED RIGHTS-OF-WAY ADJACENT THEREO, EVERGLADES LAND COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE NORTH 89°51'57" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 FOR 328.83 FEET; THENCE NORTH 02°22'14" WEST 10.01 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 23 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 8600-2516 THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: 1) CONTINUE NORTH 02°22'14" WEST 45.04 FEET; 2) NORTH 42°07'01" WEST 70.27 FEET; 3) NORTH 00°30'31" WEST 4478.26 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; 4) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1308.00 FEET, A CENTRAL ANGLE OF 11°47'41", FOR AN ARC DISTANCE OF 279.45 FEET TO A POINT OF TANGENCY; 5) NORTH 10°07'01" EAST 200.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; 6) NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1442.00 FEET, A CENTRAL ANGLE OF 11°47'41", FOR AN ARC DISTANCE OF 306.86 FEET TO A POINT OF TANGENCY; 7) NORTH 00°30'31" WEST 600.00 FEET; 8) NORTH 44°40'59" EAST 71.46 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRIFFIN ROAD; THENCE NORTH 89°46'19" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 94.04 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1949.86 FEET, A CENTRAL ANGLE OF 12°21'13", FOR AN ARC DISTANCE OF 425.29 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF "SHARON GARDENS MEMORIAL PARK", AS RECORDED IN PLAT BOOK 84, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 89°46'19" WEST ALONG SAID NORTH LINE 260.00 FEET TO THE NORTHEAST CORNER OF SAID PLAT; THENCE SOUTH 89°23'54" WEST 27.00 FEET TO A POINT ON A LINE 27.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID "SHARON GARDENS MEMORIAL PARK REVISION THREE"; THENCE SOUTH 00°11'51" EAST ALONG SAID PARALLEL LINE 712.00 FEET; THENCE NORTH 89°23'54" EAST 27.00 FEET TO A POINT ON SAID WEST LINE OF "SHARON GARDENS MEMORIAL PARK REVISION THREE"; THENCE SOUTH 00°11'51" EAST ALONG THE WEST LINE OF SAID "SHARON GARDENS MEMORIAL PARK REVISION THREE" AND SAID "SHARON GARDENS MEMORIAL PARK" 1579.82 FEET; THENCE NORTH 89°49'12" EAST ALONG SAID WESTERN BOUNDARY OF "SHARON GARDENS MEMORIAL PARK" 128.21 FEET; THENCE SOUTH 00°11'51" EAST ALONG THE EAST LINES OF SAID TRACTS 71, 80, 103, AND 122 AND THE EXTENSIONS THEREOF 2831.36 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 122; THENCE SOUTH 89°51'57" WEST ALONG THE SOUTH LINE OF SAID TRACTS 121 AND 122 FOR 431.19 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 58.546 ACRES, MORE OR LESS

**SITE DATA TABLE**

PARCEL INFORMATION		
PARCEL ID #S	5039-27-02-0160; 5039-27-02-0210; 5039-27-02-0220; 5039-34-01-0200; 5039-34-01-0100; 5039-34-01-0170; 5039-34-01-0280; 5039-34-01-0340; 5039-34-01-0431; 5039-34-01-0430; 5039-34-01-0432; 5039-34-01-0420; 5039-34-01-0510	
PLANNING/ZONING		
TOSWR FUTURE LAND USE CATEGORY	EXISTING: AGRICULTURAL (A)	PROPOSED: US HIGHWAY 27 BUSINESS (US27B)
TOSWR ZONING CATEGORY	EXISTING: AGRICULTURAL ESTATE (A-1)	PROPOSED: US-27 HIGHWAY PLANNED BUSINESS DISTRICT (US27HPBD)
SITE AREA BREAKDOWN		
	ACRES	SQUARE FEET
GROSS SITE AREA	58.70 AC	2,556,972 SF
NET SITE AREA	56.55 AC	2,463,318 SF
WETLAND MITIGATION AREA	3.66 AC	159,430 SF
TOTAL DEVELOPABLE AREA	52.89 AC	2,303,888 SF
TOTAL RETAIL/COMMERCIAL AREA	14.70 AC	640,332 SF
TOTAL LIGHT INDUSTRIAL AREA	38.19 AC	1,663,556 SF
ALLOWABLE		
IMPERVIOUS AREA	75%	39.67 AC (75%)
PERVIOUS AREA	25%	13.22 AC (25%)
DEVELOPMENT REQUIREMENTS		
	ALLOWABLE	PROPOSED
BUILDING HEIGHT	40.0'	40.0'
FRONT SETBACK	-	25.0'
REAR SETBACK	-	25.0'
INTERIOR SIDE SETBACK	-	0.0'
STREET SIDE SETBACK	-	25.0'
FLOOR AREA RATIO (F.A.R.)		
	ALLOWABLE	PROPOSED
RETAIL/COMMERCIAL	0.75	0.18 (116,000 SF)
LIGHT INDUSTRIAL	0.75	0.36 (600,000 SF)
TOTAL	0.75	0.31 (716,000 SF)

**LEGEND**

RETAIL/COMMERCIAL LAND USE	
INDUSTRIAL LAND USE	
WETLAND MITIGATION AREA	
R/W LINE	
PROJECT BOUNDARY	
TOSWR BOUNDARY	
TOSWR FUTURE LAND USE CATEGORY	
TOSWR FUTURE LAND USE CATEGORY	



# MASTER DEVELOPMENT PLAN

**Exhibit “D”**  
**City of Sunrise**  
**Water and Sewer Availability Letter**



Community Development - Engineering Division  
1601 NW 136 Ave., Bldg. A Sunrise, FL 33323 P: 954.746.3270 F: 954.746.3287

October 18, 2022

Bill Barbaro, P.E.  
Carnahan Proctor & Cross  
814 S. Military Trail  
Deerfield Beach, FL 33442

*Via Email: BBarbaro@cpc-eng.com*

**Re: Water and Sewer Availability  
Griffin Road, US HWY 27  
Weston, FL 33332 (Folio #'s 503927020160, 503927020210, 503927020220,  
503934010020, 503934010100, 503934010170, 503934010280, 503934010340,  
503934010431, 503934010430, 503934010420 and 503934010570)**

Dear Mr. Barbaro:

The above referenced properties are located within the water and sewer utility service area of the City of Sunrise. Please be advised that there is a 12-inch watermain, as well as a 14-inch sewer force main on the South East corner of Griffin Rd and Dykes Rd approximately 4 miles from the properties. Both a watermain and sewermain extension would be required.

Please note that the information provided within this letter is an approximation based on the City's schematic water and sewer atlas, and the City recommends that this information be verified through field inspections and as-built information prior to any civil engineering design.

The City has reserved no water and sewer plant capacity for your project and makes no representation to any party that water and sewer plant capacity is available until a party executes a Utility Service Permit with the City and pays the Plant Connection Fees based upon proposed water consumption.

If you wish to reserve plant capacity for your project, please begin by completing the City of Sunrise Utility Service Permit Questionnaire and returning it to this department along with all required attachments. The Utility Service Permit Questionnaire and Fee Schedule are available at the document library on the City's website: <https://www.sunrisefl.gov/our-city/advanced-components/document-central/-folder-182>. Plant Connection Fees are governed by the City's Code of Ordinances, Section 15-119, which may be found at [https://library.municode.com/fl/sunrise/codes/code\\_of\\_ordinances](https://library.municode.com/fl/sunrise/codes/code_of_ordinances)

If we may be of further assistance to you, please advise.

Sincerely,  
CITY OF SUNRISE

Ravindra Ramgulam, P.E.  
City Engineer

**Exhibit “E”**  
**City of Pembroke Pines**  
**Water and Sewer Availability Letter**



PEMBROKE PINES  
CITY COMMISSION

**Frank C. Ortis**  
MAYOR  
954-450-1020  
fortis@ppines.com

**Iris A. Siple**  
VICE MAYOR  
DISTRICT 3  
954-450-1030  
isiple@ppines.com

**Jay D. Schwartz**  
COMMISSIONER  
DISTRICT 2  
954-450-1030  
jschwartz@ppines.com

**Angelo Castillo**  
COMMISSIONER  
DISTRICT 4  
954-450-1030  
acastillo@ppines.com

**Thomas Good, Jr.**  
COMMISSIONER  
DISTRICT 1  
954-450-1030  
tgood@ppines.com

**Charles F. Dodge**  
CITY MANAGER  
954-450-1040  
cdodge@ppines.com

April 11, 2023

Ron Bergeron  
19612 SW 69<sup>th</sup> Place  
Pembroke Pines, FL 33332

RE: Request for Letter of Service Availability for Bergeron US-27 Business Center located in the Town of Southwest Ranches, FL.

Dear Mr. Bergeron:

The City of Pembroke Pines has the capacity and capability of providing water and wastewater services to the Bergeron US-27 Business Center located east of US 27 between Stirling Road and the C-11 canal within the Town of Southwest Ranches.

Providing utility services to this site is subject to the Town of Southwest Ranches providing a letter of approval to the City of Pembroke Pines to serve this parcel. Upon receipt of the Town's approval, the Pembroke Pines Commission will consider this request.

Sincerely,

  
Charles F. Dodge  
City Manager

CFD/md

**Exhibit “F”**  
**Waste Management Inc. of Florida Letter**



**Waste Management Inc. of  
Florida** 1800 N. Military Trail,  
Suite 201 Boca Raton, FL 33431

October 3, 2022

Via E-Mail

Phil Kean, E.I.  
Project Engineer  
814 S. Military Trail  
Deerfield Beach, FL 33442  
Pkean@cpc-eng.com

Re: Town of Southwest Ranches Letter of Service Availability / Bergeron US-27 Business Center

Dear Mr. Kean,

By way of this letter, WM confirms that we will have sufficient capacity to support and service the commercial and industrial solid waste requirements in the above-referenced 56.08-acre project in the Town of Southwest Ranches. Specifically, WM understands that this location is directly to the east of Highway 27 spanning from both sides of Griffin Road to the north to Stirling Road to the south.

Should you have any questions or require additional information, please feel free to contact me at [bherrera@wm.com](mailto:bherrera@wm.com) or at 954-856-7192.

Best of luck with the proposed project!

Sincerely,

A handwritten signature in blue ink that reads "Barbara Herrera".

Barbara Herrera  
Government Affairs Manager  
Waste Management Inc. of Florida  
M: 954-856-7192  
[bherrera@wm.com](mailto:bherrera@wm.com)

cc: Jean Desilus, District Manager, WMIF



**Exhibit “G”  
Drainage Study**



Carnahan Proctor Cross

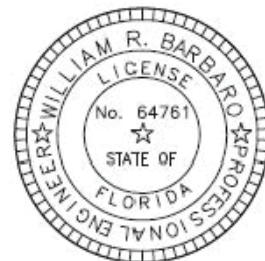
814 S. Military Trail, Deerfield Beach, FL-33442

Tel 954.972.3959 - Fax 954.972.4178

# Drainage Calculations for US-27 Business Center

Town of Southwest Ranches  
Broward County, FL  
Project # 210300.02  
November 2022

William R. Barbaro  
Digitally signed by William R. Barbaro  
Date: 2023.09.20 00:08:38 -04'00'



WILLIAM R. BARBARO, P.E.  
FL. REGISTRATION NO. - 64761

# Carnahan Proctor Cross

814 S. Military Trail, Deerfield Beach, FL-33442

Tel 954.972.3959 - Fax 954.972.4178

Project Name: US-27 Business Center

Project Number: Project # 210300.02



Designed:	CD
Checked:	WB

## STORM WATER MANAGEMENT AND FLOOD ROUTING CALCULATIONS

### Introduction:

The site is located in Township 50 S, Range 39 and Section 27 within the Everglades Land Company Subdivision in Broward County, Florida. Site is located in between the intersections of Stirling Road and US-27, and Griffin Road and US-27 in town of Southwest Ranches, FL. The project site consists of a total of ±56.08-acre property. The proposed project includes the creation of a nursery through the filling of low quality wetlands. Proposed site development includes construction of a 2.5-acre mitigation area along the central-eastern boundary of the subject site. A swale and perimeter berm are to be constructed around the perimeter of the property along with two broad-crested weirs that will serve as outfall structures. Water quality will also be achieved within the perimeter berm of the project.

Stormwater management will be provided by maintaining the minimum elevations required by the flood routing calculations. The following are the minimum elevations that will be maintained.

- The minimum centerline elevation of the roads is designed to be set at no lower than the stage of the 10-year, one day storm.
- The minimum elevation of the site perimeter is designed to be set at the stage of the 25-year, three day storm.
- The minimum finished floor elevation of the buildings shall be set at no lower than the stage of the 100-year, three day storm.

Control Water elevation for the site is at elevation 4.00 ft-NGVD'2'

The design storm events were modelled by using ICPR Software

The Summary of stormwater modelling results are tabulated on the next sheet of this report

# Carnahan Proctor Cross

814 S. Military Trail, Deerfield Beach, FL-33442  
Tel 954.972.3959 - Fax 954.972.4178

Project Name: US-27 Business Center  
Project Number: Project # 210300.02

Created by: CD  
Checked by: WB

## SUMMARY:

Summary of the ICPR model results for the design storm events is tabulated below:

### Site

Design Storm	Post Development Stage (ft) (NGVD)
10-Year 3-day storm	7.120
25-Year 3-day storm	7.160
100-Year 3-day storm	7.300

Based on the ICPR model results for the applied design storm events, the proposed stormwater management system is sufficiently sized to accommodate the water quality volume, including the additional 50% water quality. The proposed finished floor elevation and the perimeter berm elevation is above the minimum requirement as shown below:

Finished Floor Elevation of the proposed building is at 8.00' NGVD which is higher than the 100 year 3 day stage elevation of 7.30' NGVD.

Perimeter Elevation of the project site is at 7.6' NGVD which is equal or higher than the 25-year 3-day stage elevation of 7.16' NGVD.

# Carnahan Proctor Cross

814 S. Military Trail, Deerfield Beach, FL-33442  
 Tel 954.972.3959 - Fax 954.972.4178

## STORM WATER MANAGEMENT AND FLOOD ROUTING CALCULATIONS

Project Name: US-27 Business Center  
 Project Number: Project # 210300.02

Created by: CD  
 Checked by: WB

### I. Site Data

#### A. Acreage

1. Impervious Area		56.550 ac
a. Building	Per US-27 Site Area	29.0% 16.390 ac
b. Pavement / Sidewalk		41.2% 23.280 ac
	<b>Total Impervious</b>	<b>70% 39.670 ac</b>
2. Pervious Area		
a. Pond		0.0% 0.000 ac
b. Exfiltration		0.0% 0.000 ac
c. Swale Slopes		11.2% 6.323 ac
d. Swale Bottom		2.3% 1.310 ac
e. Wetland		4.4% 2.500 ac
f. Wetland Buffer		1.9% 1.103 ac
g. Blank		0.000 ac
h. Blank		0.000 ac
i. Blank		0.000 ac
	<b>Subtotal of Water Management area per SBDD</b>	<b>20% 11.235 ac</b>
a. Green Linear		10% 5.645 ac
	<b>Total Pervious</b>	<b>30% 16.880 ac</b>

Note: Per Article 51 - Us Highway 27 Planned Business District, under section 051-040 development standards. The total pervious area shall provide at least 25% pervious area.

#### B. Minimum elevations

1. Roads and Parking	6.50 ft-NGVD'29
2. Minimum Existing Finished Floor	8.00 ft-NGVD'29
3. FEMA 100-Year Base Flood	7.51 ft-NGVD'29

#### C. Water level Elevation

1. Average Wet Season Water Level	4.00 ft-NGVD'29
2. Control Elevation	4.00 ft-NGVD'29
3. Average Wet Season Receiving Surface Water*	4.00 ft-NGVD'29

\*Source: SFWMD ERP 06-00709-S Mitigation Area Increment II, CS-H pg. 45.

#### D. Rainfall amounts (Source: SFWMD A.H. Vol. II May 22, 2016 Appendix C)

1. Design Storm (10-year 1 day)	8.00 inches
2. Design Storm (10-year 3 day)	10.00 inches
3. Design Storm (25-year 3 day)	11.00 inches
4. Finished Floor (100-year 3 day)	15.00 inches

# Carnahan Proctor Cross

814 S. Military Trail, Deerfield Beach, FL-33442  
Tel 954.972.3959 - Fax 954.972.4178

## STORM WATER MANAGEMENT AND FLOOD ROUTING CALCULATIONS

Project Name: US-27 Business Center  
Project Number: Project # 210300.0:

Created by: CD  
Checked by: WB

### II. Design Criteria

---

#### A. Quality

1. Presumptive Water Quality Calculation, SFWMD
  - a. The first inch of runoff from the entire site, or
  - b. The amount of 2.5 inches times the percentage of imperviousness.
2. If discharging directly into an impaired water or OFW, an additional 50% of detention or retention shall be provided above the presumptive WQV.
3. A detention system shall be designed to discharge not more 0.5 inch of detained volume per day.
4. A 50% reduction in water quality due to the use of dry retention for water quality
5. For projects located within WPA provide 150% of required water quality

#### B. Stage

The calculated water quality volume is	4.90 ac-ft
Interpolating from the Water Quality Stage-Storage Table, the Volume to be treated is met at a stage of:	6.52 ft-NGVD'29

# Carnahan Proctor Cross

814 S. Military Trail, Deerfield Beach, FL-33442  
 Tel 954.972.3959 - Fax 954.972.4178

## STORM WATER MANAGEMENT AND FLOOD ROUTING CALCULATIONS

Project Name: US-27 Business Center Created by: CD  
 Project Number: Project # 210300.02 Checked by: WB

### III. Computations

1. Compute the first inch of runoff from the developed project
  - = 1 in X total area X (1ft/12in)
  - = 4.412 ac-ft for the first inch of runoff
2. Compute 2.5 inches times the percentage of imperviousness
  - a. Site area for water quality pervious/impervious calculations only:
    - = Total project - (water surface + roof)
    - = 40.160 ac of site area for water quality pervious/impervious
  - b. Impervious area for water quality pervious/impervious calculation only:
    - = Site area - Pervious
    - = 23.280 ac if impervious area for water quality pervious/impervious
  - c. Percentage of imperviousness for water quality:
    - = (Impervious area for water quality/site area for water quality) 100%
    - = 57.97 % impervious
  - d. For 2.5 inches times the percentage impervious:
    - = 2.5 X percent impervious
    - = 1.45 inches to be treated
  - e. Compute volume required for water quality detention:
    - = Inches to be treated X (total site - Lake)
    - = 6.527 ac-ft for the 2.5 inches times the percentage imperviousness
3. Since the 6.527 ac-ft for the 2.5 inches times the percentage imperviousness is greater than the 4.412 ac-ft for the first inch of runoff
  - 6.53 ac-ft Controls**
  - 3.26 ac-ft 50% Credit for Dry Retention**
  - 4.90 ac-ft 150% Water Quality Required**

Water Quality volume is provided within the perimeter swale and onsite dry retention area before discharging to the onsite wetland.

	Storage (ac-ft)	Stage (ft)	
	4.70	6.50	
WQV	4.90	6.52	Min. Weir Elev. (CS-Site)
	8.94	7.00	

# Carnahan Proctor Cross

814 S. Military Trail, Deerfield Beach, FL-33442  
 Tel 954.972.3959 - Fax 954.972.4178

## STORMWATER MANAGEMENT AND FLOOD ROUTING CALCULATIONS

Project Name: US-27 Business Center  
 Project Number: Project # 210300.0

Created by: CD  
 Checked by: WB

### III. Computations

#### B. SCS Curve Number

##### 2. Average site finished grade

Land use	Area-A (ac)	Grade-G (ft)	A X G
Building	16.3900	8.50	139.32
Pavement / Sidewalk	23.2800	7.50	174.60
Exfiltration	0.0000	0.00	0.00
Swale Slopes	6.3232	6.30	39.84
Swale Bottom	1.3097	5.00	6.55
Wetland	2.4997	4.00	10.00
Wetland Buffer	1.1027	6.50	7.17
Blank	0.0000	0.00	0.00
Green Linear	5.6446	8.25	46.57
<b>Total</b>	<b>56.5500</b>	<b>5.12</b>	<b>424.03</b>
<b>Weighted Site Grade</b>			<b>7.50 ft-NGVD</b>

##### 3. Average depth to water table will be

= Average site grade - average water table/control elevation  
 = 3.50 ft

##### 4. Soil type Coastal

##### 5. From the soil storage calculation sheet, inches of moisture stored below the pervious areas for this type of soil is:

6.56 inches

##### 6. Compute available soil storage

= Storage available X pervious area  
 = 3.08 ac-ft available soil storage onsite

##### 7. Convert available soil storage to site-wide moisture storage, S

= Available soil storage onsite/site area  
 = 0.65 inches of site-wide storage, S

##### 6. SCS Site Composite Curve Number, CN

=  $1000/(S+10)$   
 = 94 SCS Curve Number



# Carnahan Proctor Cross

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## SOUTH FLORIDA WATER MANAGEMENT DISTRICT FLOOD ROUTING CALCULATIONS

Project Name: US-27 Business Center  
 Project Number: Project # 210300.02

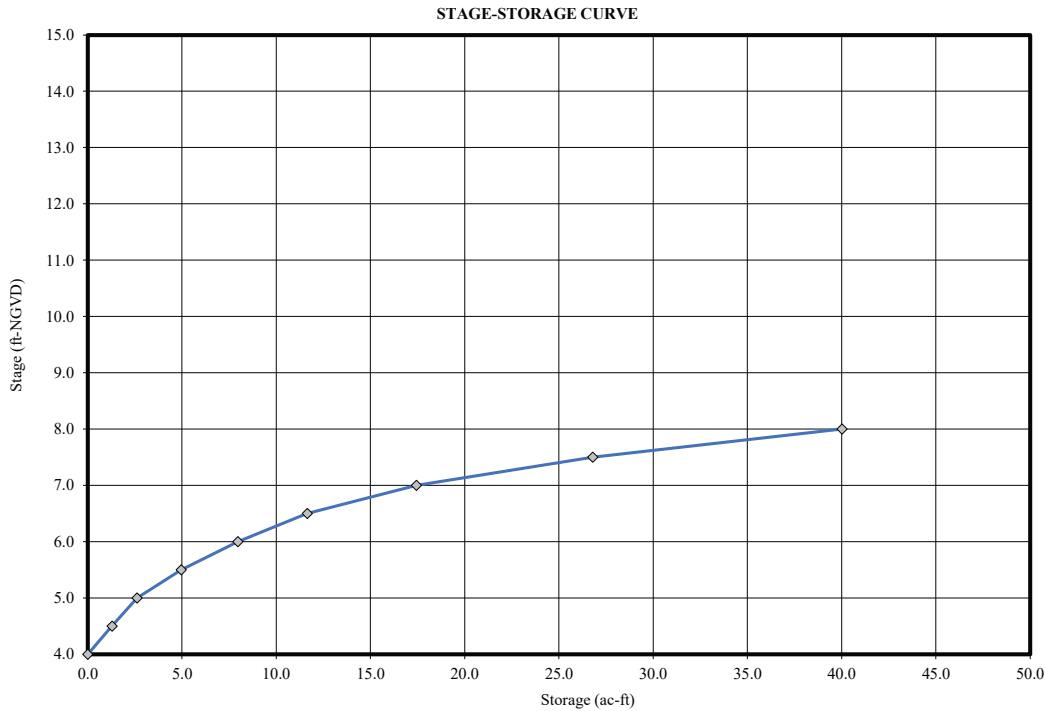
Created by: CD  
 Checked by: WB

### III. Computations

#### C. Project surface storage

Land use	Start	End	Area
	ft	ft	Acres
Building	8.50	8.50	16.3900
Pavement / Sidewalk	6.50	8.50	23.2800
Pond	0.00	0.00	0.0000
Exfiltration	0.00	0.00	0.0000
Swale Slopes	5.00	7.60	6.3232
Swale Bottom	5.00	5.00	1.3097
Wetland	4.00	4.00	2.4997
Wetland Buffer	4.00	9.00	1.1027
Blank	0.00	0.00	0.0000
Dry Retention Slopes	0.00	0.00	0.0000
BLANK	0.00	0.00	0.0000
Green Linear	7.50	9.00	5.6446

2. For Stage-Storage curve data, please refer to table attached.
3. Stage-Storage curve.



# Carnahan Proctor Cross

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 Tel 954.972.3959 - Fax 954.972.4178

## STORM WATER MANAGEMENT AND SOIL STORAGE CALCULATION

Project Name: US-27 Business Center  
 Project Number: Project # 210300.02

Created by: CD  
 Checked by: WB

Depth to Water Table (feet)	Coastal (1)		Flatwoods (2)		Depressional (3)	
	Cumulative Water Storage (inches)	Compacted Water Storage (inches)	Cumulative Water Storage (inches)	Compacted Water Storage (inches)	Cumulative Water Storage (inches)	Compacted Water Storage (inches)
1	0.60	0.45	0.60	0.45	0.60	0.45
2	2.50	1.88	2.50	1.88	2.10	1.58
3	6.60	4.95	5.40	4.05	4.40	3.30
4	10.90	8.18	9.00	6.75	6.80	5.10

(1) Sandy Soil 0-40" thick with water tables dropping below 40" - St. Lucie series is representative.

(2) Water tables 15"-40" - Immokalee series is representative

(3) Water tables above ground - 15" - Riviera and Pompano series are representative

\* 4 feet is the maximum depth of percolation assumed possible in three days for any soil.

- A. From the calculation the average depth to the water table is
- B. The Soil Type is
- C. Assuming 25% compaction
- D. Inches of moisture stored under pervious area

3.50 ft  
 Coastal

Depth to Water Table (feet)	Compacted Water Storage (inches)
3.00	4.95
3.50	6.56
4.00	8.18

**Carnahan Proctor Cross**

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**STORM WATER MANAGEMENT AND FLOOD ROUTING CALCULATIONS  
 STAGE - STORAGE CALCULATION**

Project Name: US-27 Business Center  
 Project Number: Project # 21030002

Created by: CD  
 Checked by: WB

**Stage-Storage Curve Data**

Sub area	Building	Pavement / Sidewalk		Pond	Exfiltration		Swale Slopes		Swale Bottom		Wetland Buffer		Blank		Dry Retention Slope		Blank		Green Linear		Wetland + Wetland Buffer Storage ac-ft	Site Storage + Swales Storage ac-ft	Total Storage ac-ft	
		Low El	High El		Linear	Vert. Stor.	Linear	Vert. Stor.	Linear	Vert. Stor.	Linear	Vert. Stor.	Linear	Vert. Stor.	Linear	Vert. Stor.	Linear	Vert. Stor.	Linear	Vert. Stor.				Linear
4.00	8.50	6.50	0.00	0.00	0.00	0.00	5.00	4.00	5.00	4.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.50	0.00	7.50	0.00	
4.50	8.50	8.50	0.00	0.00	0.00	7.60	5.00	4.00	5.00	4.00	9.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.00	0.00	9.00	1.28	
5.00	713.948.40	1,014.076.80	0.00	0.00	0.00	275,440.30	57,052.48	108,888.72	48,033.93	48,033.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	245,877.36	0.00	245,877.36	2.61	
5.50	16.30	23.28	0.00	0.00	0.00	6.32	1.31	2.50	1.10	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.64	0.00	5.64	4.96	
6.00	0.00	0.00	0.00	0.00	0.00	1.22	0.00	0.00	1.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.53	0.00	2.53	7.97
6.50	0.00	0.00	0.00	0.00	0.00	2.74	0.00	0.00	1.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.70	0.00	4.70	11.64	
7.00	0.00	0.00	0.00	0.00	0.00	4.86	0.00	0.00	2.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.94	0.00	8.94	17.43	
7.50	0.00	0.00	0.00	0.00	0.00	7.60	0.00	0.00	3.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.69	0.00	16.69	26.79	
8.00	0.00	0.00	0.00	0.00	0.00	8.22	2.53	10.00	3.93	0.00	1.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28.24	11.76	40.01	40.01	

ICPR Stormwater Model Node Maximum Report

Name	Group	Simulation	Max Time Stage hrs	Max Stage ft	Warning Stage ft	Max Delta Stage ft	Max Surf Area ft2	Max Time Inflow hrs	Max Inflow cfs	Max Time Outflow hrs
Out Site	BASE	100Y-3D	72.00	4.83	0.00	-0.0007	0	60.42	188.72	0.00
Wetland	BASE	100Y-3D	60.44	7.30	7.60	0.0050	392875	60.17	216.67	60.44
Out Site	BASE	100Y-3D	72.00	4.83	7.60	-0.0007	116862	60.36	72.98	60.38
Wetland	BASE	10Y-3D	71.99	4.83	0.00	-0.0007	0	60.42	124.02	0.00
Out Site	BASE	10Y-3D	60.44	7.12	7.60	0.0050	325678	60.17	142.85	60.44
Wetland	BASE	10Y-3D	72.01	4.83	7.60	-0.0007	116859	60.37	47.75	60.38
Out Site	BASE	25Y-3D	72.00	4.83	0.00	-0.0007	0	60.41	137.12	0.00
Wetland	BASE	25Y-3D	60.44	7.16	7.60	0.0050	340186	60.17	157.66	60.44
Wetland	BASE	25Y-3D	72.00	4.83	7.60	-0.0007	116859	60.36	52.84	60.38

ICPR Stormwater Model Node Maximum Report

	Site	Wetland	Site	Wetland	Site
Name:	Site	Wetland	Site	Wetland	Site
Group:	BASE	BASE	BASE	BASE	BASE
Simulation:	100Y-3D	100Y-3D	10Y-3D	10Y-3D	25Y-3D
Node:	Site	Wetland	Site	Wetland	Site
Type:	SCS	SCS	SCS	SCS	SCS
Unit Hydrograph:	Uh256	Uh256	Uh256	Uh256	Uh256
Peaking Factor:	256.0	256.0	256.0	256.0	256.0
Spec Time Inc(min):	4.00	2.00	4.00	2.00	4.00
Comp Time Inc(min):	4.00	2.00	4.00	2.00	4.00
Rain File:	Sfwmd72	Sfwmd72	Sfwmd72	Sfwmd72	Sfwmd72
Rain Amount(in):	15.000	15.000	10.000	10.000	11.000
Duration(hrs):	72.00	72.00	72.00	72.00	72.00
Status:	Onsite	Onsite	Onsite	Onsite	Onsite
TC(min):	30.00	15.00	30.00	15.00	30.00
Time Shift(hrs):	0.00	0.00	0.00	0.00	0.00
Area(ac):	52.890	3.660	52.890	3.660	52.890
Vol of Unit Hyd(in):	1.000	1.000	1.000	1.000	1.000
Curve Num:	91.000	93.000	91.000	93.000	91.000
DCIA(%):	0.000	0.000	0.000	0.000	0.000
Time Max(hrs):	60.20	60.03	60.20	60.03	60.20
Flow Max(cfs):	217.05	21.12	143.13	13.99	157.96
Runoff Volume(in):	13.870	14.128	8.901	9.147	9.893
Runoff Volume(ft3):	2662969	187704	1708857	121526	1899306

Name: Wetland  
 Group: BASE  
 Simulation: 25Y-3D  
 Node: Wetland  
 Type: SCS  
 Unit Hydrograph: Uh256  
 Peaking Factor: 256.0  
 Spec Time Inc(min): 2.00  
 Comp Time Inc(min): 2.00  
 Rain File: Sfwmd72  
 Rain Amount(in): 11.000  
 Duration(hrs): 72.00  
 Status: Onsite  
 TC(min): 15.00  
 Time Shift(hrs): 0.00  
 Area(ac): 3.660  
 Vol of Unit Hyd(in): 1.000  
 Curve Num: 93.000  
 DCIA(%): 0.000  
 Time Max(hrs): 60.03  
 Flow Max(cfs): 15.41  
 Runoff Volume(in): 10.142  
 Runoff Volume(ft3): 134746

=====  
 Basins  
 =====

```

Name: Site          Node: Site          Status: Onsite
Group: BASE        Type: SCS Unit Hydrograph CN

Unit Hydrograph: Uh256          Peaking Factor: 256.0
Rainfall File:                Storm Duration(hrs): 0.00
Rainfall Amount(in): 0.000     Time of Conc(min): 30.00
Area(ac): 52.890              Time Shift(hrs): 0.00
Curve Number: 91.00           Max Allowable Q(cfs): 999999.000
DCIA(%): 0.00
  
```

```

Name: Wetland       Node: Wetland       Status: Onsite
Group: BASE        Type: SCS Unit Hydrograph CN

Unit Hydrograph: Uh256          Peaking Factor: 256.0
Rainfall File:                Storm Duration(hrs): 0.00
Rainfall Amount(in): 0.000     Time of Conc(min): 15.00
Area(ac): 3.660              Time Shift(hrs): 0.00
Curve Number: 93.00           Max Allowable Q(cfs): 999999.000
DCIA(%): 0.00
  
```

=====  
 Nodes  
 =====

```

Name: Out           Base Flow(cfs): 0.000   Init Stage(ft): 4.000
Group: BASE        Warn Stage(ft): 0.000
Type: Time/Stage
  
```

Time (hrs)	Stage (ft)
0.00	4.000
24.00	4.250
72.00	4.830
80.00	4.500

```

Name: Site          Base Flow(cfs): 0.000   Init Stage(ft): 5.000
Group: BASE        Warn Stage(ft): 7.600
Type: Stage/Volume
  
```

Stage (ft)	Volume (af)
5.000	0.0000
5.500	0.9600
6.000	2.5300
6.500	4.7000
7.000	7.4800
7.500	11.1900
8.000	18.1400

```

Name: Wetland       Base Flow(cfs): 0.000   Init Stage(ft): 4.000
Group: BASE        Warn Stage(ft): 7.600
Type: Stage/Volume
  
```

Stage (ft)	Volume (af)
4.000	0.0000
4.500	1.2800
5.000	2.6100
5.500	4.0000
6.000	5.4400
6.500	6.9400
7.000	8.4900
7.500	10.1000
8.000	11.7600

=====  
 Operating Tables  
 =====

```

Name:                Group: BASE
Type: Bottom Clip
  
```

Function: Time vs. Depth of Clip

Time(hrs) Clip Depth(in)

-----

==== Weirs =====

Name: CS-Emergency OF      From Node: Site  
 Group: BASE                      To Node: Out  
 Flow: Both                      Count: 1  
 Type: Vertical: Fread      Geometry: Trapezoidal

Bottom Width(ft): 50.00  
 Left Side Slope(h/v): 4.00  
 Right Side Slope(h/v): 4.00  
     Invert(ft): 6.520  
 Control Elevation(ft): 6.520  
 Struct Opening Dim(ft): 9999.00

TABLE

Bottom Clip(ft): 0.000  
 Top Clip(ft): 0.000  
 Weir Discharge Coef: 3.200  
 Orifice Discharge Coef: 0.600

Name: CS-OF                      From Node: Wetland  
 Group: BASE                      To Node: Out  
 Flow: Both                      Count: 1  
 Type: Vertical: Fread      Geometry: Trapezoidal

Bottom Width(ft): 100.00  
 Left Side Slope(h/v): 4.00  
 Right Side Slope(h/v): 4.00  
     Invert(ft): 4.000  
 Control Elevation(ft): 4.000  
 Struct Opening Dim(ft): 9999.00

TABLE

Bottom Clip(ft): 0.000  
 Top Clip(ft): 0.000  
 Weir Discharge Coef: 3.200  
 Orifice Discharge Coef: 0.600

Name: CS-Stie                      From Node: Site  
 Group: BASE                      To Node: Wetland  
 Flow: Both                      Count: 1  
 Type: Vertical: Fread      Geometry: Trapezoidal

Bottom Width(ft): 25.00  
 Left Side Slope(h/v): 4.00  
 Right Side Slope(h/v): 4.00  
     Invert(ft): 6.520  
 Control Elevation(ft): 6.520  
 Struct Opening Dim(ft): 9999.00

TABLE

Bottom Clip(ft): 0.000  
 Top Clip(ft): 0.000  
 Weir Discharge Coef: 3.200  
 Orifice Discharge Coef: 0.600

==== Breaches =====

Name:                              From Node:                      Count: 1  
 Group: BASE                      To Node:                      Flow: Both

Bottom Width(ft): 0.00              Water Surface Elev(ft): 0.000  
 Left Side Slope(h/v): 0.00          Breach Duration(hrs): 0.00  
 Right Side Slope(h/v): 0.00          Power Coef: 0.00  
 Bottom Breach Elev(ft): 0.000      Weir Discharge Coef: 0.000  
 Top Breach Elev(ft): 0.000

==== Rating Curves =====

```

Name:                               From Node:           Count: 1
Group: BASE                          To Node:            Flow: Both

      TABLE          ELEV ON(ft)      ELEV OFF(ft)
#1:                   0.000           0.000
#2:                   0.000           0.000
#3:                   0.000           0.000
#4:                   0.000           0.000
    
```

=====  
 Percolation Links  
 =====

```

Name:                               From Node:           Flow: Both
Group: BASE                          To Node:            Count: 1

      Surface Area Option: Use 1st Point in Stage/Area Table
      Vertical Flow Termination: Horizontal Flow Algorithm
      Aquifer Base Elev(ft): 0.000           Perimeter 1(ft): 0.000
      Water Table Elev(ft): 0.000           Perimeter 2(ft): 0.000
      Ann Recharge Rate(in/year): 0.000      Perimeter 3(ft): 0.000
      Horiz Conductivity(ft/day): 0.000      Distance 1 to 2(ft): 0.000
      Vert Conductivity(ft/day): 0.000       Distance 2 to 3(ft): 0.000
      Effective Porosity(dec): 0.000        Num Cells 1 to 2: 0
      Suction Head(in): 0.000              Num Cells 2 to 3: 0
      Layer Thickness(ft): 0.000
    
```

=====  
 Exfiltration Trenches  
 =====

```

Name:                               From Node:           Flow: Both
Group: BASE                          To Node:            Count: 1

      Aquifer Base Elev(ft): 0.000           Trench Bot Elev(ft): 0.000
      Water Table Elev(ft): 0.000           Trench Width(ft): 0.000
      Ann Recharge Rate(in/year): 0.000      Trench Length(ft): 0.000
      Horiz Conductivity(ft/day): 0.000      Trench Height(ft): 0.000
      Vert Conductivity(ft/day): 0.000       Gravel Porosity(dec): 0.000
      Effective Porosity(dec): 0.000        Pipe Diameter(in): 0.000
      Suction Head(in): 0.000              Pipe Invert Elev(ft): 0.000
                                           End Treatment: Exclude
                                           Cell Spacing(ft): 0.000
                                           Num Cells: 0
    
```

=====  
 Hydrology Simulations  
 =====

```

Name: 100Y-3D
Filename: P:\Projects_2021\210300.02 - Bergeron_US-27_LUPA\Calcs\US-27_Pre Drainage Calcs\ICPR Update\US-27 2022_ICPR\100Y

      Override Defaults: Yes
      Storm Duration(hrs): 72.00
      Rainfall File: Sfwmd72
      Rainfall Amount(in): 15.00

Time (hrs)      Print Inc(min)
-----
80.000          5.00
    
```

```

Name: 10Y-3D
Filename: \\CPC02\Projects\Projects_2021\210300.02 - Bergeron_US-27_LUPA\Calcs\US-27_Pre Drainage Calcs\ICPR Update\US-27

      Override Defaults: Yes
      Storm Duration(hrs): 72.00
      Rainfall File: Sfwmd72
      Rainfall Amount(in): 10.00

Time (hrs)      Print Inc(min)
-----
80.000          5.00
    
```

```

Name: 25Y-3D
Filename: \\CPC02\Projects\Projects_2021\210300.02 - Bergeron_US-27_LUPA\Calcs\US-27_Pre Drainage Calcs\ICPR Update\US-27

      Override Defaults: Yes
      Storm Duration(hrs): 72.00
      Rainfall File: Sfwmd72
    
```



Rainfall Amount(in): 11.00

Time (hrs)	Print Inc (min)
80.000	5.00

=====  
 === Routing Simulations ===  
 =====

Name: 100Y-3D                      Hydrology Sim: 100Y-3D  
 Filename: \\CPC02\Projects\Projects\_2021\210300.02 - Bergeron\_US-27\_LUPA\Calcs\US-27\_Pre Drainage Calcs\ICPR Update\US-27

Execute: Yes                      Restart: No                      Patch: No  
 Alternative: No

Max Delta Z(ft): 1.00                      Delta Z Factor: 0.00500  
 Time Step Optimizer: 10.000  
 Start Time(hrs): 0.000                      End Time(hrs): 80.00  
 Min Calc Time(sec): 0.5000                      Max Calc Time(sec): 60.0000  
 Boundary Stages:                      Boundary Flows:

Time (hrs)	Print Inc (min)
999.000	15.000

Group                      Run  
 -----  
 BASE                      Yes

Name: 10Y-3D                      Hydrology Sim: 10Y-3D  
 Filename: \\CPC02\Projects\Projects\_2021\210300.02 - Bergeron\_US-27\_LUPA\Calcs\US-27\_Pre Drainage Calcs\ICPR Update\US-27

Execute: Yes                      Restart: No                      Patch: No  
 Alternative: No

Max Delta Z(ft): 1.00                      Delta Z Factor: 0.00500  
 Time Step Optimizer: 10.000  
 Start Time(hrs): 0.000                      End Time(hrs): 80.00  
 Min Calc Time(sec): 0.5000                      Max Calc Time(sec): 60.0000  
 Boundary Stages:                      Boundary Flows:

Time (hrs)	Print Inc (min)
999.000	15.000

Group                      Run  
 -----  
 BASE                      Yes

Name: 25Y-3D                      Hydrology Sim: 25Y-3D  
 Filename: \\CPC02\Projects\Projects\_2021\210300.02 - Bergeron\_US-27\_LUPA\Calcs\US-27\_Pre Drainage Calcs\ICPR Update\US-27

Execute: Yes                      Restart: No                      Patch: No  
 Alternative: No

Max Delta Z(ft): 1.00                      Delta Z Factor: 0.00500  
 Time Step Optimizer: 10.000  
 Start Time(hrs): 0.000                      End Time(hrs): 80.00  
 Min Calc Time(sec): 0.5000                      Max Calc Time(sec): 60.0000  
 Boundary Stages:                      Boundary Flows:

Time (hrs)	Print Inc (min)
999.000	15.000

Group                      Run  
 -----  
 BASE                      Yes

**Exhibit “H”**  
**South Broward Drainage District Application**



**SOUTH BROWARD DRAINAGE DISTRICT**  
**DEVELOPMENT/RE-DEVELOPMENT PERMIT APPLICATION**

FOR DISTRICT USE ONLY
APPLICATION #:
PERMIT FEE: \$
PAID BY:

TYPE:       PAVING & DRAINAGE       LAKE EXCAVATION       PERMIT EXTENSION       PLAT  
 SITE PLAN / DRC       LAND USE PLAN AMENDMENT       OTHER

PROJECT NAME: US-27 Business Center

PROJECT DESCRIPTION: The project site consists of a total of ±56.55-acre property located on the east side of US-27 highway between Stirling Rd. to the south and the South New River Canal to the north and is undergoing a land use plan amendment to allow for a mix of commercial and industrial development.

LOCATION OF WORK: SECTION(S) 27 TOWNSHIP 50 SOUTH, RANGE 39 EAST  
 PLAT, PARCEL AND/OR SUBDIVISION NAME: Portions of Tracts 51,52,61, and 62, Everglades Land Co. Subdivision

PROPERTY ID OR FOLIO #: Listed Below SBDD BASIN #: S-9/10  
503927020210 , 503927020220 , 503934010020 , 503934010100 , 503934010170 , 503934010280 , 503934010340 , 503934010570 , 503934010420 , 503934010430 , 503934010431

PROJECT SIZE (PROVIDE ACREAGE AND PERCENTAGE BREAKDOWN FOR EACH CATEGORY):

IMPERVIOUS AREA:	<u>39.67</u> ac.	<u>75</u> %
PERVIOUS AREA:	<u>13.22</u> ac.	<u>25</u> %
WATER MANAGEMENT AREA:	<u>11.24</u> ac.	<u>20</u> %
TOTAL SITE AREA:	<u>56.55</u> ac.	<u>100</u> %

PROPOSED LOCATION OF OUTFALL: 3 outfalls are proposed for the project. One approx. 200' North of Griffin Rd. discharging to the east to the SBDD canal. One roughly 3,000' South of the intersection of Griffin Rd. and US-27, discharging to the east. and one roughly 500' north of the intersection of Stirling Rd. and US-27 discharging to the east from the proposed Wetland.

**NOTE:** UPON COMPLETION OF CONSTRUCTION AND ACCEPTANCE OF THE ENGINEER'S CERTIFICATION FOR THE STORMWATER MANAGEMENT SYSTEM, THE SOUTH BROWARD DRAINAGE DISTRICT WILL ISSUE THE PERMITTEE A 5-YEAR RENEWABLE "OPERATIONS PERMIT" FOR THE APPROVED WATER MANAGEMENT SYSTEM.



**SOUTH BROWARD DRAINAGE DISTRICT**  
**DEVELOPMENT/RE-DEVELOPMENT PERMIT APPLICATION**

PROPERTY OWNER:

NAME: Bergeron US-27, LLC, and Bergeron SW Ranches US27, LLC

CONTACT PERSON: Frank Saia

ADDRESS: 19612 SW 69th Place CITY: Pembroke Pines STATE: FL ZIP: 33332

PHONE: 954-680-0223 ALTERNATE PHONE: \_\_\_\_\_ E-MAIL: lonniel@gate.net

AUTHORIZED REPRESENTATIVE/APPLICANT OTHER THAN OWNER (IF APPLICABLE)

NAME: William R. Barbaro, P. E

COMPANY NAME: Carnahan, Proctor, and Cross, Inc. LICENSE #: 64761

COMPANY ADDRESS: 814 S Military Trail CITY: Deerfield Beach STATE: FL ZIP: 33442

PHONE: 561-512-2752 ALTERNATE PHONE: \_\_\_\_\_ E-MAIL: bbarbaro@cpc-eng.com

ADJACENT PROPERTY OWNERS:

NORTH: SOUTH FLORIDA WATER MANAGEMENT DISTRICT SOUTH: BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

EAST: SCI FUNERAL SERVICES OF FL LLC WEST: US-27 Right-of-Way

THIS APPLICATION, INCLUDING SKETCHES, DRAWINGS OR PLANS AND SPECIFICATIONS ATTACHED, CONTAINS A FULL AND COMPLETE DESCRIPTION OF THE WORK PROPOSED OR USE DESIRED OF THE ABOVE-DESCRIBED FACILITIES OF THE DISTRICT AND FOR WHICH A PERMIT IS HEREWITH APPLIED. THIS INFORMATION SHALL BECOME PART OF ANY PERMIT THAT MAY BE ISSUED. IT IS AGREED THAT ALL WORK OR THE USE OF THE DISTRICT'S FACILITIES INVOLVED WILL BE IN ACCORDANCE WITH THE PERMIT TO BE GRANTED AND WITH THE PERMIT PROCEDURES AND CONSTRUCTION STANDARDS HERETOFORE ADOPTED BY THE DISTRICT WHICH HAVE BEEN EXAMINED AND ARE UNDERSTOOD BY THE APPLICANT AND AS THE SAME MAY BE HEREAFTER FROM TIME TO TIME AMENDED, CHANGED OR REVISED AND WHICH, IT IS FURTHER UNDERSTOOD, SHALL BE INCORPORATED BY REFERENCE AS A PART OF ANY PERMIT WHICH MAY BE GRANTED. BY SIGNATURE BELOW, APPLICANT AGREES TO THE SPECIAL CONDITIONS AS OUTLINED ON PAGE 3 OF 3 OF THIS APPLICATION.

AUTHORIZED REPRESENTATIVE/APPLICANT (AUTHORIZATION LETTER REQUIRED) AND/OR PROPERTY OWNER:

\_\_\_\_\_  
*William R. Barbaro*

SIGNATURE

William R. Barbaro, P. E

PRINT NAME

1/5/2024

DATE

TITLE

VP of Engineering



## SOUTH BROWARD DRAINAGE DISTRICT

### DEVELOPMENT/RE-DEVELOPMENT PERMIT APPLICATION

#### **SPECIAL CONDITIONS:**

- A) IN THE EVENT THE SOUTH BROWARD DRAINAGE DISTRICT WISHES TO OBTAIN INGRESS AND EGRESS TO ITS EASEMENTS OR RIGHTS-OF-WAY OR CANAL RESERVATIONS FOR THE PURPOSES OF MAINTENANCE, OR CONSTRUCTION OF A BODY OF WATER, OR DRAINAGE IMPROVEMENTS, THE REMOVAL AND REINSTALLATION OF ANY CONSTRUCTION PERMITTED HEREUNDER SHALL BE AT OWNER'S EXPENSE.
- B) PERMITTEE, BY ACCEPTANCE OF THE PERMIT, COVENANTS AND AGREES THAT THE SOUTH BROWARD DRAINAGE DISTRICT SHALL BE INDEMNIFIED, DEFENDED, PROTECTED, EXONERATED AND SAVED HARMLESS BY THE PERMITTEE FROM AND AGAINST ALL EXPENSES, LIABILITIES, CLAIMS, DEMANDS, AND PROCEEDINGS INCURRED BY OR IMPOSED UPON SAID DISTRICT IN CONNECTION WITH ANY CLAIM, PROCEEDING, DEMAND, ADMINISTRATIVE HEARING, SUIT, ATTORNEY'S FEES, APPELLATE PROCEEDING OR OTHER ACTIVITY, INCLUDING UNFOUNDED OR "NUISANCE" CLAIMS, IN WHICH THE DISTRICT MAY BECOME INVOLVED, OR ANY SETTLEMENT THEREOF, ARISING OUT OF ANY OPERATIONS UNDER THIS PERMIT, INCLUDING USE OF BODIES OF WATER FOR IRRIGATION PURPOSES, DAMAGE TO LANDSCAPING, PAINT DAMAGE TO AUTOMOBILES, BUILDINGS OR OTHER STRUCTURES AND ANY PROPERTY DAMAGE OR PERSONAL INJURIES, FATAL OR NON-FATAL, OF ANY KIND OR CHARACTER.
- C) PERMITTEE, WILL TAKE FULL RESPONSIBILITY FOR ANY DAMAGE WHICH MAY BE CAUSED TO EXISTING FACILITIES OWNED OR OPERATED BY THE SOUTH BROWARD DRAINAGE DISTRICT AND WHICH ARE ADJACENT TO OR IN THE PROXIMITY OF ANY CONSTRUCTION UNDERTAKEN PURSUANT TO THE PERMIT. IN ADDITION, THE PERMITTEE AGREES TO BE RESPONSIBLE FOR THE REIMBURSEMENT TO SOUTH BROWARD DRAINAGE DISTRICT FOR ALL EXPENSES ARISING OUT OF DAMAGE TO THESE FACILITIES.
- D) PERMITTEE AGREES TO BE FULLY, COMPLETELY AND TOTALLY RESPONSIBLE FOR ANY AND ALL ACTIONS OR CAUSES OF ACTION, CLAIMS, DEMANDS, LIABILITIES, LOSS, DAMAGE, OR EXPENSES, INCLUDING ATTORNEY FEES WHICH MAY ARISE OUT OF NEW CONSTRUCTION WORK TO BE UNDERTAKEN UNDER THIS PERMIT. IT IS FURTHER ACKNOWLEDGED THAT THE SOUTH BROWARD DRAINAGE DISTRICT HAS NO OBLIGATIONS OR RESPONSIBILITIES REGARDING THE IMPROVEMENTS TO BE CONSTRUCTED PURSUANT TO THIS PERMIT AND THAT ANY DAMAGE WHICH MAY BE CAUSED TO THE CONSTRUCTION WORK TO BE UNDERTAKEN UNDER THIS PERMIT SHALL BE REPAIRED BY THE PERMITTEE AND THAT THE SOUTH BROWARD DRAINAGE DISTRICT SHALL HAVE NO OBLIGATION TO REPAIR OR BE RESPONSIBLE FOR ANY DAMAGE WHICH MAY BE CAUSED TO THE CONSTRUCTION WORK TO BE UNDERTAKEN UNDER THIS PERMIT AS A RESULT OF THE ACTIVITIES OF THE SOUTH BROWARD DRAINAGE DISTRICT.
- E) BEGINNING WITH THE COMMENCEMENT OF THE CONSTRUCTION OF THE IMPROVEMENTS DEPICTED ON THE PLANS FOR WHICH THIS PERMIT IS ISSUED, THE PERMITTEE AGREES TO INDEMNIFY THE SOUTH BROWARD DRAINAGE DISTRICT AND HOLD IT HARMLESS FROM ANY CLAIMS ARISING OUT OF CONSTRUCTION WORK PERFORMED BY THE PERMITTEE OR ITS CONTRACTORS. THE PERMITTEE FURTHER AGREES TO INDEMNIFY AND SAVE HARMLESS THE SOUTH BROWARD DRAINAGE DISTRICT, BOTH DURING AND FOLLOWING CONSTRUCTION OF THE PROPOSED IMPROVEMENTS, FROM AND AGAINST ANY AND ALL ACTIONS OR CAUSES OF ACTION, CLAIMS, DEMANDS, LIABILITIES, LOSS, DAMAGE OR EXPENSE, INCLUDING ATTORNEY FEES, WHETHER INCURRED UNDER RETAINER, SALARY OR OTHERWISE WHICH THE SOUTH BROWARD DRAINAGE DISTRICT MAY SUSTAIN OR INCUR BY REASON OR IN CONSEQUENCE OF THE ISSUANCE OF THE PERMIT FOR THE APPLICATION TO WHICH THESE SPECIAL CONDITIONS ARE ATTACHED AND THE CONSTRUCTION WHICH IS COMPLETED UNDER THIS PERMIT. FURTHERMORE, UPON DEMAND, THE PERMITTEE FURTHER AGREES TO TAKE OVER AND DEFEND ANY SUCH CLAIMS BROUGHT OR ACTIONS FILED AGAINST THE SOUTH BROWARD DRAINAGE DISTRICT IN RESPECT TO THE SUBJECT OF THE INDEMNITY CONTAINED IN THIS AGREEMENT.
- F) IT IS THE DISTRICT'S POLICY NOT TO ALLOW ANY LANDSCAPING TO BE PLANTED OR MAINTAINED WITHIN ANY OF THE DISTRICT'S RIGHTS-OF-WAY, EASEMENTS, OR CANAL RESERVATIONS, OR WITHIN 20 FEET FROM THE EDGE OF ANY WATER BODY AT THE CONTROL WATER ELEVATION.

**Exhibit “I”**  
**Broward County Transit Letter**



Transportation Department  
**Service and Strategic Planning Division**  
1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8382

**VIA EMAIL**

November 4, 2022

Phil Kean  
Engineer II  
Carnahan Proctor & Cross - Engineering  
814 S. Military Trail  
Deerfield Beach, Florida 33442

RE: "US 27 HWY Southwest Ranches FL 33332" Letter of service

Dear Mr. Kean

Broward County Transit (BCT) has reviewed your correspondence dated October 27, 2022, regarding the proposed Letter of service for US 27 HWY Southwest Ranches FL 33332 (folio numbers 5039 34 01 0020) for current and planned transit service. There is no transit service provided within a quarter mile of the amendment site and no planned expansion at this time.

As part of the Transportation Surtax, BCT will be implementing fixed route bus improvements, including shorter headways and increased span of service on weekdays and weekends, in addition to new service types like demand-response. The development of the subject property will be considered for its support in the utilization of public transit services by increasing the employment opportunities along the Griffin and Stirling corridors in Southwest Ranches. BCT is in the process of conducting a major update to the Transit Development Plan (TDP) and will be undertaking a Comprehensive Operational Analysis (COA) next spring. The subject property will be noted as a key area of development for possible service expansion and/or new service once it is completed in conjunction with a transit service market analysis.

Please feel free to call me at 954-357-8554 or email me at [rjustafort@broward.org](mailto:rjustafort@broward.org) if you require any additional information or clarification on this matter.

Sincerely,

*Romary S. Justafort*

Romary Justafort

Service Planner  
Service and Strategic Planning – Broward County Transit



**Exhibit “J”**  
**Florida Department of State, Bureau of Historic Preservation,**  
**Florida Master Site File Correspondence**

**hjallen@keiserlegal.com**

---

**From:** Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>  
**Sent:** Tuesday, October 18, 2022 2:20 PM  
**To:** hjallen@keiserlegal.com  
**Subject:** RE: FL Master Site File Search: Bergeron US 27, Town of Southwest Ranches  
**Attachments:** Bergeron US 27, Town of Southwest Ranches.pdf

Thanks for the info  
Search completed; no cultural resources detected

---

**From:** hjallen@keiserlegal.com <hjallen@keiserlegal.com>  
**Sent:** Tuesday, October 18, 2022 2:04 PM  
**To:** Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>  
**Subject:** RE: FL Master Site File Search: Bergeron US 27, Town of Southwest Ranches

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

---

Hi Eman,

I have attached the completed form as well as a survey of the property. I do not know the USGS Quad. Is this information coupled with the folio numbers provided below sufficient information?

Thank you!

**Heather Jo Allen, Esq., AICP**



**Keiser Legal, PLLC**  
*Specializing in Land Use and Zoning Law*

55 SE 2nd Avenue  
Delray Beach, Florida 33444  
Cell: 954-801-0449  
Fax: 561-900-3344  
[www.keiserlegal.com](http://www.keiserlegal.com)

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---

**From:** Vovsi, Eman M. <[Eman.Vovsi@DOS.MyFlorida.com](mailto:Eman.Vovsi@DOS.MyFlorida.com)>  
**Sent:** Tuesday, October 18, 2022 1:40 PM  
**To:** [hjallen@keiserlegal.com](mailto:hjallen@keiserlegal.com)  
**Subject:** RE: FL Master Site File Search: Bergeron US 27, Town of Southwest Ranches

Please complete the attached request form and provide an aerial map with the property boundaries clearly highlighted/identified.

The shapefiles will work, as well.

Kind regards,

Eman M. Vovsi, Ph.D.  
Sr. Data Base Analyst – Florida Department of State  
Bureau of Historic Preservation - Florida Master Site File – Tallahassee, FL 32399-0250 – Phone:  
850.245.6377 – e-mail: [Eman.Vovsi@DOS.MyFlorida.com](mailto:Eman.Vovsi@DOS.MyFlorida.com)

“Due to and depending on the requested information, work load and limited staffing, it may take longer than usual to get a response. Thank you for your patience and understanding during this time.”

---

**From:** [hjallen@keiserlegal.com](mailto:hjallen@keiserlegal.com) <[hjallen@keiserlegal.com](mailto:hjallen@keiserlegal.com)>  
**Sent:** Tuesday, October 18, 2022 1:20 PM  
**To:** FMSFILE <[FMSFILE@dos.myflorida.com](mailto:FMSFILE@dos.myflorida.com)>  
**Subject:** FL Master Site File Search: Bergeron US 27, Town of Southwest Ranches

#### EMAIL RECEIVED FROM EXTERNAL SOURCE

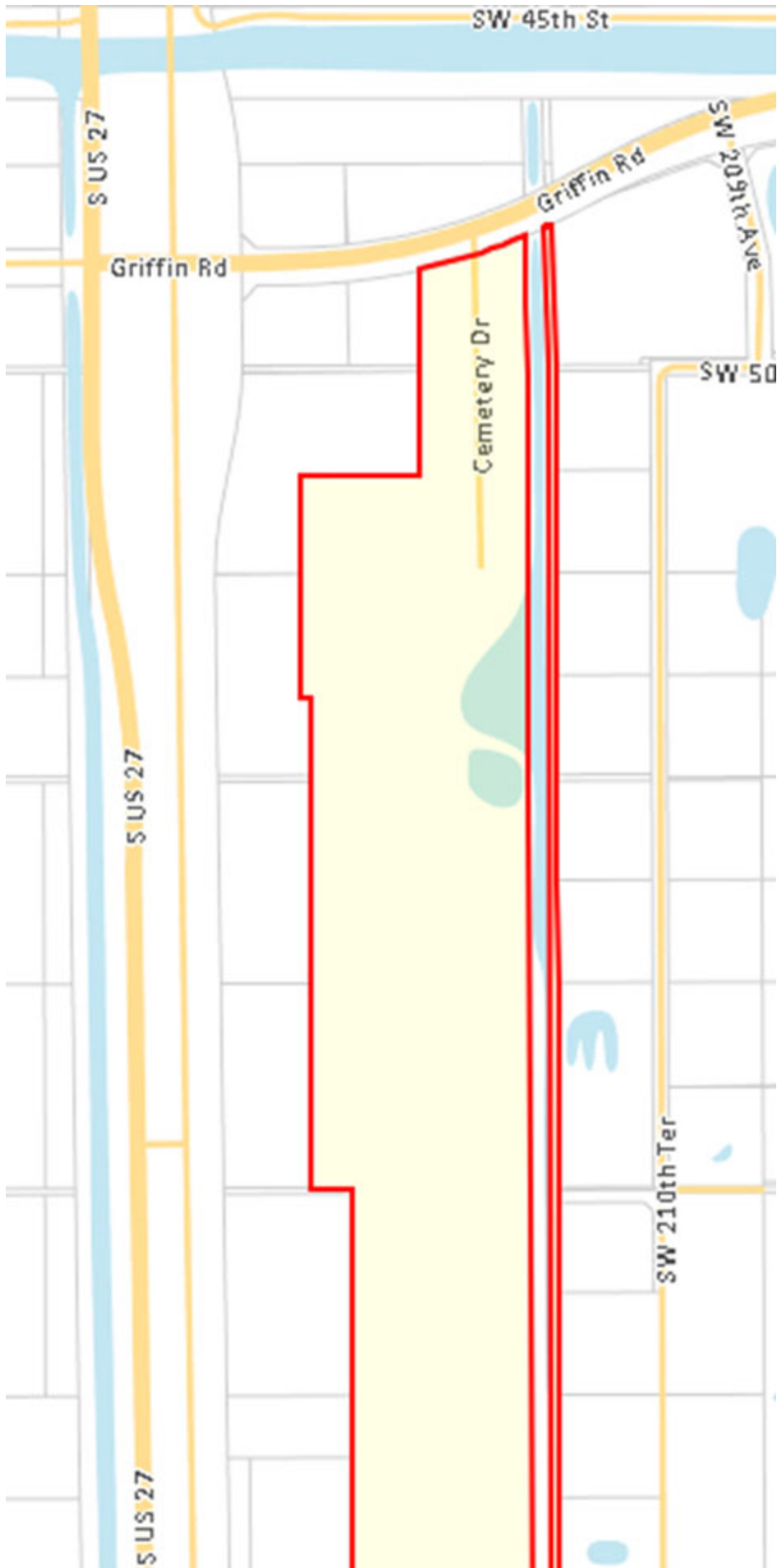
Good morning,

I am preparing a land use plan amendment for a +/- 55.68 property that is generally located along the east side of United States Highway 27 between Stirling Road to the south and the South New River Canal to the north in the Town of Southwest Ranches within Broward County. There are twelve folio numbers for the property pursuant to the Broward County Property Appraiser's website. I have listed them generally from north to south along US 27:

- 5039 27 02 0160 [GRIFFIN ROAD \(bcpa.net\)](http://bcpa.net)
- 5039 27 02 0210
- 5039 27 02 0220
- 5039 34 01 0020
- 5039 34 01 0100

- 5039 34 01 0170
- 5039 34 01 0280
- 5039 34 01 0340
- 5039 34 01 0431
- 5039 34 01 0420
- 5039 34 01 0430
- 5039 34 01 0570 [STIRLING ROAD \(bcpa.net\)](http://bcpa.net)

The property to be searched is essentially all of the parcels to the west (left) of the parcel outlined below and the parcels to the north of Griffin Road, east of US 27 and west of the canal.



Please let me know if you have any questions or need additional information to perform the search. Thank you so much for your assistance!

**Heather Jo Allen, Esq., AICP**



***Keiser Legal, PLLC***  
***Specializing in Land Use and Zoning Law***

55 SE 2nd Avenue  
Delray Beach, Florida 33444  
Cell: 954-801-0449  
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[www.keiserlegal.com](http://www.keiserlegal.com)

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**Exhibit “K”**  
**Wetland Permitting and Mitigation Documentation**



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

**Permittee/Authorized Entity:**

Lonnie Bergeron  
19612 SW 69th Place  
Pembroke Pines, FL 33332  
[lonneil@gate.net](mailto:lonneil@gate.net)

**Bergeron US 27 East Coast Buffer**

**Authorized Agent:**

The Chappell Group, Inc.  
c/o Tyler Chappell  
714 East McNab Road  
Pompano Beach, FL 33060  
[Tyler@thechappellgroup.com](mailto:Tyler@thechappellgroup.com)

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization – Not Applicable**

**U.S. Army Corps of Engineers Authorization –Not Included**

Permit No.: 06-0404099-002-EI

**Permit Issuance Date: June 29, 2023**

**Permit Construction Phase Expiration Date: June 29, 2028**



**Environmental Resource Permit  
Permit No: 06-0404099-002-EI**

**PROJECT LOCATION**

The activities authorized by this permit are located at the intersections of U.S. Highway 27 (US-27) and Stirling Road and US-27 and Griffin Road in the Town of Southwest Ranches, Broward County, in Sections 27, 34, Township 50, Range 39, at Latitude N 26° 03' 28.73" Longitude W -80° 25' 58.02"

**PROJECT DESCRIPTION**

The permittee is authorized to impact 2.07 acres of herbaceous wetland and 25.62 acres of forested melaleuca wetland along with 2.1 acres of off-site melaleuca wetlands in order to expand, construct and operate a surface water management system for the expansion of a previously approved nursery and associated facilities on the ± 55.679-acre parcel. The stormwater system shall consist of a swale and perimeter berm to be constructed around the perimeter of the property along with two broad-crested weirs that will serve as outfall structures. Water quality will be attained within the perimeter berm of the project. Stormwater management will be provided by maintaining the minimum elevations required by the flood routing calculations. The control water elevation for the site is at elevation 4.00 ft-NGVD'29. Authorized activities are depicted on the attached exhibits.

To offset adverse impacts to wetlands, the applicant has purchased 10 credits from the Hole in the Donut Mitigation Bank, which will significantly improve the regional benefits of natural wetland functions throughout South Florida. The Hole in the Donut Mitigation Bank is not located within the same Watershed as the project, however; it is located in the approved District service area. Use of the Hole in the Donut Mitigation Bank to offset wetland impacts within the New River Basin has been approved previously by the Department and will offset any potential cumulative impacts caused by the impacts to the wetland onsite. Mitigation shall also consist of on-site wetland creation and enhancement, as described in the Specific Conditions of this permit, and will be placed under a conservation easement to be preserved and maintained in perpetuity.

**AUTHORIZATIONS**

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-2, F.A.C.

Federal Authorization

Your proposed activity as outlined in your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit VI-R1. **SEPARATE permit(s) or authorization may be required** from the U.S. Army Corps of Engineers and/or Florida Department of Environmental Protection.

If you do not already have a valid permit from the USACOE under Section 404 of the Clean Water Act, a **SEPARATE PERMIT** or authorization pursuant to the State 404 Program, as described in Chapter 62-331, F.A.C. **will be required.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

### **PERMIT CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit.

### **SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS**

(1) The attached project drawings (sheets 1 through 6) and stormwater management plans (sheets 1 through 20); the executed Conservation Easement; and the Mitigation Plan; and DEP forms

62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

(2) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.

(3) Areas of exposed soils shall be isolated from wetlands or other surface waters to prevent erosion and deposition of these soils into wetlands or other surface waters during permitted activities.

(4) The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

(5) Staked filter cloth shall be positioned at the edge of the permitted fill slopes adjacent to wetlands to prevent turbid run-off and erosion.

(6) Wetland areas or water bodies, which are outside the specific limits of construction authorized by this permit, must be protected from erosion, siltation, scouring and dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.

(7) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.

(8) The permittee shall provide the Department with proof of financial responsibility, pursuant to Section 10.3.7, Applicant's Handbook Volume I (Vol. I), as follows:

- a. The permittee shall establish and maintain the financial assurance for the mitigation, monitoring, and corrective action for each phase of the project.
- b. The estimated costs of the mitigation, monitoring, and corrective action is \$144,777.20. The amount of financial responsibility shall represent 110% of the estimated costs, or \$159,254.92.
- c. Within 30 days of permit issuance, the permittee shall execute the performance bond and standby trust fund agreement, make an initial deposit in an amount

representing at least 10% of the estimated costs, and submit the executed agreement to the Department.

- d. The permittee shall submit proof of the performance bond and standby trust fund agreement to the Department prior to the commencement of construction.

#### **SPECIFIC CONDITIONS – MITIGATION**

(9) Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation that 10.0 freshwater herbaceous mitigation credits have been deducted from the credit ledger of the Hole-in-the-Donut Mitigation Bank.

(10) The permittee shall mitigate for adverse direct and secondary impacts to the freshwater marsh wetlands by enhancing on-site wetlands and purchasing credits at the Hole-in-the-Donut Mitigation Bank. In addition, a 2.5-acre on-site wetland mitigation area will be constructed in accordance with the attached mitigation plan, which includes the following activities:

1. Re-grading 1.46 acres of wetlands and 1.04 acres of uplands to varying elevations to create shallow marsh, deep marsh, slough and tree island wetland habitats;
2. Planting the wetland habitats with native wetland vegetation;
3. Constructing a 1.1-acre fenced-in transitional buffer around the wetland enhancement area and planting it with native transitional and upland vegetation to serve as a spatial and physical buffer;
4. Installing mitigation signage along the wetland buffer on the east side;
5. Placing the wetland enhancement and buffer areas under a conservation easement dedicated to the Department, South Florida Water Management District and Broward County;
6. Monitoring and maintaining the wetland for a minimum of five years with the submittal of annual reports; and
7. Maintaining the wetlands free of nuisance and exotic vegetation in perpetuity. The fencing and the signage are permanent and will be maintained by the permittee in perpetuity in accordance with the special conditions of this permit.

(11) The permittee shall establish a permanent benchmark in the mitigation area, as indicated on Page 3 of the mitigation drawings upon completion of the mitigation earthwork.

(12) Earthwork associated with the construction of the mitigation area required by the permit shall be initiated concurrent with and completed prior to the completion of all permitted wetland encroachment.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

(13) Any fill material used shall be clean fill and free of vegetative matter, trash, rebar, garbage, toxic or hazardous waste, or any other unsuitable materials.

(14) Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.

(15) The stormwater management system shall be designed as depicted in the attached drawings and shall consist of a swale and perimeter around the perimeter of the property along with

two broad-crested weirs that will serve as outfall structures. The minimum elevation of the site perimeter is designed to be set at the stage of the 25-year, three-day storm.

**SPECIFIC CONDITIONS- OPERATION & MAINTENANCE**

(16) Lonnie Bergeron shall be responsible for the operation and maintenance of the stormwater management system. The drainage structure shall be routinely inspected to ensure adequate performance. All drainage structure shall be routinely inspected as well, especially during and after a rain event. A maintenance schedule shall be implemented to ensure that the stormwater management system is functioning as designed.

(17) Permanent signs shall be placed at the eastern edge of the Conservation Easement area. Permanent signs shall consist of a highly visible aluminum sign (12 in. by 12 in.) placed 3 feet above the ground. The sign should read:

WETLAND CONSERVATION AREA  
LAND & DRAINAGE ALTERATION  
ACTIVITIES PROHIBITED

and shall include the Department's local phone number to be called if information is needed regarding the easement restricted activities as listed in the Conservation Easement document. The permanent signs as described above shall be posted at 100 ft. intervals and in conspicuous locations throughout the Conservation Easement area(s). All signs shall be installed within 30 days of construction completion.

(18) Prior to the start of construction, the 2.50-acre mitigation area shall be preserved through a perpetual conservation easement to the Board of Trustees (BOT). A copy of the conservation easement is included as an attachment to this permit. The language in the conservation easement shall not be changed. Within 30 days of permit issuance, the permittee shall have the easement, legal description and sketch recorded with Broward County and a clerk-of-court certified copy of the recorded document shall be submitted to the Department.

(19) The permittee shall be responsible for maintaining the wetlands free of nuisance and exotic vegetation in perpetuity, all in accordance with the Mitigation and Monitoring Plan. The fencing and the signage are permanent and will be maintained by the permittee in perpetuity in accordance with the special conditions of this permit.

**SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

(20) The permittee shall submit a certified as-built survey of the mitigation area to the Department for review within 2 weeks of achieving final grades and prior to planting. The Department will review the survey to assess if grading is in compliance with the permitted drawings. The Department will notify the permittee to proceed with planting upon review of the survey. Planting shall commence within 10 days upon Department's notification. The Department's notification to proceed does not constitute a finding by the Department the mitigation will meet the success criteria. The survey shall include the following for each mitigation area:

- a. Surface area (total square footage or acreage of each mitigation area).
- b. Locations and elevations for each permanent benchmark.
- c. The cross-sections listed below:

Cross Sections: A:A and B:B

Page Numbers: 4 and 5

(21) Planting of the mitigation area shall be completed within 30 days of receipt of approval of the above mentioned as-built land survey.

(22) The Department's approval of the mitigation plan pursuant to this permit does not constitute a finding by the Department the mitigation will meet the required success criteria. The permittee acknowledges its obligation to meet the intent of the permit regarding the mitigation objective until the mitigation is determined by the Department to be successful.

(23) A "Time Zero" Monitoring Report shall be submitted within 60 days of completion of planting of the mitigation area(s) and shall include the following:

- a. Date the planting was completed;
- b. Color photographs to provide an accurate representation of each mitigation area. The photographs shall be taken from fixed reference points and directions which are shown on a scaled plan view, and
- c. A table depicting numbers, spacing, and sizes (including tree height) of each species planted.

(24) Mitigation Monitoring Reports shall be submitted annually to [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov) for a minimum of five years.

(25) Mitigation Monitoring Reports shall include the following for each mitigation area: (Data shall be submitted in tabular form; subsample number and size shall be determined by a statistically valid method referenced in the Bibliography section of this permit).

- a. Color photographic prints taken from the reference points established in the Time Zero Monitoring Report.
- b. Detailed description of statistical methods used which must include the following:
  - i. Subsample method and map of sampling locations.
  - ii. Method used to determine percent cover and growth.
  - iii. Statistical analyses used.
- c. Total percent cover by planted herbaceous species.
- d. Plant species composition with estimates of the contribution of each species to percent cover.
- e. Plan view depicting the locations of specimens replanted. (Indicate numbers of each species replanted).
- f. Data documenting the hydrologic regime (seasonal high and normal pool; ordinary high; or mean high and low water elevations).
- g. Description of the pertinent climatological conditions preceding the monitoring event.
- h. Description of the soil moisture condition in the mitigation area(s), i.e., soil appears dry, saturated with water or with so many inches of standing water.

(26) The mitigation shall be deemed successful when the following criteria has been continuously met for a period of at least three (3) years, without intervention in the form of irrigation, removal of undesirable vegetation, or replanting of desirable vegetation:

- a. Planted herbaceous and naturally recruited native wetland species have achieved a minimum 80% cover.
- b. Subcanopy species (planted and naturally recruited native wetland species) have at least 80% coverage. The subcanopy species have achieved an average height of at least 6 feet and all are exhibiting natural, vigorous growth consistent with the species and target plant community.
- c. Planted tree species have achieved a minimum 80% survival and have achieved a diameter at breast height (dbh) of 4 inches and an average height of at least 10 feet.
- d. Total contribution to percent cover by non-native wetland species and species not listed in 62-340.450, F.A.C. shall be maintained at 0%.
- e. The mitigation area has been inspected by Department personnel and it has been determined to be within the landward extent of surface waters and wetlands of the State pursuant to 62-340 F.A.C. and meets all applicable criteria above.

(27) The responsibility to assess if the mitigation is meeting the permit-specified success criteria shall not fall solely on the Department. In the event the permittee becomes aware mitigation is not meeting the success criteria (based on either site observations or review of monitoring reports), the permittee, no later than 6 months before the permit construction phase expiration date, shall be responsible to submit an alternative mitigation plan to the Department for review and approval; The permittee shall implement the alternative mitigation plan no later than 60 days after receiving Department approval.

#### **SPECIFIC CONDITIONS – LISTED SPECIES**

(28) This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

(29) Wood Stork

- a. The permittee shall comply with the approved wetland mitigation and monitoring requirements specified by the FDEP State 404 permit for the onsite wetland impacts within the same Core Foraging Areas.

(30) Florida Bonneted Bat

- a. If potential roost trees or structures need to be removed, the permittee shall check cavities for bats within 30 days prior to removal. When possible, structures should be removed outside of breeding season (e.g., January 1 –April 15). If evidence of use by any bat species is observed, removal efforts shall be discontinued in that area and the permittee shall coordinate with USFWS staff.

- b. The permittee shall conserve open freshwater and wetland habitats to promote foraging opportunities and avoid impacting water quality. Created/restored habitat should be designed to replace the function of native habitat.
- c. The permittee shall avoid or limit widespread application of insecticides (e.g., mosquito control, agricultural pest control) in areas where Florida bonneted bats are known or expected to forage or roost.
- d. The permittee shall avoid and minimize the use of artificial lighting, retain natural light conditions, install wildlife friendly lighting (i.e., downward facing and lowest lumens possible), and avoid permanent night-time lighting to the greatest extent practicable.
- e. The permittee shall incorporate engineering designs that discourage bats from using buildings or structures. If Florida bonneted bats take residence within a structure, the permittee or designated representative shall contact the USFWS South Florida Ecological Service office at (772) 562-3909 for technical assistance and will also notify the FWC at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com) prior to attempting removal or prior to conducting maintenance activities on the structure.
- f. The permittee shall provide a copy of all raw acoustic data collected during the Florida bonneted bat survey for the project to the USFWS. Raw acoustic data shall be provided as “all raw data” and “all raw data with signatures at or below 20kHz”. Data will be submitted to the USFWS digitally to <https://sciencebase.usgs.gov/nabat/#/data/inventory>. More information including instructions and videos can be found at <https://www.nabatmonitoring.org/fbb>.

(31) Audubon’s Crested Caracara

- a. If evidence of caracara nesting is observed on the property, the permittee shall cease work within the primary zone, which is defined a 300-meter (985-foot) buffer outward from the nest tree. Work activities within the secondary zone, which is defined as a 1,500-meter (4,920-foot) buffer outward from the nest tree, shall be limited.
- b. If caracara nesting is discovered, the permittee or permittee representative shall coordinate with the USFWS South Florida Ecological Service office at (772) 562-3909 for technical assistance. The permittee or permittee representative shall also notify the FWC at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com) and the Department.

(32) Florida Sandhill Crane

- a. If any sandhill cranes are observed on the project site, surveys for nesting Florida sandhill cranes shall be conducted within the project boundary during the breeding season (December 1 – August 30) within 30 days prior to commencing any clearing or project activities. Surveys shall include either one aerial survey or two ground surveys in accordance with the following methodologies.
  - i. Aerial Surveys:
    - 1. Aerial transects shall cover 100% of the suitable nesting habitat.
    - 2. Survey transects shall be conducted at a minimum altitude of 250 feet. Sandhill cranes may react differently to different types of aircraft, and altitude shall be adjusted to prevent disturbance.
  - ii. Ground Surveys:



1. Surveys shall be conducted between dawn and 10 a.m. or between 4 p.m. and dusk. Sandhill crane breeding pairs engage in “unison calling” early in the morning or when switching incubation duties, which can help identify habitat areas used for nesting.
  2. The littoral zone of the manmade pond onsite shall be scanned along its periphery from as far away as practical in order to observe nesting areas without disturbing any sandhill cranes.
  3. Observation points shall be spaced to provide approximately 100% coverage of suitable habitat. A lone adult sandhill crane observed foraging during the breeding season is a good indicator that nesting may be occurring nearby.
- b. If active Florida sandhill crane nests are found, a buffer of 400 feet (122 meters) shall be demarcated around each nest site. The buffer zone shall be clearly visible to all personnel associated with the project. The perimeter of the buffer zone shall be demarcated with material with an open design that allows ingress and egress for adult cranes and chicks. Examples of acceptable materials include 3-4 foot (91-122 cm) tall stakes with a single line of string or rope, suspended at least 18 inches (46 cm) off of the ground, or three strand barbed wire with the bottom wire at least 18 inches (46 cm) off the ground. Silt fencing is discouraged, but if it must be used, leave regularly-spaced gaps at least every 0.3-mile that are either: sized at least 24 inches (61 cm) wide or the silt fencing is staggered to allow passage by chicks.
  - c. No pedestrian traffic, vehicle operations, site preparation, staging, clearing, or project activities shall occur within the 400-foot (122-meter) buffer.
  - d. The buffer zone materials may be removed when the eggs have hatched and chicks are walking on their own.
  - e. All personnel associated with the project shall be advised of the presence of Florida sandhill crane nesting and that it is a violation of state law to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect Florida sandhill cranes or their eggs or nests, or to attempt to engage in such conduct.
  - f. No direct or indirect impacts shall occur to wetland habitats found to be utilized by Florida sandhill cranes for breeding, feeding, or sheltering.
  - g. If the project will take place over multiple years, additional surveys shall be conducted during the breeding season within 30 days prior to the start of clearing or project activities.
  - h. If permanent fencing is constructed adjacent to wetlands found to be utilized by Florida sandhill cranes for nesting, it shall be made of materials in which the birds cannot become entangled, trapped, or injured. If woven or welded wire fencing is used, framed walk-throughs 18 inches (46 centimeters) high by 24 inches (61 centimeters) wide shall be incorporated at least every 0.3 miles. If barbed wire fencing is used, a maximum of 3 strands shall be used with the top wire no more than 42 inches (107 centimeters) above the ground and the bottom wire no less than 18 inches above the ground.
  - i. Any installation of temporary or permanent above-ground utility lines shall include reflective kinetic markers to increase visibility to sandhill cranes in flight and reduce collisions.
  - j. If additional nest locations are identified after clearing or other activities have begun or if maintaining the required buffers is not possible, the permittee shall

contact the FWC Protected Species Permit Coordinator at (850) 921-5990 or [WildlifePermits@MyFWC.com](mailto:WildlifePermits@MyFWC.com) for more information.

- k. Injury of a Florida sandhill crane shall be immediately reported to the FWC Wildlife Alert Hotline at (888) 404-3922.

(33) If new information (e.g., listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

(34) The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted

electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
  - b. For all other activities – “As-Built Certification and Request for Conversion to Operation Phase” [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as-built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

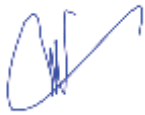
#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate

Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Norva Blandin, MSEM  
Permitting Program Administrator  
Southeast District

NB/DS/dw

**Attachments:**

Exhibit 1, Project Drawings and Design Specs., 26  
Exhibit 2, Conservation Easement, 13 pages  
Exhibit 3, Mitigation Plan, 4 pages  
Construction Commencement Notice/Form 62-330.350(1)  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)  
Request to Transfer Permit/Form 62-330.340(1)  
Operation and Maintenance Inspection Certification/Form 62-330.311(1)

**Copies furnished to:**

FDEP – Norva Blandin MSEM, Danielle Sattelberger, Indarjit Jagnarine, David White, Patricia Andrade

The Chappell Group, Inc., Jena Robbins, [Jena@thechappellgroup.com](mailto:Jena@thechappellgroup.com)

Linda Sunderland, Broward County EPD, [LSunderland@broward.org](mailto:LSunderland@broward.org)

Michelle Decker, M.S., Senior natural Resource Specialist, Broward County Florida,

[MDecker@broward.org](mailto:MDecker@broward.org)

Sydney Wilson, FFWCC, [Cori.Calyniuk@MyFWC.com](mailto:Cori.Calyniuk@MyFWC.com)

CFC, Bill Barbaro, P.E., [bbarbaro@cpc-eng.com](mailto:bbarbaro@cpc-eng.com)

Kali Parrish, Executive Assistant to Ron Bergeron, Sr., Bergeron Family of Companies,

[kparrish@bergeroninc.com](mailto:kparrish@bergeroninc.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*Vanessa Osborne*

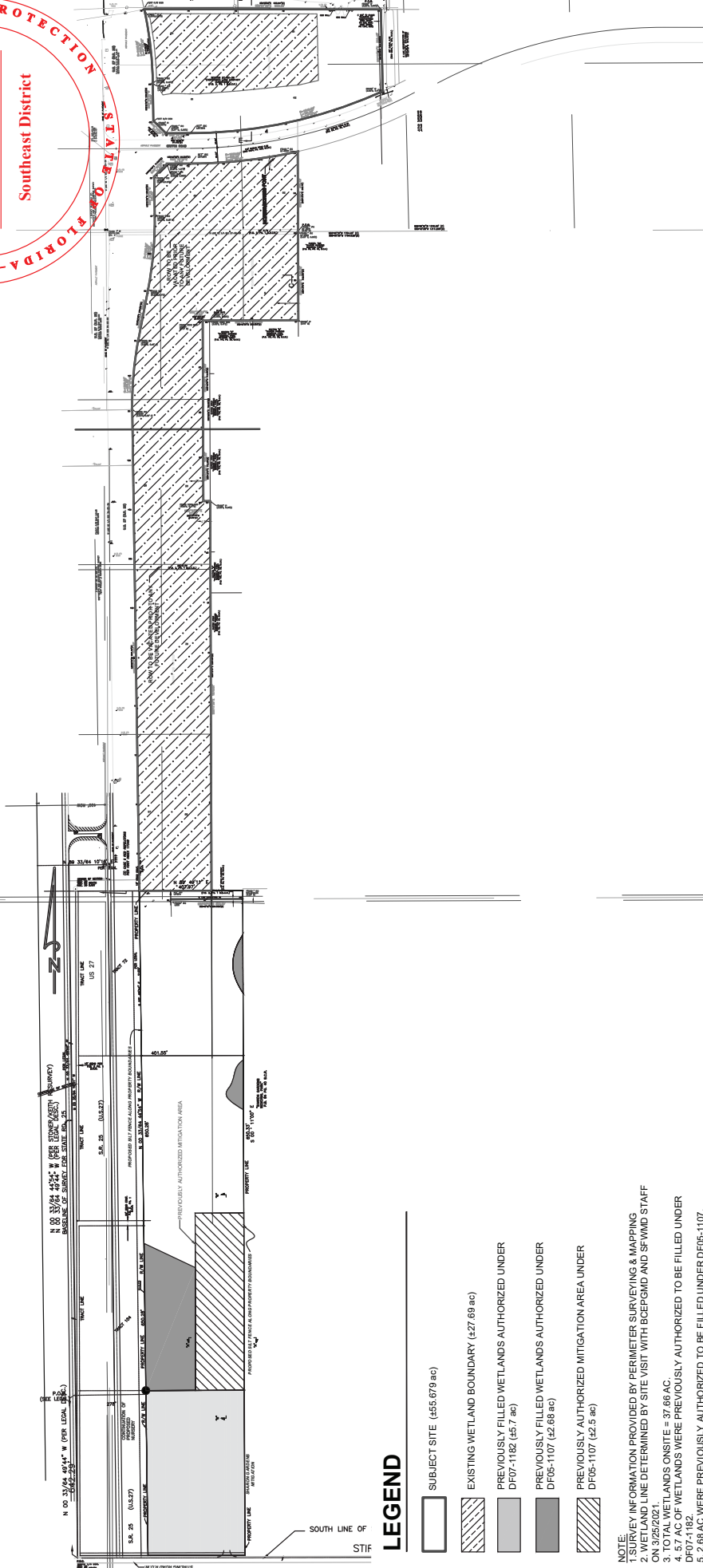
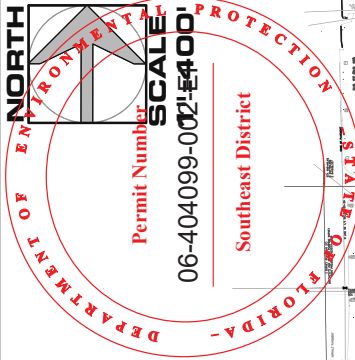
06-29-2023

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Clerk

Date





**LEGEND**

-  SUBJECT SITE (455.679 ac)
-  EXISTING WETLAND BOUNDARY (±27.69 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF07-1182 (45.7 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (42.68 ac)
-  PREVIOUSLY AUTHORIZED MITIGATION AREA UNDER DF05-1107 (±2.5 ac)

NOTE:  
 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING  
 2. WETLAND LINE DETERMINED BY SITE VISIT WITH BERGERON AND SRWMD STAFF ON 3/25/2021  
 3. TOTAL WETLANDS ON SITE = 37.66 AC.  
 4. 5.7 AC OF WETLANDS WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF07-1182.  
 5. 2.68 AC WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF05-1107.

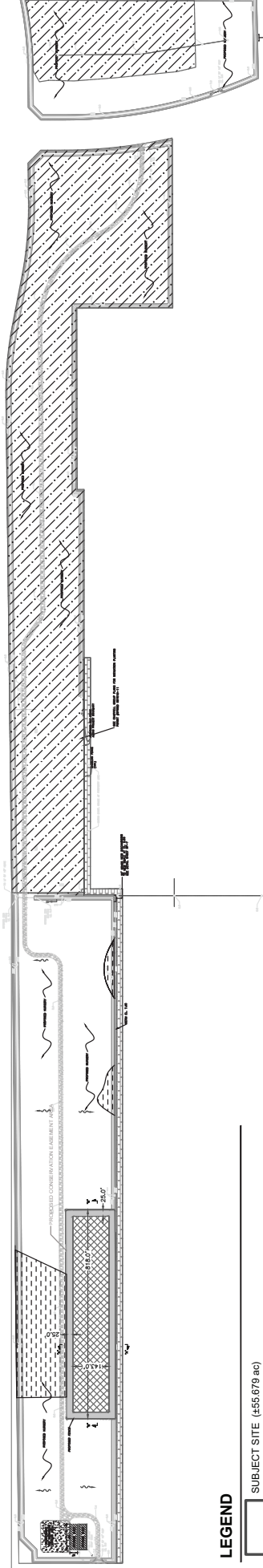
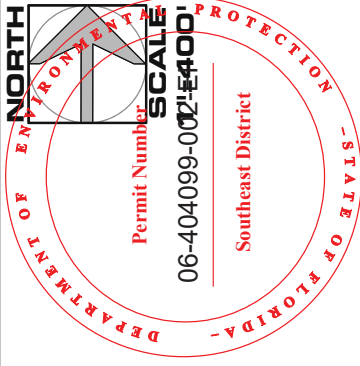
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC

EXISTING CONDITIONS	
Date: 4/24/2023	Sheet: 1 of: 6
Proj No: 18-0042.001	



**LEGEND**

-  SUBJECT SITE (455.679 ac)
-  PROPOSED DIRECT WETLAND IMPACT (427.69 ac)
-  PROPOSED SECONDARY WETLAND IMPACT (42.1ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (42.68 ac)
-  PROPOSED TRANSITIONAL BUFFER (41.1ac)
-  PROPOSED MITIGATION AREA (42.5 ac)
-  PROPOSED GRAVEL ROAD @ 1.028 SQ. FT.

NOTE: 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING.  
 2. PROPOSED WETLAND ENHANCEMENT, WETLAND CREATION, AND WETLAND BUFFER (43.6 ac) WILL BE PLACED UNDER CONSERVATION EASEMENT.  
 3. PROPOSED 31.96 ACRES OF DIRECT WETLAND IMPACTS TOTAL (INCLUDING 27.45 ACRES OF DIRECT WETLAND IMPACTS, 2.68 ACRES OF PREVIOUSLY AUTHORIZED IMPACTS UNDER DF-11-07, AND 0.48 ACRES OF DIRECT IMPACT FOR PROPOSED WETLAND BUFFER); AND 2.1 ACRES OF SECONDARY IMPACTS.  
 4. APPROXIMATELY 131,678 CY OF FILL TO BE PLACED IN WETLANDS.

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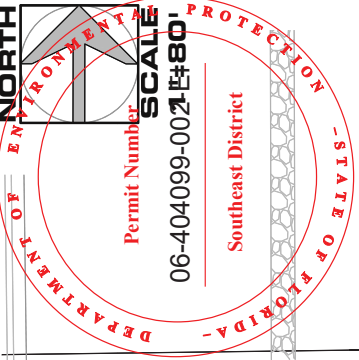
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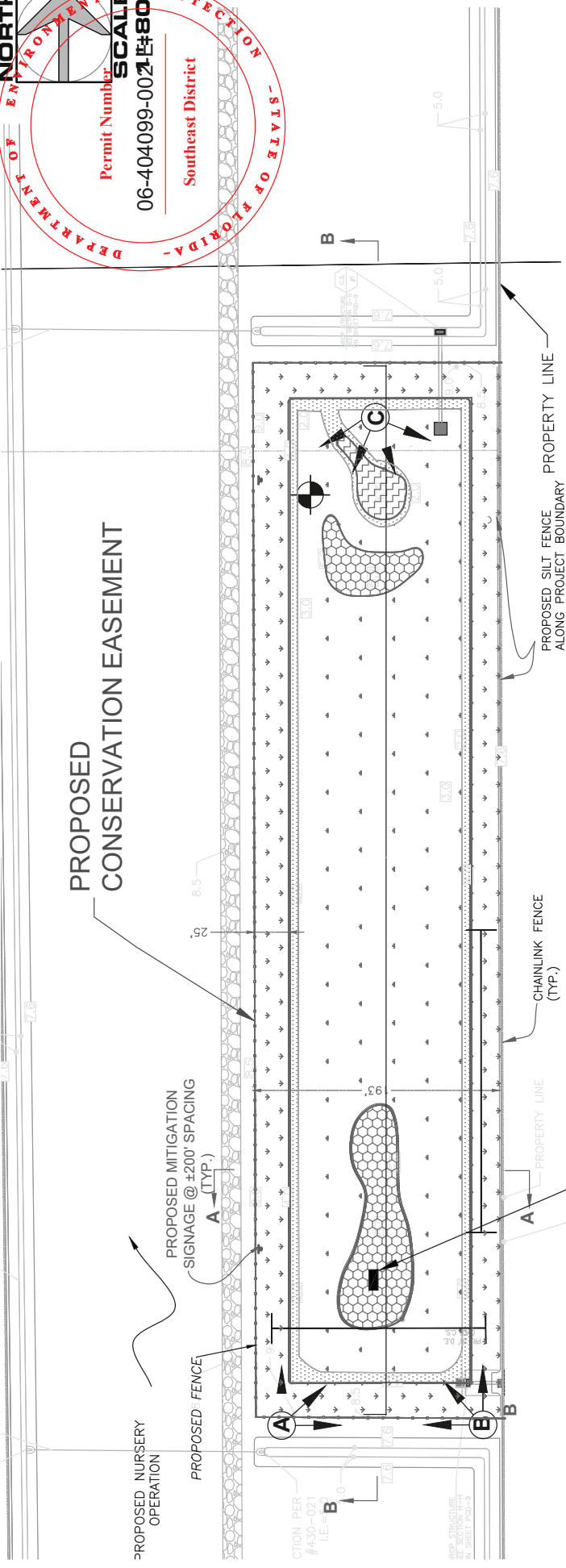
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DREDGE & FILL PLAN

Date: 4/24/2023  
 Sheet: 2 of: 6  
 Proj No.: 18-0042.001



**PROPOSED CONSERVATION EASEMENT**



**LEGEND**

- TRANSITIONAL BUFFER (1.1 ac) (NOT INCLUDED IN MITIGATION ACREAGE, BUT WILL BE INCLUDED IN CE)
- TREE ISLAND (0.22ac)
- MARSH (1.55ac)
- SLOUGH = (0.70ac)
- OPEN WATERPREY CONCENTRATION AREA (0.03ac)
- TOTAL ONSITE MITIGATION ACREAGE = 2.58ac - SEE NOTES

**NOTES:**  
 1. FOR ADDITIONAL SITE PLAN INFORMATION, PLEASE SEE PAVING, CONSTRUCTION AND CALCULATIONS BY CARNAHAN - PROCTOR - CROSS, INC.  
 2. THE PROPOSED CONSERVATION EASEMENT WILL INCLUDE 3.8ac

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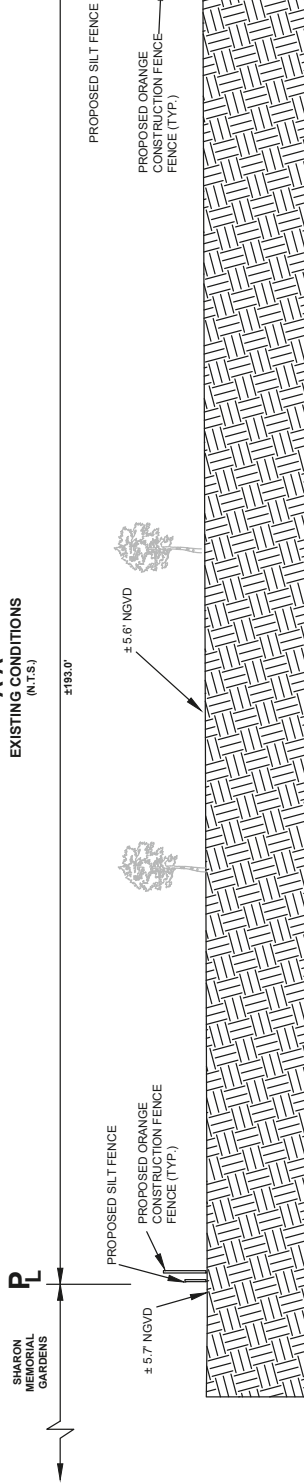
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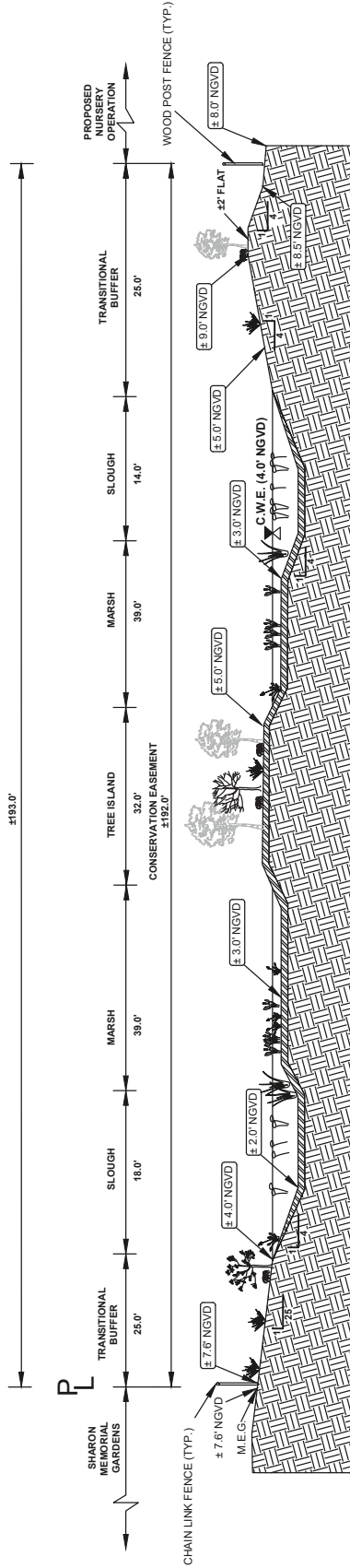
MITIGATION PLAN	
Date: 4/24/2023	Sheet: 3 of 6
Proj No: 18-0042.001	



**A-A**  
EXISTING CONDITIONS  
(N.T.S.)



**A-A**  
PROPOSED CONDITIONS  
(N.T.S.)



**LEGEND**

- PROPOSED ELEVATION (NGVD)
- EXISTING ELEVATION (NGVD)
- C.W.E. 4.0' NGVD
- MUCK BLANKET (MINIMUM 1')
- EXISTING SUBSTRATE

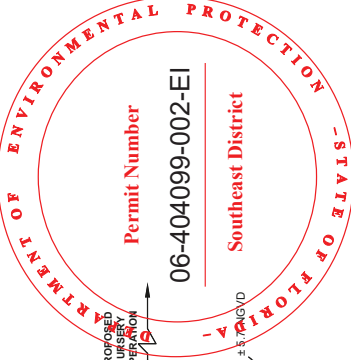
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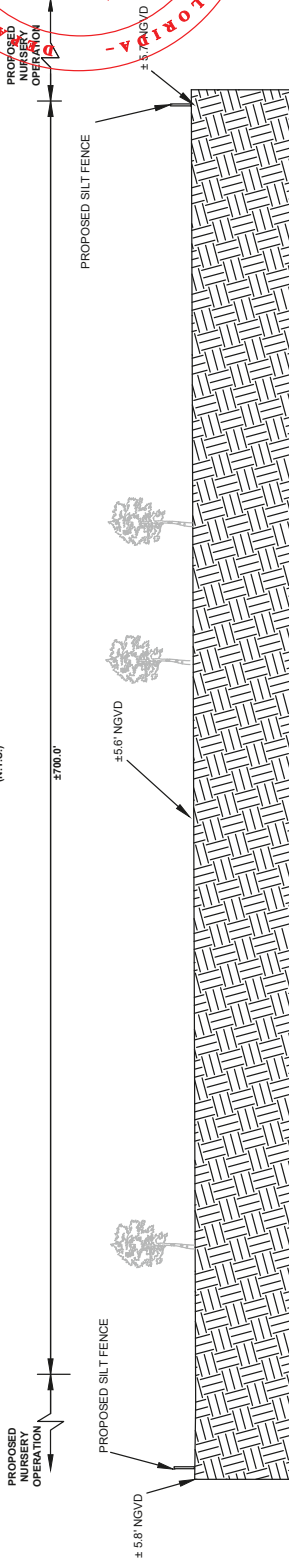
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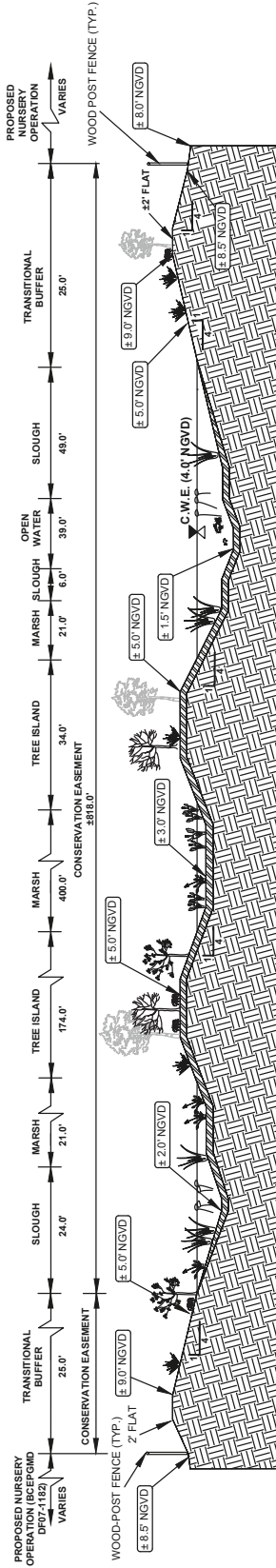
SECTION A	
Date: 4/24/2023	Sheet: 4 of 6
Proj No: 18-0042.001	



**B-B**  
EXISTING CONDITIONS  
(N.T.S.)



**B-B**  
PROPOSED CONDITIONS  
(N.T.S.)



- LEGEND**
- PROPOSED ELEVATION (NGVD)
  - EXISTING ELEVATION (NGVD)
  - C.W.E. 4.0' NGVD
  - MUCK BLANKET (MINIMUM 1')
  - EXISTING SUBSTRATE

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**BERGERON US 27 PROPERTY**  
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SECTION B	
Date: 4/24/2023	Sheet: 5 of 6
Proj No.: 18-0042.001	



## PLANTING TABLE

Legend	Scientific Name	Common Name	Spacing	Quantity	Size	Planting Elevation (NGVD)
	TREE ISLANDS: (0.22 a.c.)					
	TREES:					
	Persia Borbonia	Red Bay	10' o.c.	20	7 Gallon	4.5 - 5.0' NGVD
	Taxodium distichum	Bald Cypress	10' o.c.	55	7 Gallon	4.0 - 4.5' NGVD
	Ilex cassine	Dahoon Holly	10' o.c.	21	7 Gallon	4.0 - 5.0' NGVD
			Subtotal	96		
	TREE ISLANDS: (0.22 A.C.)					
	SHRUBS & GROUNDCOVER:					
	Chrysobalanus icaco	Green Cocoplum	4' o.c.	120	1 Gallon	4.5 - 5.0' NGVD
	Hamelia patens	Firebush	4' o.c.	150	1 Gallon	4.5 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Stachytarpheta jamaicensis	Dwarf Florida porterweed	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Achrostichum dansefolium	Leatherfern	4' o.c.	150	1 Gallon	4.0 - 5.0' NGVD
			Subtotal	600		
	MARSH: (1.55 a.c.)					
	Ponedaria cordata	Pickereelweed	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria lancifolia	Duck Potato	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria latifolia	Arrowhead	3' o.c.	750	Bareroot 24"	3.0 - 4.0' NGVD
	Scirpus californicus	Giant Bulrush	3' o.c.	1,000	Bareroot 24"	2.5 - 3.5' NGVD
	Canna flaccida	Yellow Canna	3' o.c.	1,000	Bareroot 24"	3.5 - 4.0' NGVD
	Scirpus americanus	Three-square bulrush	3' o.c.	800	Bareroot 24"	3.5 - 4.0' NGVD
			Subtotal	7,500		
	SLOUGH: (0.70 ac)					
	Nymphaea odorata	White Water Lily	4' o.c.	1,200	Bareroot	1.5 - 2.5' NGVD
	Scirpus californicus	Giant bulrush	4' o.c.	700	Bareroot	1.5 - 2.5' NGVD
			Subtotal	1,900		
	TRANSITIONAL AREA: (1.1 a.c)					
	TREES:					
	Azimina glabra	Pond apple	10' o.c.	120	7 Gallon	4.0 - 5.5' NGVD
	Pinus elliotii	Slash pine	10' o.c.	180	7 Gallon	4.5 - 9.0' NGVD
	Sabal palmetto	Cabbage palm	10' o.c.	180	10 Gallon (10')	4.5 - 9.0' NGVD
			Subtotal	480		
	TRANSITIONAL AREA: (1.1 a.c)					
	SHRUBS & GROUNDCOVER:					
	Iris virginica	Blue-flag iris	4' o.c.	480	1 Gallon	4.0 - 5.0' NGVD
	Eugenia sp.	Stopper	4' o.c.	675	1 Gallon	4.0 - 5.5' NGVD
	Canna flaccida	Golden canna	4' o.c.	470	1 Gallon	4.0 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	680	3 Gallon	6.5 - 9.0' NGVD
	Hibiscus coccineus	Scarlet hibiscus	4' o.c.	680	1 Gallon	5.5 - 9.0' NGVD
			Subtotal	2,995		
			Total	13,571		

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**BERGERON US 27 PROPERTY**

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PLANTING PLAN

Date: 4/24/2023    Sheet: 6    of: 6

Proj No.: 18-0042.001



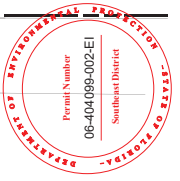












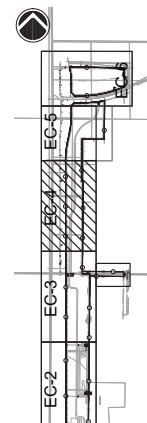
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 Permit Number  
 06-404 (699-002-EI)  
 South West District



CANHAM PROCTOR & CROSS, INC.  
 CIVIL ENGINEERING | CONSTRUCTION SERVICES | GEOTECHNICAL  
 814 S. MAIN STREET, DENVER, COLORADO 80202  
 PHONE: (303) 733-2029 FAX: (303) 733-1718  
 FILE NO. 210001

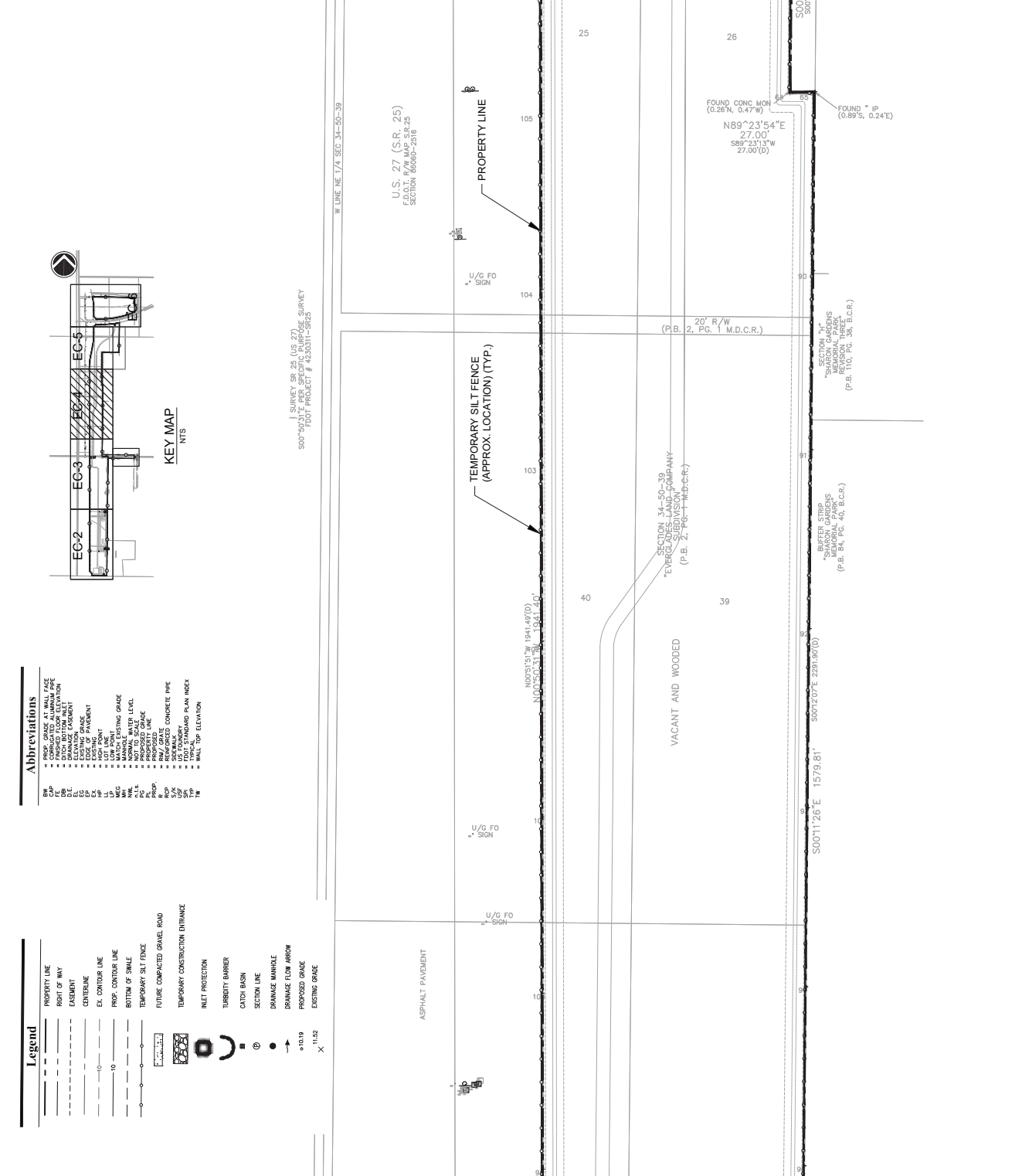
BERGERON US-27  
 TOWN OF SOUTHWEST RANCHES  
 EROSION & SEDIMENT CONTROL PLAN

NO.	DATE	BY	APPV.	REVISIONS



- Legend**
- PROPERTY LINE
  - RIGHT OF WAY
  - EASEMENT
  - CONTIGUOUS
  - PROP. CONTOUR LINE
  - BOTTOM OF SWALE
  - TEMPORARY SILT FENCE
  - FUTURE COMPACT GRAVEL ROAD
  - TEMPORARY CONSTRUCTION DRAINAGE
  - INLET PROTECTION
  - TURBIDITY BARRIER
  - CATCH BASIN
  - SECTION LINE
  - DRAINAGE MANHOLE
  - DRAINAGE FLOW ARROW
  - PROPOSED GRADE
  - EXISTING GRADE

- Abbreviations**
- BRP - PROPOSED GRADE AT WALL FACE
  - CHP - EXISTING CONC. CURB/RETAINMENT WALL
  - CL - CENTERLINE
  - DE - DRAINAGE
  - EG - EXISTING GRADE
  - EP - EXISTING PAVEMENT
  - EX - EXISTING
  - LL - LOT LINE
  - MG - MATCH EXISTING GRADE
  - ML - NORMAL WATER LEVEL
  - NW - NORMAL WATER LEVEL
  - PA - PROPOSED GRADE
  - PP - PROPOSED
  - RC - REINFORCED CONCRETE PIPE
  - US - US ROADWAY
  - TI - TYPICAL STANDARD PLAN INDEX
  - WT - WALL TOP ELEVATION



SEE SHEET EC-3 FOR CONTINUATION

SEE SHEET EC-5 FOR CONTINUATION





NO.	DATE	BY	APPV	REVISIONS

**EROSION & SEDIMENT CONTROL PLAN**  
**BERGERON US-27**  
**TOWN OF SOUTHWEST RANCHES**

**CANAMIAN PROCTOR & CROSS**

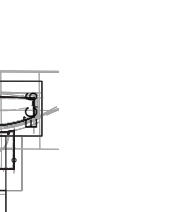
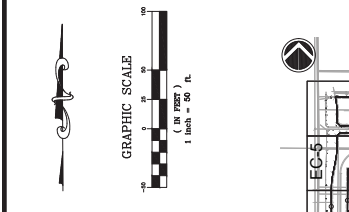
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**EC-7**

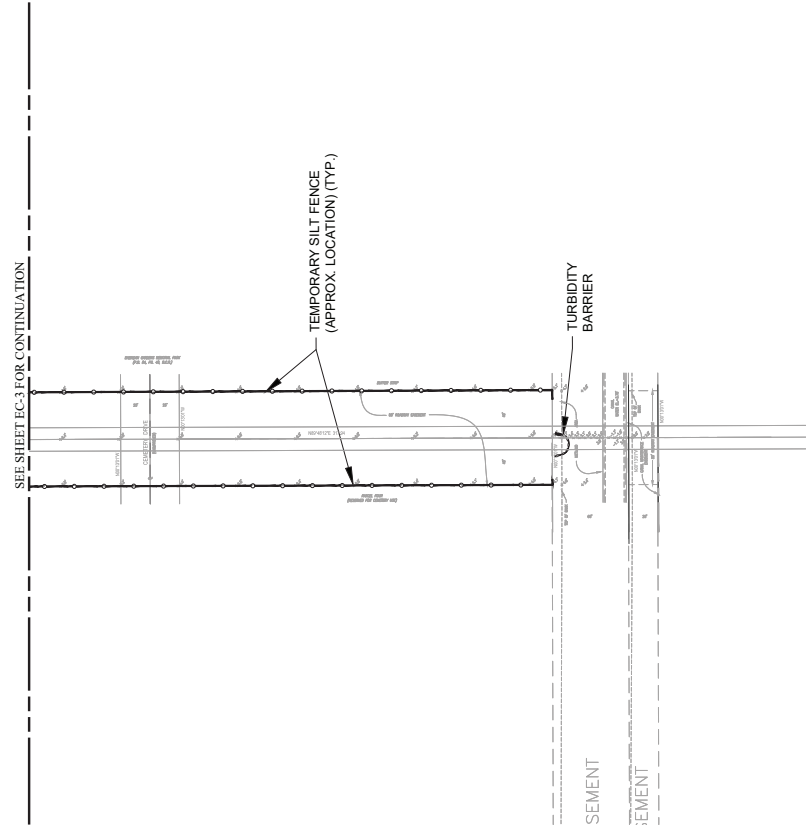
STATE OF FLORIDA  
 DEPARTMENT OF PROFESSIONAL REGULATION  
 PERMIT NUMBER  
**06-104-099-002-EI**  
 SOUTHWEST DISTRICT

WILLIAMS, BARRON & PART  
 FLORIDA REGISTERED PROFESSIONAL ENGINEERS



- Legend**
- PROPERTY LINE
  - RIGHT OF WAY
  - EXISTMENT
  - CENTERLINE
  - ET CENTERLINE
  - PROP. CENTERLINE
  - BOTTOM OF SWALE
  - TEMPORARY SILT FENCE
  - FUTURE COMPACTED GRAVEL ROAD
  - TEMPORARY CONSTRUCTION ENTRANCE
  - INLET PROTECTION
  - TURBIDITY BARRIER
  - CATCH BASIN
  - SECTION LINE
  - DRAINAGE MANHOLE
  - DRAINAGE FLOW ARROW
  - PROPOSED GRADE
  - EXISTING GRADE

- Abbreviations**
- BRP - PROP. GRADE AT WALL FACE
  - CE - FINISHED FLOOR ELEVATION
  - BE - FINISHED GRADE ELEVATION
  - EG - EXISTING GRADE ELEVATION
  - LS - LOT SPACING
  - LS - LOT LINE
  - MS - MATCH EXISTING GRADE
  - NWL - NORMAL WATER LEVEL
  - HWL - HIGH WATER LEVEL
  - PRP. - PROPOSED
  - CONC. - CONCRETE
  - PIPE - PIPE
  - US - US FOUNDATION OR AN INDEX
  - TY - TYPICAL
  - EL - ELEVATION























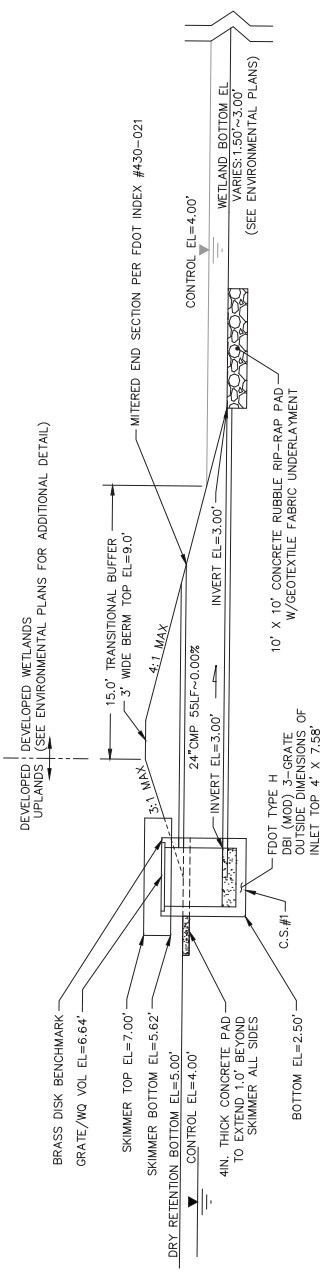




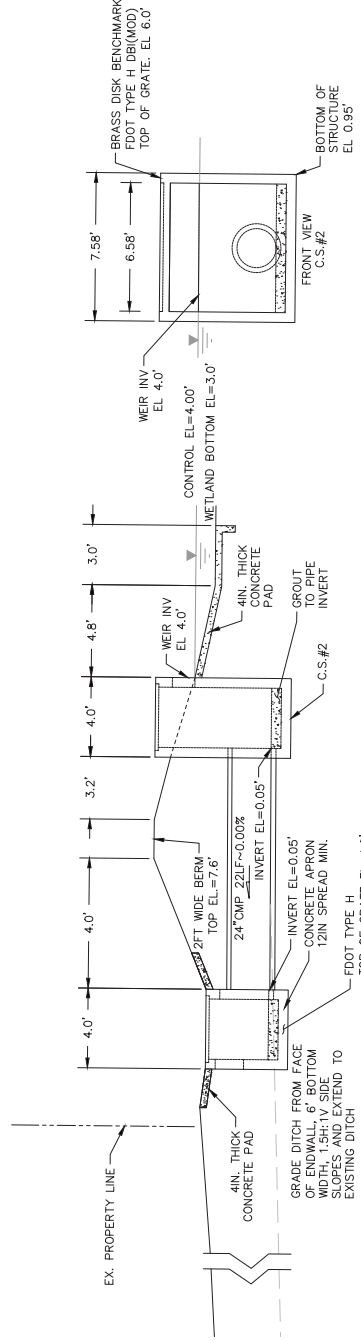
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 PGD-9

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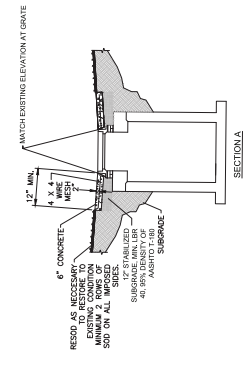
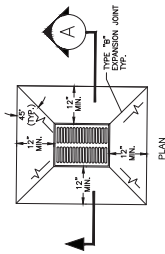
SECTIONS  
 BERGERON US-27  
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SECTION 'G-G'  
 N.T.S.



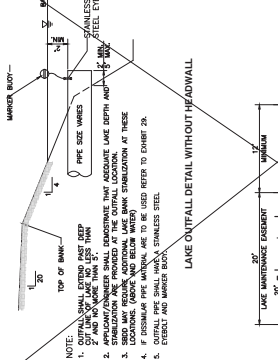
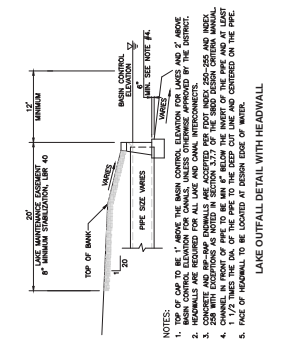
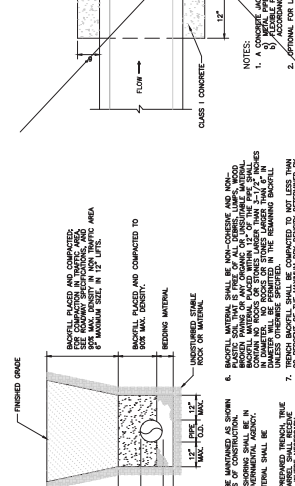
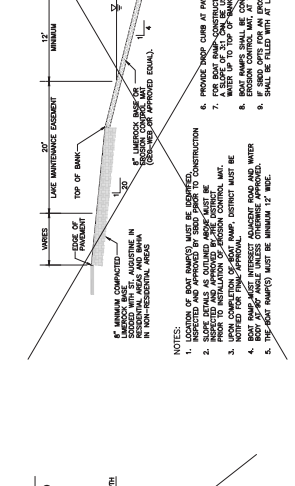
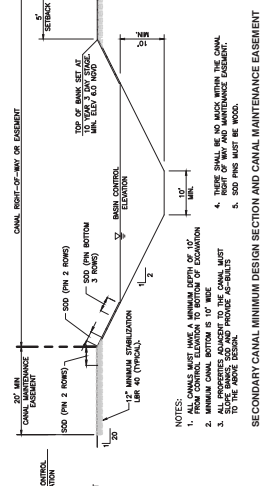
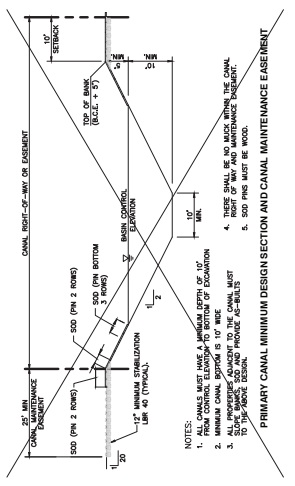
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CONCRETE APRON DETAIL  
 N.T.S.

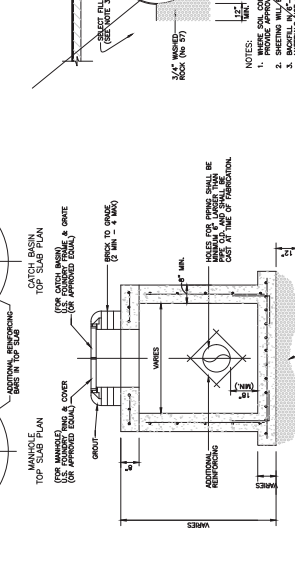
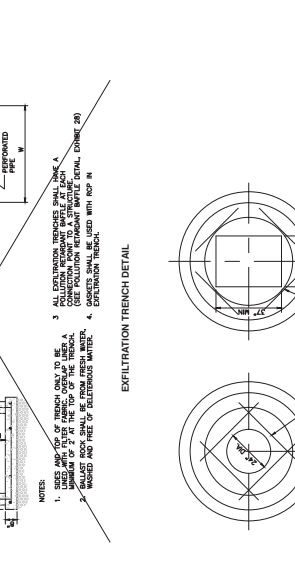
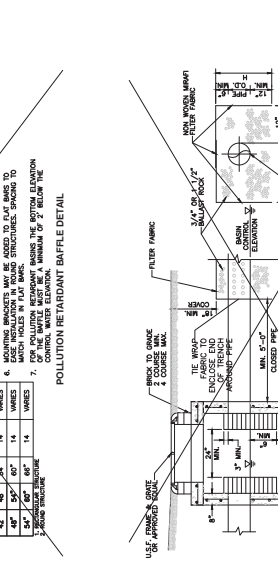
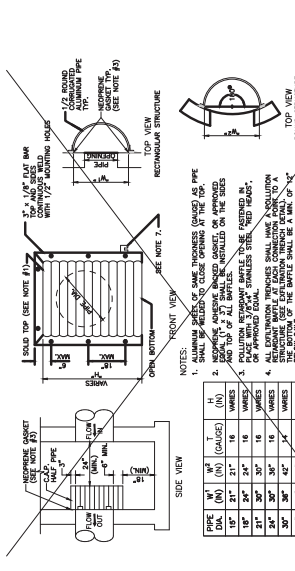
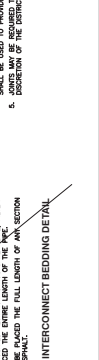
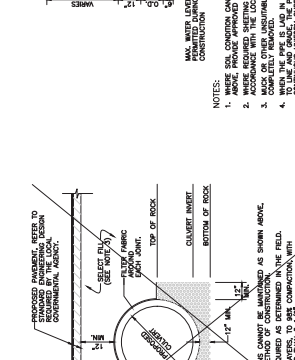


- GENERAL NOTES**
- THE EXISTING CANAL WALLS ARE TO REMAIN AT THE SOUTH END OF THE CANAL. ANY ADDITIONAL WALLS TO BE CONSTRUCTED SHALL BE APPROVED BY THE DISTRICT. THE EXISTING CANAL WALLS ARE TO REMAIN AT THE SOUTH END OF THE CANAL. ANY ADDITIONAL WALLS TO BE CONSTRUCTED SHALL BE APPROVED BY THE DISTRICT.
  - ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. DELAYS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
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**LAKE CROSS SECTION AND LAKE MAINTENANCE EASEMENT**

BASIN	BASE (FT-NODD)	T.O.B. (FT)	T.O.S. (FT-NODD)	W	L	B	MIN. CLEARANCE (FT)	MIN. DEPTH (FT)
1-1	2.50	4.50	18.00	8-8	8-8	3.50	4.00	10.00
2-2	2.75	4.50	13.50	8-8	8-8	4.00	4.50	10.00
3-3	3.00	4.50	10.00	8-8	8-8	4.50	5.00	10.00
4-4	3.25	4.50	6.50	8-8	8-8	5.00	5.50	10.00
5-5	3.50	4.50	3.00	8-8	8-8	5.50	6.00	10.00
6-6	3.75	4.50	0.00	8-8	8-8	6.00	6.50	10.00
7-7	4.00	4.50	0.00	8-8	8-8	6.50	7.00	10.00
8-8	4.25	4.50	0.00	8-8	8-8	7.00	7.50	10.00
9-9	4.50	4.50	0.00	8-8	8-8	7.50	8.00	10.00



Prepared by:  
Aleida Ors Waldman, Esq.  
Aleida Ors Waldman, P.A.  
19612 SW 69<sup>th</sup> Place  
Fort Lauderdale, FL 33332

Return original or certified  
recorded document to:  
Broward County Environmental Protection  
and Growth Management Department  
Environmental Permitting Division  
1 North University Drive, Mailbox 201  
Plantation, Florida 33324

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**JOINT DEED OF AMENDED CONSERVATION EASEMENT – STANDARD  
(within Broward County)**

**THIS JOINT DEED OF AMENDED CONSERVATION EASEMENT** ("Amended Conservation Easement") is given this 17th day of May, 2023 by Bergeron US 27 LLC, a Florida Limited Liability Company and Bergeron SW Ranches US 27, LLC, a Delaware Limited Liability Company (collectively referred to as "Grantor"), whose mailing address is 19612 SW 69th Place, Ft. Lauderdale, FL 33332 to the South Florida Water Management District ("District"), 3301 Gun Club Road, MSC 9210, West Palm Beach, Florida 33406, Broward County ("County"), a political subdivision of the state of Florida, 115 South Andrews Avenue, Room 409, Fort Lauderdale, Florida 33301, and the Florida Department of Environmental Protection, Southeast District, ("DEP") 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 (collectively referred to as "Grantees"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of Grantor, and all subsequent owners of the "Amended Conservation Easement Area" (as hereinafter defined) and the term "Grantees" shall include any successor or assignee of Grantees.

**WITNESSETH**

**WHEREAS**, Grantor is the fee simple owner of certain lands situated in Broward County, Florida, and more specifically described on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property");

**WHEREAS**, South Florida Water Management District Permit No. 06—05580-P ("Permit") and Broward County License No. DF05-1107 ("License") (collectively "Permit and License") and any modifications thereto issued by the Grantees authorize certain activities which could affect wetlands, surface waters, or other aquatic resources in or of the State of Florida;

**WHEREAS**, the District and County previously accepted a Joint Deed of Conservation Easement from Grantor which was recorded in Official Record Book 50923, Page(s) 1868-1901, of the Official Records of Broward County, Florida (“Original Conservation Easement”);

**WHEREAS**, the District transferred compliance and enforcement authority over the Permit referenced in the Original Conservation Easement to the Florida Department of Environmental Protection on November 19, 2021;

**WHEREAS**, the District, the County, and the Grantor seek to amend the Original Conservation Easement to add the Florida Department of Environmental Protection as an additional Grantee;

**WHEREAS**, the Amended Conservation Easement falls within the Florida Department of Environmental Protection’s permit numbers ERP\_404099 and ST404\_404099;

**WHEREAS**, the Grantor also seeks to amend the Original Conservation Easement to add 1.172 acres to those lands encumbered by the Original Conservation Easement for an Amended Conservation Easement Area of 3.673 acres;

**WHEREAS**, Grantor, in consideration of the consent granted by the Permit and License or other good and valuable consideration provided to Grantor, is agreeable to amending, granting, and securing to the Grantees a perpetual conservation easement, as defined in Section 704.06, Florida Statutes (F.S.), over a larger area of the Property, described on Exhibit “B” (“Amended Conservation Easement Area”);

**WHEREAS**, Grantor grants this Amended Conservation Easement as a condition of the Permit and License solely to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions;

**WHEREAS**, Grantor desires to preserve the Amended Conservation Easement Area in perpetuity in its natural condition, or, in accordance with the Permit and License, in a preserved, enhanced, restored, or created condition;

**WHEREAS**, Grantor and Grantees desire to vacate and repeal the Original Conservation Easement and enter into this Amended Conservation Easement.

**NOW, THEREFORE**, in consideration of the issuance of the Permit and License to construct and operate the permitted and licensed activity, and as an inducement to Grantees in issuing or modifying the Permit and License, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Amended Conservation Easement for and in favor of Grantees upon the

Amended Conservation Easement Area described on Exhibit "B" which shall run with the land and be binding upon Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Amended Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Amended Conservation Easement.
2. Purpose. It is the purpose of this Amended Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S. Those wetland and upland areas included in this Amended Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the Permit and License (or any modifications thereto) and any Management Plan attached hereto as Exhibit "C" ("Permit and License" or "Management Plan") which has been approved in writing by Grantees, shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the Permit and License (or any modifications thereto).

To carry out this purpose, the following rights are conveyed to Grantees by this Amended Conservation Easement:

- a. To enter upon the Amended Conservation Easement Area at reasonable times with any necessary equipment or vehicles to inspect, to determine compliance with the covenants and prohibitions contained in this Amended Conservation Easement, and to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Amended Conservation Easement Area by Grantor at the time of such entry; and
  - b. To proceed at law or in equity to enforce the provisions of this Amended Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of such areas or features of the Amended Conservation Easement Area that may be damaged by any activity or use that is inconsistent with this Amended Conservation Easement.
3. Prohibited Uses. Except for activities that are permitted and licensed or required by the Permit and License (or any modification thereto) (which may include preservation, enhancement, restoration, creation, maintenance, and monitoring activities, or surface water management improvements) or other activities described herein or in the Management Plan (if any), any activity on or use of the Amended Conservation Easement Area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the

foregoing, the following activities are expressly prohibited in or on the Amended Conservation Easement Area:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:
  - i. The removal of dead trees and shrubs or leaning trees that could cause damage to property is authorized;
  - ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;
  - iii. Activities authorized by the Permit and License, the approved Management Plan, or otherwise approved in writing by Grantees are authorized; and
  - iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by Grantees are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify Grantees in writing of its intent to commence such activities. All such activities may only be completed during the time period for which Grantees approved the plan;
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- e. Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, clearing, and fencing;
- g. Acts or uses detrimental to such aforementioned retention of land or water areas; and
- h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. The DEP is hereby an additional Grantee such that the Grantor is granting all of the rights of this Amended Conservation Easement to DEP as a Grantee, in addition to the District and County.
5. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Amended Conservation Easement Area, including the right to engage or to permit or invite others to engage in all uses of the Amended Conservation Easement Area that are not prohibited herein and which are not inconsistent with the Permit and License (or any modifications thereto), Management Plan (if any), or the intent and purposes of this Amended Conservation Easement.
5. No Dedication. No right of access by the general public to any portion of the Amended Conservation Easement Area is conveyed by this Amended Conservation Easement.
6. Grantees' Liability. Grantees' liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantees shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Amended Conservation Easement Area.
7. Enforcement. Enforcement of the terms, provisions and restrictions of this Amended Conservation Easement shall be at the reasonable discretion of Grantees, and any forbearance on behalf of Grantees to exercise their rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantees' rights hereunder. Grantees shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Amended Conservation Easement.
8. Taxes. When perpetual maintenance is required by the Permit or License, or, if any, the approved Management Plan, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Amended Conservation Easement Area, and shall furnish Grantees with satisfactory evidence of payment upon request.
9. Assignment. Grantees will hold this Amended Conservation Easement exclusively for conservation purposes. Grantees will not assign their rights and obligations under this Amended Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.
10. Severability. If any provision of this Amended Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Amended Conservation Easement shall not be affected thereby, as long as the purpose of the Amended Conservation Easement is preserved.

11. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Amended Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in this Amended Conservation Easement.
12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.
13. Modifications. This Amended Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be recorded in the Official Records of Broward County, Florida.
14. Recordation. Grantor shall record this Amended Conservation Easement in timely fashion in the Official Records of Broward County, Florida, and shall rerecord it at any time Grantees may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Amended Conservation Easement in the public records. Grantor will hold Grantees harmless from any recording costs or taxes necessary to record this Amended Conservation Easement in the public records.

**TO HAVE AND TO HOLD** unto Grantees forever. The covenants, terms, conditions, restrictions, and purposes imposed with this Amended Conservation Easement shall be binding upon Grantor and shall continue as a servitude running in perpetuity with the Amended Conservation Easement Area.

Grantor hereby covenants with Grantees that Grantor is lawfully seized of said Amended Conservation Easement Area in fee simple; that the Amended Conservation Easement Area is free and clear of all encumbrances that are inconsistent with the terms of this Amended Conservation Easement; all mortgages and liens on the Amended Conservation Easement Area, if any, have been subordinated to this Amended Conservation Easement; that Grantor has good right and lawful authority to convey this Amended Conservation Easement; and that it hereby fully warrants and defends record title to the Amended Conservation Easement Area hereby conveyed against the lawful claims of all persons whomsoever.



IN WITNESS WHEREOF, Bergeron US 27, LLC ("Grantor") has hereunto set its authorized hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

A Florida corporation or  Florida limited liability company (choose one)

By: \_\_\_\_\_  
(Signature)

Name: Ronald M. Bergeron, Sr.  
(Print)

Title: Managing Member

Signed, sealed and delivered in our presence as witnesses:

By: \_\_\_\_\_  
(Signature)

Name: Frank Sava  
(Print)

By: \_\_\_\_\_  
(Signature)

Name: Lonnie N. Bergeron  
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

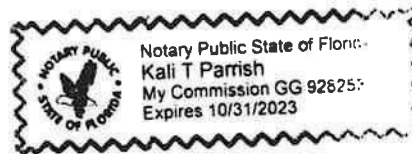
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12 day of May, 2023, by Ronald M. Bergeron, Sr., as the Managing Member (title), of Bergeron US 27, LLC, a Florida limited liability company. He/She is  personally known to me or  has produced a \_\_\_\_\_ (state) driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Kali T. Parrish  
(Signature)

Kali T. Parrish  
(Name)

My Commission Expires: 10/31/2023



IN WITNESS WHEREOF, Bergeron SW Ranches US 27, LLC ("Grantor") has hereunto set its authorized hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

A Florida corporation or  Delaware limited liability company (choose one)

By: \_\_\_\_\_  
(Signature)

Name: Ronald M. Bergeron, Sr.  
(Print)

Title: Managing Member

Signed, sealed and delivered in our presence as witnesses:

By: \_\_\_\_\_  
(Signature)

Name: Frank Sala  
(Print)

By: \_\_\_\_\_  
(Signature)

Name: Lonnie N. Bergeron  
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

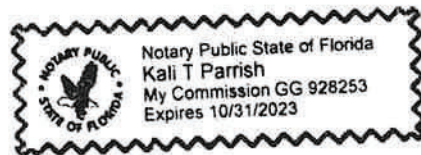
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12 day of May, 2023, by Ronald M. Bergeron, Sr., as the Managing Member (title), of Bergeron SW Ranches US 27, LLC, a Florida limited liability company. He/She is  personally known to me or  has produced a \_\_\_\_\_ (state) driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Kali T. Parrish  
(Signature)

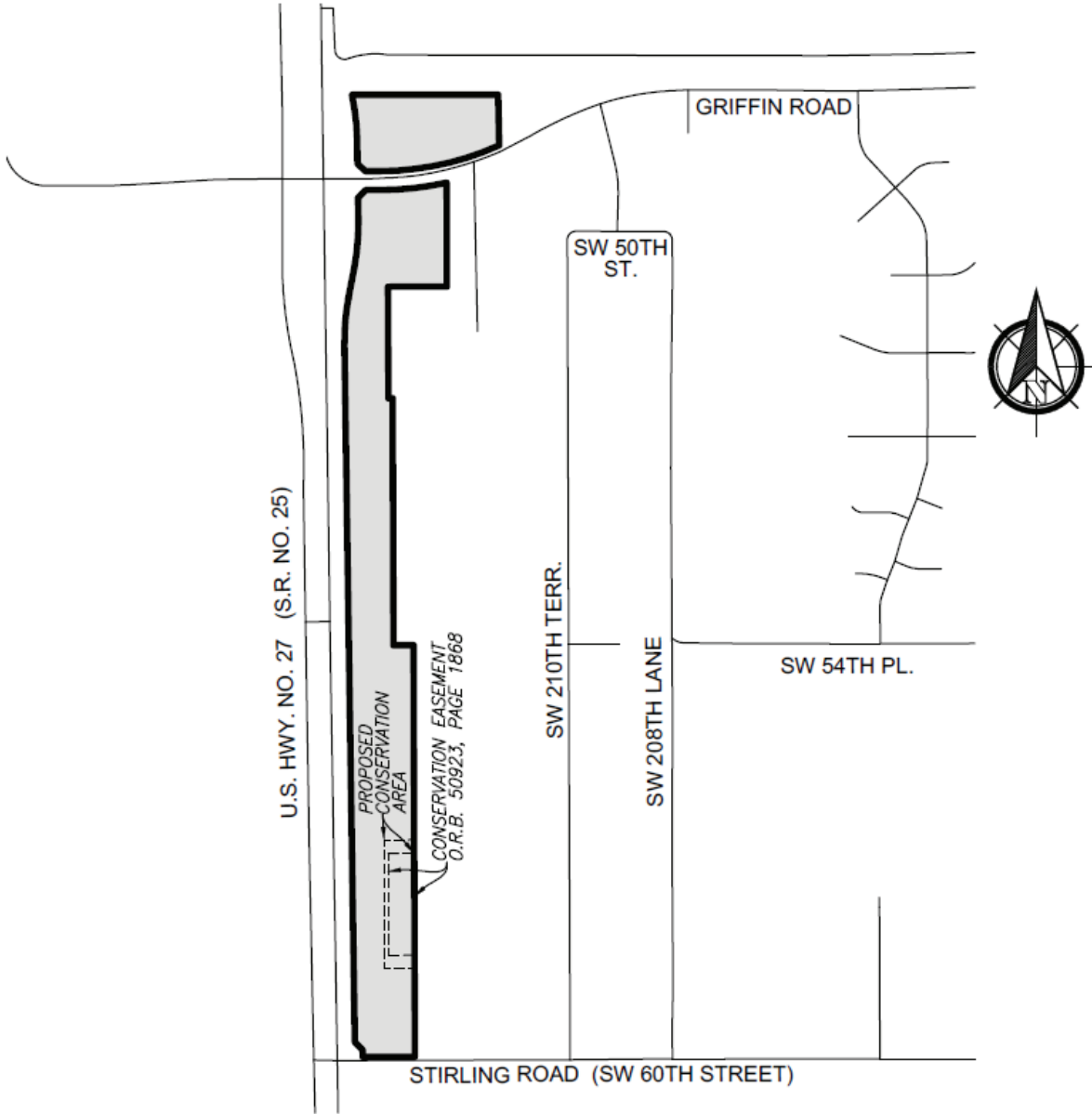
Kali T. Parrish  
(Name)

My Commission Expires: 10/31/2023



**EXHIBIT A**

[LOCATION MAP]



LOCATION MAP

NOT TO SCALE

**EXHIBIT B**

[LEGAL DESCRIPTION AND SKETCH OF  
AMENDED CONSERVATION EASEMENT AREA]



**EXHIBIT "B"**  
**SKETCH AND DESCRIPTION**  
**PROPOSED CONSERVATION EASEMENT**

**DESCRIPTION:**

A PORTION OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, LYING EAST OF THE FLORIDA STATE ROAD 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER THE PLAT "SHARON GARDENS MEMORIAL PARK", AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE BROWARD COUNTY RECORDS; THENCE NORTH 00°11'46" WEST, ALONG THE WESTERLY LINE OF SAID PLAT, A DISTANCE OF 407.80 FEET; THENCE SOUTH 89°56'50" WEST A DISTANCE OF 191.17 FEET TO THE POINT ON CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°07'27", AND THE RADIUS OF 3.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°10'37" EAST, A DISTANCE OF 816.74 FEET TO THE POINT ON CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 89°30'12", AND THE RADIUS OF 3.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.69 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°40'49" EAST, A DISTANCE OF 191.49 FEET; THENCE NORTH 00°11'46" WEST, A DISTANCE OF 416.19 FEET TO THE POINT OF BEGINNING.

SAID LAND IS SITUATED IN BROWARD COUNTY HAVING AN AREA OF 159,986 SQUARE FEET, 3.673 ACRES.

**NOTES:**

1. THE PURPOSE FOR THIS SKETCH AND DESCRIPTION IS TO PROVIDE A PROPOSED CONSERVATION EASEMENT.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR A CERTIFIED DIGITAL SIGNATURE OF A REGISTERED FLORIDA SURVEYOR AND MAPPER.
3. THIS DRAWING IS THE PROPERTY OF CARNAHAN-PROCTOR-CROSS, INC., CERTIFICATE OF AUTHORIZATION LB2936 AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
4. THIS OFFICE HAS MADE NO SEARCH OF PUBLIC RECORDS.
5. BEARINGS SHOWN ARE ASSUMED, HAVING AN INITIAL BEARING OF NORTH 00°11'46" WEST, AND ALL OTHER BEARINGS ARE REFERENCED TO.
6. THERE HAVE BEEN NO UNDERGROUND IMPROVEMENTS LOCATED IN CONNECTION WITH THIS SKETCH AND DESCRIPTION.
7. ALL MEASUREMENTS ARE RELATIVE TO STATE PLANE COORDINATE SYSTEM FLORIDA EAST ZONE 0901, 1983-90 ADJUSTMENT, AND ARE IN THE US SURVEY FOOT.
8. NOT TO BE CONSTRUED AS A BOUNDARY, RIGHT-OF-WAY OR EASEMENT SURVEY. THE TITLE SEARCH HAS TO BE PERFORMED IN ORDER TO DETERMINE IF THERE IS ANY ADDITIONAL DEDICATION OF THE RIGHT-OF-WAY.
9. LAND DESCRIPTION SHOWN HEREON IS PREPARED BY THE SURVEYOR, BASED ON ENGINEERING DRAWING.

**THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY LONDON M. CROSS, USING A DIGITAL SIGNATURE. THIS SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED.**

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH AS SHOWN HEREON CONFORMS TO THE APPLICABLE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
 LONDON M. CROSS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA LICENSE NO. LS3348

Landon  
 M Cross

Digitally signed by Landon M Cross  
 DN: cn=L, o=CARNAHAN-PROCTOR  
 AND CROSS INC.,  
 dnQualifier=A01410000000101736  
 A051000005557, cn=Landon M  
 Cross  
 Date: 2023.01.18 11:59:17 -0500'



**EXHIBIT "B"**  
**SKETCH AND DESCRIPTION**  
**PROPOSED CONSERVATION EASEMENT**

S89°56'50"W 191.17'

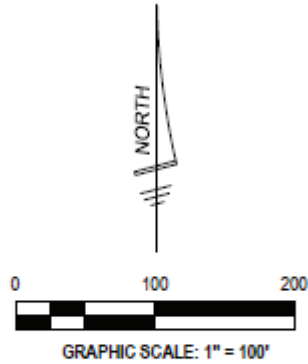
$\Delta=90^{\circ}07'27''$   
R=3.00'  
A=4.72'  
C.B.=S44°53'07"W

WEST LINE OF PLAT  
"SHARON GARDENS MEMORIAL PARK"

N00°11'46"W 407.80'

**P.O.B.**

SW CORNER OF PLAT  
"SHARON GARDENS MEMORIAL PARK"  
P.B. 84, PG. 40, B.C.R.



S00°10'37"E 816.74'

N00°11'46"W 416.1918'

$\Delta=89^{\circ}30'12''$   
R=3.00'  
A=4.69'  
C.B.=S44°55'43"E

S89°40'49"E 191.49'

**ABBREVIATIONS:**

- A = ARC LENGTH
- B.C.R. = BROWARD COUNTY RECORDS
- $\Delta$  = CENTRAL ANGLE
- C.B. = CHORD BEARING
- P.B. = PLAT BOOK
- P.O.B. = POINT OF BEGINNING
- PG. = PAGE
- R = RADIUS

PROJECT NO.	210300	SCALE:	1" = 100'
PROPOSED CONSERVATION EASEMENT		DATE:	8/9/2022
DWG. BY:	NI	SKETCH AND DESCRIPTION	
CHD BY:	LMC	SHEET 2 OF 2 SHEETS	



**EXHIBIT C**

BROWARD COUNTY LICENSE DF05-1107

**Bergeron US 27 Property  
Mitigation Plan  
TCG Project No. 18-0042.001**

The proposed Bergeron US-27 Property project consists of the expansion of an existing agricultural operation on a ±55.679-acre parcel located at the intersection of US-27 and Stirling Road in the Town of Southwest Ranches, in Broward County, Florida. The Bergeron US 27 site consists mainly of improved pasture, with a ±9.97-acre low-quality herbaceous pasture wetland at the extreme southern end of the property and ±27.69 acres of low-quality melaleuca (*Melaleuca quinquenervia*) wetland on the northern half of the property for a total of 37.66 acres of wetlands. The subject site is bordered on the west by US-27, on the north by Griffin Road and the C-11 Canal, on the east by Menorah Gardens & Funeral Chapels, and on the south by Stirling Road. A 2.68-acre portion of the existing wetland was previously authorized under BCEPGMD ERL No. DF05-1107 to be filled. The required mitigation consisted of the creation of 1.04 acres of wetlands and the enhancement to 1.46 acres of wetlands on site. In addition, a 5.7-acre portion of the existing wetland is the subject of a previous Notice of Violation (NOV) for unauthorized fill. In 2009, BCEPGMD and SFWMD authorized the ATF filling of the 5.7 acres, along with 2.68 acres of herbaceous wetlands for a total of 8.38 acres of direct impacts. The mitigation proposal consisted of the onsite creation and enhancement of wetlands for the original 2.68 acres of wetland impacts and the impacts to 5.7 acres of wetlands were mitigated for through surplus mitigation from other projects by the Licensee and the purchase of credits from the Everglades Mitigation Bank.

Due to the originally proposed impacts to 2.68 acres of wetlands associated with BCEPGMD License No. DF05-1107, on-site mitigation is currently proposed on the subject site. Proposed onsite mitigation consists of the construction of a 3.673-acre conservation easement consisting of a 2.5-acre mitigation area, and a 1.1-acre transitional buffer along the south-eastern boundary of the subject site. In addition to the proposed onsite mitigation area, the remaining mitigation required for the wetland impacts includes a credit purchase from the Hole in the Donut (HID) Mitigation Bank. As referenced within the submitted mitigation plans, the mitigation area consists of elevated transitional areas to serve as required buffers and eliminate direct surface water run-off into the mitigation area, along with marsh, slough, and tree island habitats. In addition, an open water component is proposed to act as a prey-concentration area within the proposed marsh. Mitigation plantings will be conducted as depicted in the mitigation plans and will include desirable native wetland and transitional species including, but not limited to; bald cypress (*Taxodium distichum*), pond apple (*Annona glabra*), pickerelweed (*Pontedaria cordata*), arrowhead (*Sagittaria latifolia*), golden canna (*Canna flaccida*) and blue-flag iris (*Iris virginica*).



The proposed project consists of the previously authorized wetland fill of 2.68 acres under DF05-1107, the filling of 27.69 acres of wetlands, the creation of a 1.1-acre transitional buffer, and the enhancement and creation of wetlands for a 2.5 acre mitigation area (see table 1 below).

On March 25, 2021, wetland boundaries were delineated and agreed upon by BCEPGMD and SFWMD staff. The wetland boundaries consisted of a 34.62 acres melaleuca wetland (W-1), a 0.27-acre herbaceous wetland (W-2), a 0.97-acre melaleuca wetland (W-3), and a 1.8-acre herbaceous wetland (W-4). This resulted in a total of 37.66 acres of wetlands on site. Of the 34.62 total acres of W-1 wetlands delineated on site, 5.7 acres have been mitigated for previously through a credit purchase under BCEPGMD ERL No. DF07-1182. In addition, 4.27 acres of jurisdictional wetlands were delineated on site, of which 2.68 acres were filled and the remaining wetlands were to be a mitigation area and placed under a conservation easement.

Therefore, there is a remainder of 24.65 acres within the W-1 wetland boundary to be mitigated for. The 24.65 acres of W-1 wetland, 0.27 acres of W-2 wetland, 0.97 acres of W-3 wetland, and 1.8 acres of W-4 wetland equates to a total of 27.69 acres of wetlands on site to be mitigated for. (See table 2 below).

**Table 1.**

<b>Proposed Project</b>	<b>Acres</b>
Proposed Direct Wetland Impact	27.69
Previously authorized wetland fill (DF05-1107)	2.68
<b>Total:</b>	<b>30.37</b>

**Table 2.**

<b>Wetland Boundaries</b>	<b>Total Acres</b>	<b>Acres to be Impacted</b>
W-1	24.65	24.65
W-2	0.27	0.27
W-3	0.97	0.97
W-4	1.8	1.8
<b>Total:</b>	<b>27.69</b>	<b>27.69</b>

Existing Conditions – 55.68 total ac. (27.69 ac. Total Wetlands on Site, 27.69 ac. Direct impacts, 2.1 ac. Secondary impacts)

**Direct Impacts**

**A: W-1, On-Site melaleuca wetlands – 24.65 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)  
 0.27 RFV X 24.65 Total Acres = **6.66 Functional Value** (UMAM units)

**B: W-2, On-Site herbaceous wetlands – 0.27 acres**

Score	Category
5	Location/Landscape Support
4	Water Environment
7	Community Structure

16 (actual) / 30 (total possible) = 0.53 Relative Functional Value (RFV)  
 0.53 RFV X 0.27 Total Acres = **0.14 Functional Value** (UMAM units)

**C: W-3, On-Site melaleuca wetlands – 0.97 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
5	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 0.97 Total Acres = **0.36 Functional Value** (UMAM units)

**D: W-4, On-Site melaleuca wetlands – 1.8 acres**

Score	Category
4	Location/Landscape Support
3	Water Environment
4	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 1.8 Total Acres = **0.66 Functional Value** (UMAM units)

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# CONSTRUCTION COMMENCEMENT NOTICE

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**Instructions:** In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. \_\_\_\_\_ Application No. \_\_\_\_\_  
Project Name \_\_\_\_\_ Phase \_\_\_\_\_

Construction of the system authorized by the above referenced Environmental Resource Permit and Application, is expected to commence on \_\_\_\_\_, 20\_\_\_\_ and will have an estimated completion date of \_\_\_\_\_, 20\_\_\_\_

**PLEASE NOTE:** If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

\_\_\_\_\_  
Permittee's or Authorized Agent's Signature Company

\_\_\_\_\_  
Print Name Title Date

\_\_\_\_\_  
E-mail Phone Number



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## As-Built Certification And Request for Conversion to Operation Phase

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Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: \_\_\_\_\_ Application No: \_\_\_\_\_ Permittee: \_\_\_\_\_  
Project Name: \_\_\_\_\_ Phase or Independent Portion (if applicable): \_\_\_\_\_

I HEREBY CERTIFY THAT (please check only one box):

- To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

**For activities that require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name) (Fla. Lic. or Reg. No.)  
Signature  
(Company Name) (Company Address)  
(Telephone Number) (Email Address)

AFFIX SEAL

(Date)

**For activities that do not require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name)  
Signature  
(Company Name) (Company Address)



(Telephone Number)

(Email Address)

(Date)



## Drawings and Information Checklist

**Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:**

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
  - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
  - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours, or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
  - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions, and elevations of all, including clean-outs, pipes, connections to control structures, and points of discharge to receiving waters;
  - d. System grading - dimensions, elevations, contours, final grades, or cross-sections to determine contributing drainage areas, flow directions, and conveyance of runoff to the system discharge point(s);
  - e. Conveyance - dimensions, elevations, contours, final grades, or cross-sections of systems utilized to divert off-site runoff around or through the new system;
  - f. Benchmark(s) - location and description (minimum of one per major water control structure);
  - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted, and identification of source of material; also provide the dimensions, elevations, contours, and representative cross-sections depicting the construction.
5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.
6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

# Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity

Instructions: Complete this form to transfer to the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of, the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume I (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.: \_\_\_\_\_ Application No(s): \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Phase (if applicable): \_\_\_\_\_

A. **Request to Transfer:** The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

By: \_\_\_\_\_  
 Signature of Permittee \_\_\_\_\_ Name and Title \_\_\_\_\_  
 \_\_\_\_\_  
 Company Name \_\_\_\_\_ Company Address \_\_\_\_\_  
 \_\_\_\_\_  
 Phone/email address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

B. **Agreement for System Operation and Maintenance Responsibility:** The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II.

The operation and maintenance entity does not need to sign this form if it is the same entity that was approved for operation and maintenance in the issued permit.

Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

By: \_\_\_\_\_  
 Signature of Representative of O&M Entity \_\_\_\_\_ Name of Entity for O&M \_\_\_\_\_  
 \_\_\_\_\_  
 Name and Title \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_  
 Email Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
 \_\_\_\_\_  
 Phone \_\_\_\_\_ Date \_\_\_\_\_

**Enclosed are the following documents, as applicable:**

- Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
- Copy of all recorded plats
- Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- Copy of filed articles of incorporation (if filed before 1995)



- A Completed documentation that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I. (Note: this is optional, but aids in processing of this request)







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# OPERATION AND MAINTENANCE INSPECTION CERTIFICATION

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Instructions: Submit this form to the Agency within 30 days of completion of the inspection after any failure of a stormwater management system or deviation from the permit. This form may also be used to document inspections required under Section 12.4 of Applicant's Handbook Volume I, however submittal to the Agency is not required unless requested by the Agency.

Permit No.: \_\_\_\_\_ Application No.: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Identification or Name of Stormwater Management System: \_\_\_\_\_

Phase of Stormwater Management System (if applicable): \_\_\_\_\_

Inspection Date: \_\_\_\_\_

Inspection results: (check all that apply)

- The undersigned hereby certifies that the works or activities are functioning in substantial conformance with the permit. This certification is based upon on-site observation of the system conducted by me or my designee under my direct supervision and my review of as-built plans.
  
- The following maintenance was conducted since the last inspection (attach additional pages if needed):  
  
\_\_\_\_\_
  
- The undersigned hereby certifies that I or my designee under my direct supervision has inspected this surface water management system and the system does not appear to be functioning in substantial conformance with the permit. I am aware that maintenance or alteration is required to bring the system into substantial compliance with the terms and conditions of the permit. As appropriate, I have informed the owner of the following:
  - (a) The system does not appear to be functioning properly;
  - (b) That maintenance or repair is required to bring the system into compliance; and
  - (c) If maintenance or repair measures are not adequate to bring the system into compliance, the system may have to be replaced or an alternative design constructed subsequent to approval by the agency below.

The following components of the system do not appear to be functioning properly (attach additional pages if needed):

\_\_\_\_\_

**Any components of the constructed system that are not in substantial conformance with the permitted system shall require a written request to modify the permit in accordance with the provisions of Rule 62-330.315, F.A.C. If such modification request is not approved by the agency below, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S.**



Name of Inspector: \_\_\_\_\_

Florida Registration Number: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature of Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

### **Report Reviewed by Permittee:**

Name of Permittee: \_\_\_\_\_

Signature of Permittee: \_\_\_\_\_

Date: \_\_\_\_\_

Title (if any): \_\_\_\_\_



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

August 23, 2023

Lonnie Bergeron  
19612 SW 69<sup>th</sup> Place  
Pembroke Pines, FL. 33332  
Email: [lonneil@gate.net.com](mailto:lonneil@gate.net.com)

Re: Broward County– State 404 Permit Program  
Bergeron U.S. 27 East Coast Buffer  
DEP File No: 06-0404099-003-SFI

Dear Mr. Bergeron,

Thank you for your application to the State 404 Permit Program. Enclosed is Permit 06-0404099-003-SFI, for the expansion of a nursery facility.

The enclosed permit requires that you sign the document, indicating that you accept and agree to comply with the terms and conditions of the permit.

Please sign and return the attached document to the Department at [SED\\_404@floridadep.gov](mailto:SED_404@floridadep.gov) within 60 days of the date of this letter.

The permit will not become effective until the permit is signed by the Permittee and the Department designated official.

If you have any questions, please contact your processor, David White, at 561-681-6649 or by electronic mail at [David.N.White@FloridaDEP.gov](mailto:David.N.White@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink, appearing to be "NB", written over a light blue circular stamp.

Norva Blandin, MSEM  
Permitting Program Administrator  
Southeast District

Enclosure: 404 permit with attachments.



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

## **Permittee/Authorized Entity:**

Lonnie Bergeron  
19612 SW 69th Place  
Pembroke Pines, FL 33332  
[lonneil@gate.net](mailto:lonneil@gate.net)

## **Bergeron U.S. 27 East Coast Buffer**

### **Authorized Agent:**

The Chappell Group, c/o Tyler Chappell  
714 East McNab Road  
Pompano Beach, FL 33060  
[Tyler@thechappellgroup.com](mailto:Tyler@thechappellgroup.com)

## **State 404 Program Individual Permit**

Broward County  
Permit No.: 06-0404099-003-SFI

**Permit Issuance Date: August 23, 2023**  
**Permit Expiration Date: August 23, 2028**

## State 404 Program Individual Permit

**Permittee:** Lonnie Bergeron  
**Permit No:** 06-0404099-003-SFI

### PROJECT LOCATION

The activities authorized by this permit are located at between the intersections of U.S. Highway 27 (US-27) and Stirling Road and US-27 and Griffin Road in the Town of Southwest Ranches, Broward County, Florida, in Section 34, Township 50, Range 39, at Latitude N 26° 03' 28.73" Longitude W -80° 25' 58.02".

### PROJECT DESCRIPTION

The permittee is authorized fill wetlands and other surface waters in order to expand nursery operations. The southern half of the property was previously permitted to serve a 23.78-acre project known as Bergeron US 27 Nursery, which included wetland impacts, under SFWMD ERP No. 06-05580-P, ERL No. DF05-1107, and ERL No. DF07-1182. The most southern parcel located on the property (also referred to as Folio No. 503934010570) was previously permitted for the filling of 5.7 acres of wetlands for the purpose of a nursery expansion under ERL No. DF07-1182. The adjacent parcels to the north (also referred to as Folio No. 503934010340, 503934010430, 503934010420, and 503934010431) were previously permitted under ERL No. DF05-1107 for the filling of 2.68 acres of wetlands, the enhancement of 1.46 acres of wetlands, and the creation of 1.04 acres of wetlands. The creation of a 2.5-acre mitigation area was also permitted to compensate for unpermitted impacts. The subject site is bordered on the west by US-27, on the north by the C-11 Canal, on the east by Sharon Memorial Gardens, and on the south by Stirling Road. The Sharon Memorial Gardens site is mostly undeveloped, with a marsh mitigation area located in the southwest corner of the property, adjacent to the Bergeron US-27 property.

All wetlands and surface waters delineated using Chapter 62-340, F.A.C. and regulated under Part IV of Chapter 373, F.S. were accepted as waters of the United States.

The project area contains and will impact 2.07 acres of herbaceous wetland and 25.62 acres of forested melaleuca wetland along with 2.1 acres of off-site melaleuca wetlands.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall has purchased 10 credits from the Hole in the Donut Mitigation Bank, which will significantly improve the regional benefits of natural wetland functions throughout South Florida. The Hole in the Donut Mitigation Bank is not located within the same Watershed as the project, however, will offset any potential cumulative impacts caused by the impacts to the wetland onsite.

Authorized activities are depicted on the attached exhibits.

### AUTHORIZATIONS

State 404 Program Individual Permit

The Department has determined that the activity qualifies for a State 404 Program Individual Permit. Therefore, the State 404 Program Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-331, Florida Administrative Code (F.A.C.).

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

#### **SPECIFIC CONDITIONS**

- (1) All activities shall be implemented following the plans (6 pages), specifications and performance criteria approved by this permit. This permit shall expire on **August 23, 2028** pursuant to 62-331.090(2), F.A.C. Any deviations must be authorized in a permit modification in accordance with rule 62-331.080, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

#### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

- (2) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.

- (3) Staked erosion control devices shall be placed around the project area and any staging areas. All surface waters outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring. Staked erosion control devices shall be maintained and shall remain in place for the duration of project construction to ensure that turbid discharges into wetlands or surface waters do not occur. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.
- (4) Prior to initiation of any work authorized by this permit, all wetlands, surface waters, and storm drains outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring, including the placement of staked erosion control devices around the project area and staging area(s) that are located outside of any authorized impact areas.
- (5) Prior to construction, the limits of impact shall be clearly marked in a way which is visible and obvious to anyone performing work on-site, including someone operating heavy equipment. Orange construction fence or tall flagged stakes along the construction limits are possible methods.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

- (6) This permit authorizes permanent impacts to the wetland fill area shown in the attached permit drawings. No other areas are authorized to be impacted, which includes but is not limited to clearing with the use of heavy equipment, filling, or excavation.
- (7) Any fill material used shall be clean fill and free of vegetative matter, trash, rebar, garbage, toxic or hazardous waste, or any other unsuitable materials.
- (8) All storage or stockpiling of tools or materials (i.e. lumber, pilings, debris, etc.) shall be limited to uplands or within the impact areas authorized by this permit.
- (9) The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:
  - a. Immediately cease work contributing to the water quality violation.
  - b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
  - c. Notify the Department within 24 hours of the time the violation is first detected.
- (10) The authorized stormwater management system shall be completed prior to or simultaneously with associated upland development.
- (11) During construction the stormwater system shall be inspected periodically for accumulation of debris, trash, and silt. Accumulations of debris, trash, and silt that negatively affect the function of the system shall be removed upon discovery.

#### **SPECIFIC CONDITIONS – MITIGATION**



- (12) The permittee has provided the Department with documentation that 10 freshwater herbaceous mitigation credits have been deducted from the credit ledger of the Hole-in-the-Donut Mitigation Bank.
- (13) The permittee will mitigate for a portion of the adverse direct and secondary impacts to the freshwater marsh wetlands by creating and enhancing a 2.5-acre on-site wetland mitigation area. The mitigation area shall be constructed in accordance with the attached mitigation plan, which includes the following activities:
1. Re-grading previously impacted wetlands and uplands, to varying elevations to create 2.5 acres of wetlands shallow marsh, deep marsh, slough and tree island wetland habitats and 1.1 acres of upland buffer;
  2. Planting the wetland habitats with native wetland vegetation;
  3. Constructing a 1.1-acre berm around the wetland enhancement area and planting it with native transitional and upland vegetation to serve as a spatial and physical buffer;
  4. Installing fencing between the wetland buffers and the new upland development;
  5. Installing mitigation signage along the upland buffer;
  6. Placing the wetland enhancement and buffer areas under a conservation easement dedicated to the Department, South Florida Water Management District and Broward County;
  7. Monitoring and maintaining the wetland for a minimum of five years with the submittal of annual reports; and
  8. Maintaining the wetlands free of nuisance and exotic vegetation in perpetuity. The fencing and the signage are permanent and will be maintained by the permittee in perpetuity in accordance with the special conditions of this permit.
- (14) Earthwork associated with the construction of the mitigation area required by the permit shall be initiated concurrent with and completed prior to the completion of all permitted wetland impacts.

#### **SPECIFIC CONDITIONS - LISTED SPECIES**

(15) Wood Stork

The permittee shall comply with the approved wetland mitigation and monitoring requirements specified by the FDEP State 404 permit for the onsite wetland impacts within the same Core Foraging Areas.

(16) Florida Bonneted Bat

1. If potential roost trees or structures need to be removed, the permittee shall check cavities for bats within 30 days prior to removal. When possible, structures should be removed outside of breeding season (e.g., January 1 April 15). If evidence of use by any bat species is observed removal efforts shall be discontinued in that area and the permittee shall coordinate with USFWS staff.
2. The permittee shall conserve open freshwater and wetland habitats to promote foraging opportunities and avoid impacting water quality. Created/re stored habitat should be designed to replace the function of native habitat.
3. The permittee shall avoid or limit widespread application of insecticides (e.g., mosquito control, agricultural pest control) in areas where Florida bonneted bats are known or expected to forage or roost.
4. The permittee shall avoid and minimize the use of artificial lighting, retain natural light

conditions, install wildlife friendly lighting (i.e., downward facing and lowest lumens possible), and a void permanent night-time lighting to the greatest extent practicable.

5. The permittee shall incorporate engineering designs that discourage bats from using buildings or structures. If Florida bonneted bats take residence within a structure, the permittee or designated representative shall contact the USFWS South Florida Ecological Service office at (772) 562 3909 for technical assistance and will also notify the FWC at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com) prior to attempting removal or prior to conducting maintenance activities on the structure.

6. The permittee shall provide a copy of all raw acoustic data collected during the Florida bonneted bat survey for the project to the USFWS. Raw acoustic data shall be provided as “all raw data” and “all raw data with signatures at or below 20kHz”. Data will be submitted the USFWS digitally to <https://sciencebase.usgs.gov/nabat/#/data/inventory>. More information including instructions and videos can be found at <http://www.nabatmonitoring.org/fbb>

#### Audubon’s Crested Caracara

(17) If evidence of caracara nesting is observed on the property, the permittee shall cease work within the primary zone, which is defined a 300-meter (985 foot) buffer outward from the nest tree. Work activities within the secondary zone, which is defined as a 1,500 meter (4,920 foot) buffer outward from the nest tree, shall be limited.

(18) If caracara nesting is discovered, the permittee or permittee representative shall coordinate with the USFWS South Florida Ecological Service office at (772) 562 3909 for technical assistance. The permittee or permittee representative shall also notify the FWC at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com) and the Department.

#### Florida Sandhill Crane

(19) If any sandhill cranes are observed on the project site, surveys for nesting Florida sandhill cranes shall be conducted within the project boundary during the breeding season (December 1 – August 30) within 30 days prior to commencing any clearing or project activities. Surveys shall include either one aerial survey or two ground surveys in accordance with the following methodologies.

##### a. Aerial Surveys:

- i. Aerial transects shall cover 100% of the suitable nesting habitat.
- ii. Survey transects shall be conducted at a minimum altitude of 250 feet. Sandhill cranes may react differently to different types of aircraft, and altitude shall be adjusted to prevent disturbance.

##### b. Ground Surveys:

- i. Surveys shall be conducted between dawn and 10 a.m. or between 4 p.m. and dusk. Sandhill crane breeding pairs engage in “unison calling” early in the morning or when switching incubation duties, which can help identify habitat areas used for nesting.
- ii. The littoral zone of the manmade pond onsite shall be scanned along its periphery from as far away as practical in order to observe nesting areas without disturbing any sandhill cranes.
- iii. Observation points shall be spaced to provide approximately 100% coverage of suitable habitat. A lone adult sandhill crane observed foraging during the breeding season is a good indicator that nesting may be occurring nearby.

2. If active Florida sandhill crane nests are found, a buffer of 400 feet (122 meters) shall be demarcated around each nest site. The buffer zone shall be clearly visible to all personnel associated with the project. The perimeter of the buffer zone shall be demarcated with material with an open design that allows ingress and egress for adult cranes and chicks. Examples of acceptable materials include 3-4 foot (91-122 cm) tall stakes with a single line of string or rope, suspended at least 18 inches (46 cm) off of the ground, or three strand barbed wire with the bottom wire at least 18 inches (46 cm) off the ground. Silt fencing is discouraged, but if it must be used, leave regularly-spaced gaps at least every 0.3-mile that are either: sized at least 24 inches (61 cm) wide or the silt fencing is staggered to allow passage by chicks.

3. No pedestrian traffic, vehicle operations, site preparation, staging, clearing, or project activities shall occur within the 400-foot (122-meter) buffer.

4. The buffer zone materials may be removed when the eggs have hatched, and chicks are walking on their own.

5. All personnel associated with the project shall be advised of the presence of Florida sandhill crane nesting and that it is a violation of state law to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect Florida sandhill cranes or their eggs or nests, or to attempt to engage in such conduct.

6. No direct or indirect impacts shall occur to wetland habitats found to be utilized by Florida sandhill cranes for breeding, feeding, or sheltering.

7. If the project will take place over multiple years, additional surveys shall be conducted during the breeding season within 30 days prior to the start of clearing or project activities.

8. If permanent fencing is constructed adjacent to wetlands found to be utilized by Florida sandhill cranes for nesting, it shall be made of materials in which the birds cannot become entangled, trapped, or injured. If woven or welded wire fencing is used, framed walk-throughs 18 inches (46 centimeters) high by 24 inches (61 centimeters) wide shall be incorporated at least every 0.3 miles. If barbed wire fencing is used, a maximum of 3 strands shall be used with the top wire no more than 42 inches (107 centimeters) above the ground and the bottom wire no less than 18 inches above the ground.

9. Any installation of temporary or permanent above-ground utility lines shall include reflective kinetic markers to increase visibility to sandhill cranes in flight and reduce collisions.

10. If additional nest locations are identified after clearing or other activities have begun or if maintaining the required buffers is not possible, the permittee shall contact the FWC Protected Species Permit Coordinator at (850) 921-5990 or [WildlifePermits@MyFWC.com](mailto:WildlifePermits@MyFWC.com) for more information.

11. Injury of a Florida sandhill crane shall be immediately reported to the FWC Wildlife Alert Hotline at (888) 404-3922.

## **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

(20) The permittee shall be responsible for the operation and maintenance of the stormwater management system. The stormwater management system shall be routinely inspected to ensure adequate performance. All drainage structures shall be routinely inspected as well, especially during and after a rain event. A maintenance schedule shall be implemented to ensure that the stormwater management system is functioning as designed.

- (21) Permanent signs shall be placed at the edge of the Conservation Easement area. Permanent signs shall consist of a highly visible aluminum sign (12 in by 12 in) placed 3 feet above the ground. The sign should read:

WETLAND CONSERVATION AREA  
LAND & DRAINAGE ALTERATION  
ACTIVITIES PROHIBITED

and shall include the Department's local phone number to be called if information is needed regarding the easement restricted activities as listed in the Conservation Easement document. The permanent signs as described above shall be posted at 100 ft. intervals and in conspicuous locations throughout the Conservation Easement area(s). All signs shall be installed within **30** days of the signature date of this permit.

- (22) Prior to the start of construction, the 3.6-acre mitigation area shall be preserved through a perpetual conservation easement to the Board of Trustees (BOT). A copy of the conservation easement is included as an attachment to this permit. The language in the conservation easement shall not be changed. Within 30 days of permit issuance, the permittee shall have the easement, legal description and sketch recorded with Broward County and a clerk-of-court certified copy of the recorded document shall be submitted to the Department.
- (23) The permittee shall be responsible for maintaining the wetlands and upland buffer free of nuisance and exotic vegetation in perpetuity, all in accordance with the Mitigation and Monitoring Plan. The fencing and the signage are permanent and will be maintained by the permittee in perpetuity in accordance with the special conditions of this permit

**SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

- (24) The permittee shall be responsible for keeping records documenting that relevant permit conditions are met. This documentation shall include, at a minimum, the date of each inspection, the name and qualifications of the inspector, any maintenance actions taken, and a determination by the inspector as to whether the system is operating as intended. Inspection documentation must be readily available and shall be provided at the Department's request.
- (25) The permittee shall submit a certified as-built survey of the mitigation area(s) to the Department for review within 2 weeks of achieving final grades and prior to planting. The Department will review the survey to assess if grading is in compliance with the permitted drawings. The Department will notify the permittee to proceed with planting upon review of the survey. Planting shall commence within 10 days upon Department's notification. The Department's notification to proceed does not constitute a finding by the Department the mitigation will meet the success criteria. The survey shall include the following for each mitigation area:
- a. Surface area (total square footage or acreage of each mitigation area).
  - b. The cross-sections listed below:  
Cross Sections: A:A and B:B, Page Numbers: 6
- (26) Planting of the mitigation area shall be completed within 30 days of receipt of approval of the above mentioned as-built land survey.

- (27) The Department's approval of the mitigation plan pursuant to this permit does not constitute a finding by the Department the mitigation will meet the required success criteria. The permittee acknowledges its obligation to meet the intent of the permit regarding the mitigation objective until the mitigation is determined by the Department to be successful.
- (28) A "Time Zero" Monitoring Report shall be submitted within 60 days of completion of planting of the mitigation area(s) and shall include the following:
- a. Date the planting was completed;
  - b. Color photographs to provide an accurate representation of each mitigation area. The photographs shall be taken from fixed reference points and directions which are shown on a scaled plan view, and
  - c. A table depicting numbers, spacing, and sizes (including tree height) of each species planted.
- (29) Mitigation Monitoring Reports shall be submitted annually to [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov) for a minimum of five years.
- (30) Mitigation Monitoring Reports shall include the following for each mitigation area: (Data shall be submitted in tabular form; subsample number and size shall be determined by a statistically valid method referenced in the Bibliography section of this permit).
- a. Color photographic prints taken from the reference points established in the Time Zero Monitoring Report.
  - b. Detailed description of statistical methods used which must include the following:
    - i. Subsample method and map of sampling locations.
    - ii. Method used to determine percent cover and growth.
    - iii. Statistical analyses used.
  - c. Total percent cover by planted herbaceous species.
  - d. Plant species composition with estimates of the contribution of each species to percent cover.
  - e. Plan view depicting the locations of specimens replanted. (Indicate numbers of each species replanted).
  - f. Data documenting the hydrologic regime (seasonal high and normal pool; ordinary high; or mean high and low water elevations).
  - g. Description of the pertinent climatological conditions preceding the monitoring event.
  - h. Description of the soil moisture condition in the mitigation area(s), i.e., soil appears dry, saturated with water or with so many inches of standing water.
- (31) The mitigation shall be deemed successful when the following criteria has been continuously met for a period of at least one (1) year, without intervention in the form of irrigation, removal of undesirable vegetation, or replanting of desirable vegetation:
- a. Planted herbaceous and naturally recruited native wetland species have achieved a minimum 80% cover.
  - b. Subcanopy species (planted and naturally recruited native wetland species) have at least 80% coverage. The subcanopy species have achieved an average height of at least 6 feet and all are exhibiting natural, vigorous growth consistent with the species and target plant community.

- c. Planted tree species have achieved a minimum 80% survival, and have achieved a diameter at breast height (dbh) of 4 inches and an average height of at least 10 feet.
- d. Total contribution to percent cover by non-native wetland species and species not listed in 62-340.450, F.A.C. shall be maintained below 0%:
- e. The mitigation area has been inspected by Department personnel and it has been determined to be within the landward extent of surface waters and wetlands of the State pursuant to 62-340 F.A.C. and meets all applicable criteria above.

(32) The responsibility to assess if the mitigation is meeting the permit-specified success criteria shall not fall solely on the Department. In the event the permittee becomes aware mitigation is not meeting the success criteria (based on either site observations or review of monitoring reports), the permittee, no later than 6 months before the permit construction phase expiration date, shall be responsible to submit an alternative mitigation plan to the Department for review and approval; The permittee shall implement the alternative restoration plan no later than 60 days after receiving Department approval.

### **GENERAL CONDITIONS FOR STATE 404 PROGRAM INDIVIDUAL PERMITS**

(1) General Conditions under section 62-331.054, F.A.C.:

(a) The permittee shall comply with all conditions of the permit, even if that requires halting or reducing the permitted activity to maintain compliance. Any permit violation constitutes a violation of Part IV of Chapter 373, F.S., and this Chapter, as well as a violation of the CWA.

(b) The permittee shall take all reasonable steps to prevent any unauthorized dredging or filling in violation of this permit.

(c) The permittee shall timely notify the Agency of any expected or known actual noncompliance.

(d) Upon Agency request, the permittee shall provide information necessary to determine compliance status, or whether cause exists for permit modification, revocation, or termination.

(e) Inspection and entry. The permittee shall allow the Agency, upon presentation of proper identification, at reasonable times to:

1. Enter upon the permittee's premises where a regulated activity is located or where records must be kept under the conditions of the permit,
2. Have access to and copy any records that must be kept under the conditions of the permit,
3. Inspect operations regulated or required under the permit, and
4. Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

(2) Applicable General Conditions under section 62-330.350(1), F.A.C., modified to contain applicable references under Chapter 62-331, F.A.C. (remove those that are not applicable):

- (a) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-331.080, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
- (b) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
- (c) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
- (d) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
- (e) Unless the permit is transferred under rule 62-331.100, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
- (f) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  2. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(h) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(i) This permit does not:

1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.;

2. Convey to the permittee or create in the permittee any interest in real property;

3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(k) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(l) The permittee shall notify the Agency in writing:



1. Immediately if any previously submitted information is discovered to be inaccurate; and
2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(m) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(n) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under rule 62-330.201, F.A.C., provides otherwise.

(p) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-331, F.A.C., or cause violations of state water quality standards.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under [Sections 120.569](#) and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency\_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Permittee Signature

Pursuant to Rule 62-331.052(3)(a)1, a permit becomes effective when it is signed by both the applicant and the Department. Signing indicates, as permittee, you accept and agree to comply with the terms of this permit. You have **60 days after receipt of this proposed permit** with which to sign and return to the Department for final approval. Failure to return within this timeframe will result in administrative withdrawal of your permit application. After receipt of the signed proposal, the Department will return to you the final signed permit, listing the permit's effective date and expiration date.



(Permittee)

8-18-2023

(Date)

Lonnie N. Bergeron

(Permittee Name – Printed)

This permit becomes effective when the designated Department official has signed below.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Norva Blandin, MSEM  
Permitting Program Administrator  
Submerged Lands & Environmental  
Resource Program

**Attachments:**

Project Drawings, **6** pages  
Recorded Conservation Easement, **13** pages  
Mitigation Plan, **3** pages  
Construction Commencement Notice/Form 62-330.350(1)  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)  
Request to Transfer Permit/Form 62-330.340(1)  
Operation and Maintenance Inspection Certification/Form 62-330.311(1)

**Copies furnished to:**

FDEP- Norva Blandin, Danielle Sattelberger, David White, Ashley Lion, [SED\\_Compliance@dep.state.fl.us](mailto:SED_Compliance@dep.state.fl.us)  
Linda Sunderland, Broward County EPD, [LSunderland@broward.org](mailto:LSunderland@broward.org)  
Michelle Decker, M.S., Senior Natural Resource Specialist, Broward County Florida,  
[MDecker@broward.org](mailto:MDecker@broward.org)  
FWC, Imperiled Species Management Section  
Cori Calyniuk, FFWCC, [Cori.Calyniuk@MyFwc.com](mailto:Cori.Calyniuk@MyFwc.com)  
Jena Robbins, Project Manager, The Chappell Group Inc., [jena@thechappellgroup.com](mailto:jena@thechappellgroup.com)  
Kali Parrish, Executive Assistant to Ron Bergeron, Sr., Bergeron Family of Companies,  
[kparrish@bergeroninc.com](mailto:kparrish@bergeroninc.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on 08/23/2023, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*Natalie Nguyen*

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**INSERT** Project Drawings and Design Specs  
**INSERT XRecordedX** Conservation Easement  
**INSERT** Mitigation Plan  
**INSERT Long-term Planning Document**

**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

**CAUTION: MANATEE HABITAT**

**All project vessels**


**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

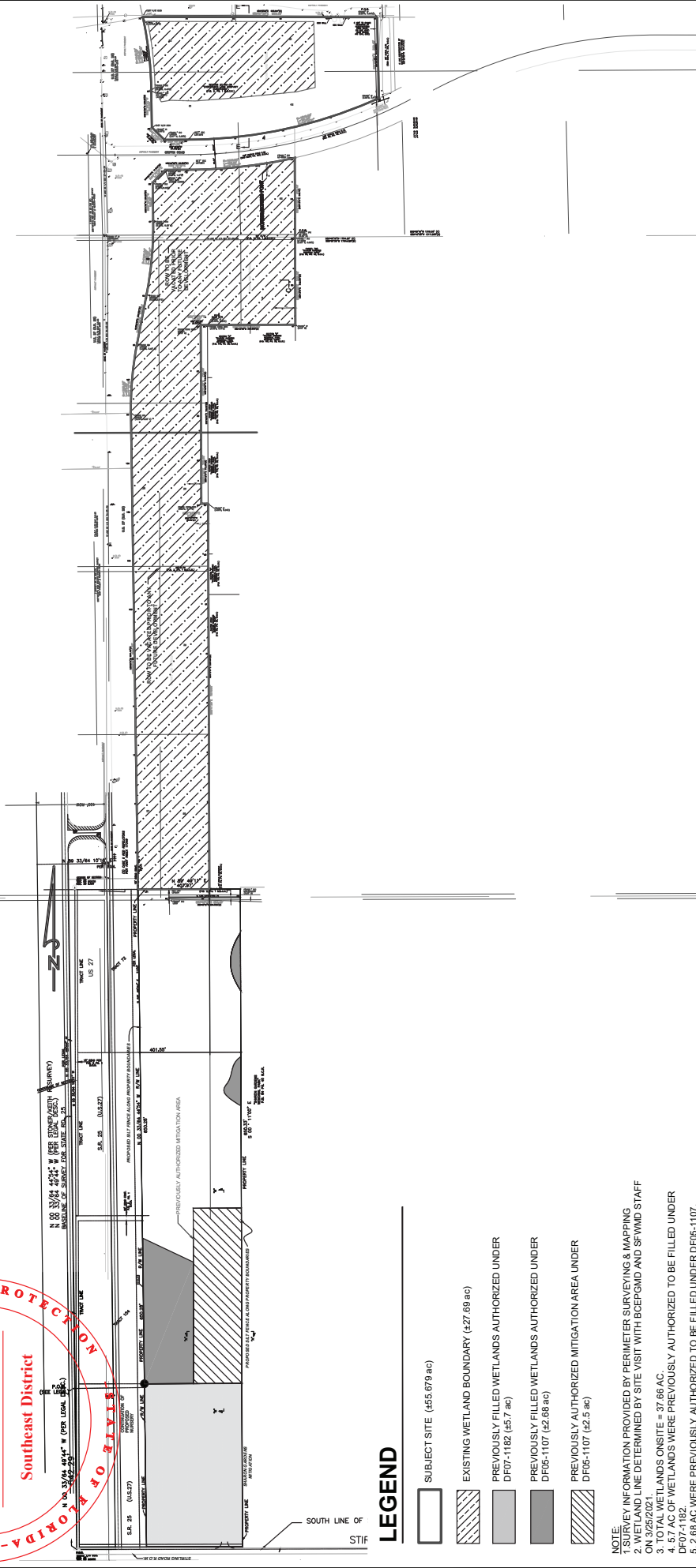
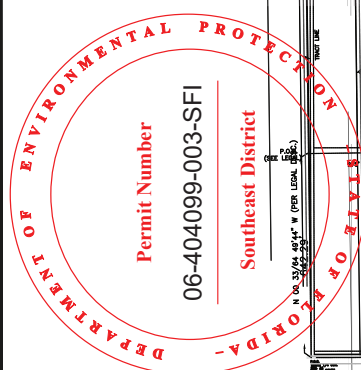
**SHUT DOWN**

Report any collision with or injury to a manatee:






**Wildlife Alert:**  
**1-888-404-FWCC(3922)**  
cell \*FWC or #FWC







**LEGEND**

-  SUBJECT SITE (455.679 ac)
-  EXISTING WETLAND BOUNDARY (±27.69 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF07-1182 (45.7 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (42.68 ac)
-  PREVIOUSLY AUTHORIZED MITIGATION AREA UNDER DF05-1107 (±2.5 ac)

**NOTE:**  
 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING  
 2. WETLAND LINE DETERMINED BY SITE VISIT WITH DCE/GRAND AND SR/MDM STAFF ON 3/25/2021  
 3. TOTAL WETLANDS ON SITE = 37.66 AC.  
 4. 5.7 AC OF WETLANDS WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF07-1182.  
 5. 2.68 AC WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF05-1107.

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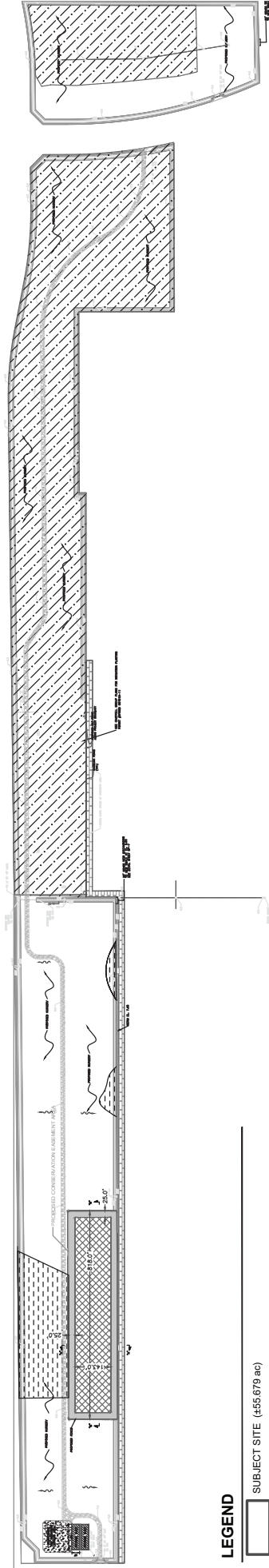
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/ Appraisals








**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC

EXISTING CONDITIONS	
Date: 4/24/2023	Sheet: 1 of: 6
Proj No: 18-0042-001	

**NORTH**  
  
**SCALE**  
**1"=400'**



**LEGEND**

-  SUBJECT SITE (±55.679 ac)
-  PROPOSED DIRECT WETLAND IMPACT (±27.69 ac)
-  PROPOSED SECONDARY WETLAND IMPACT (±2.1ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (±2.88 ac)
-  PROPOSED TRANSITIONAL BUFFER (±1.1ac)
-  PROPOSED MITIGATION AREA (±2.5 ac)
-  PROPOSED GRAVEL ROAD (±1.028 SQ. FT.)

NOTE: 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING.  
 2. PROPOSED WETLAND ENHANCEMENT, WETLAND CREATION, AND WETLAND BUFFER (±3.6 AC) WILL BE PLACED UNDER CONSERVATION EASEMENT.  
 3. PROPOSED 31.96 ACRES OF DIRECT WETLAND IMPACTS TOTAL (INCLUDING 27.45 ACRES OF DIRECT WETLAND IMPACTS, 2.88 ACRES OF PREVIOUSLY AUTHORIZED IMPACTS UNDER DF-11-07, AND 0.48 ACRES OF DIRECT IMPACT FOR PROPOSED WETLAND BUFFER); AND 2.1 ACRES OF SECONDARY IMPACTS.  
 4. APPROXIMATELY 131,678 CY OF FILL TO BE PLACED IN WETLANDS.

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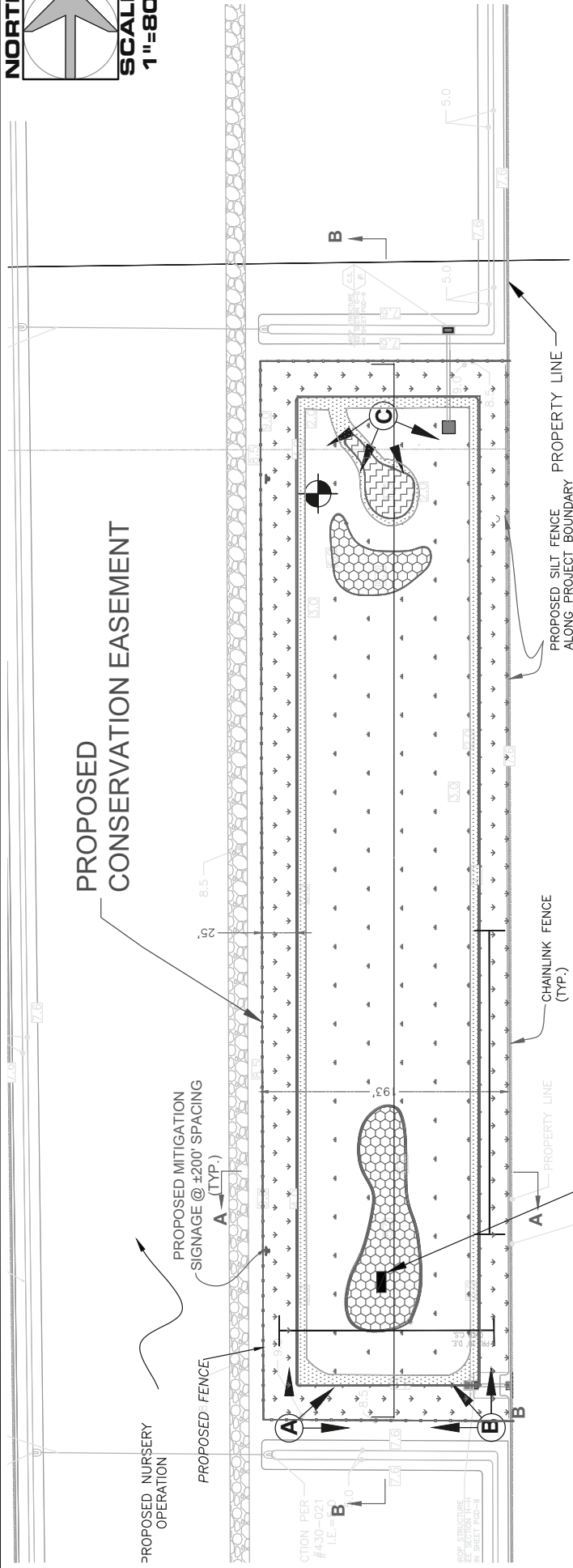
**BERGERON US 27 PROPERTY**

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





DREDGE & FILL PLAN

Date: 4/24/2023  
 Sheet: 2 of 6  
 Proj No.: 18-0042.001

**PROPOSED CONSERVATION EASEMENT**



**LEGEND**

-  TRANSITIONAL BUFFER (1.1 ac) (NOT INCLUDED IN MITIGATION ACREAGE, BUT WILL BE INCLUDED IN CE)
-  TREE ISLAND (0.22ac)
-  MARSH (1.55ac)
-  SLOUGH = (0.70ac)
-  OPEN WATERPREY CONCENTRATION AREA (0.03ac)
-  TOTAL ONSITE MITIGATION ACREAGE = 2.58ac - SEE NOTES

NOTES:  
 1. FOR ADDITIONAL SITE PLAN INFORMATION, PLEASE SEE PAVING, CONSTRUCTION PLANS AND CALCULATIONS BY CARRAHAN - PROCTOR & CROSS, INC.  
 2. THE PROPOSED CONSERVATION EASEMENT WILL INCLUDE 3.8ac

APPROXIMATE LOCATION OF PROPOSED BAT BOX



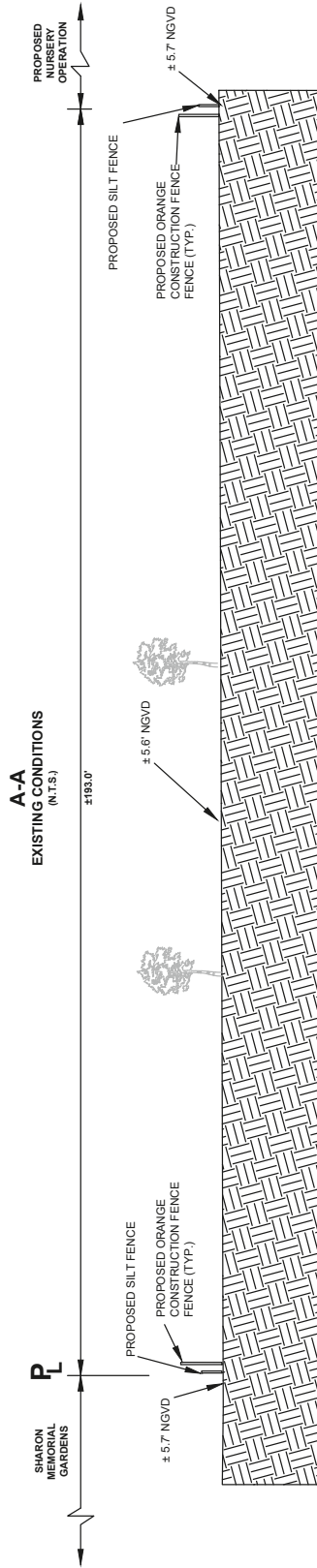
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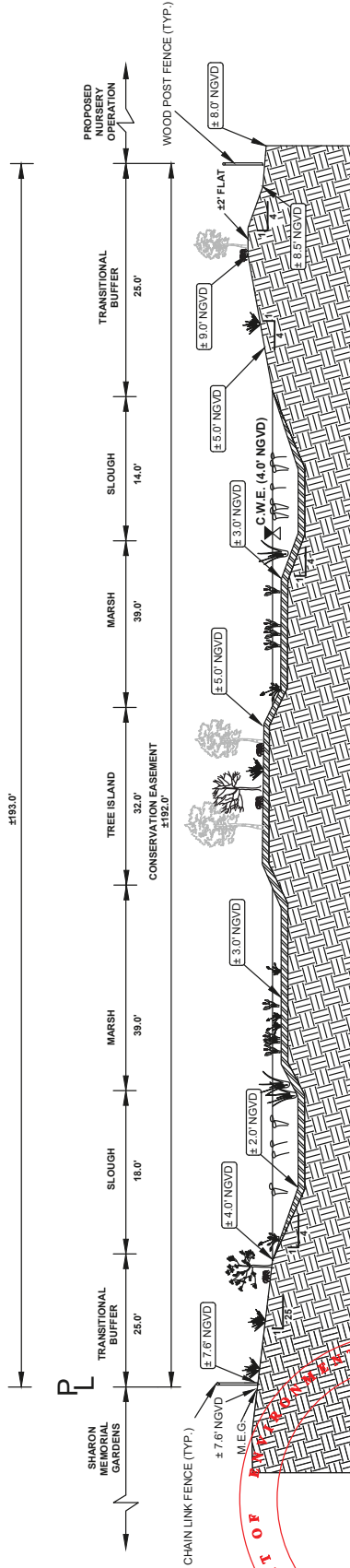
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**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC

MITIGATION PLAN  
 Date: 4/24/2023  
 Sheet: 3 of 6  
 Proj No: 18-0042.001



**A-A**  
EXISTING CONDITIONS  
(N.T.S.)  
±1193.0'



**A-A**  
PROPOSED CONDITIONS  
(N.T.S.)  
±1193.0'

**LEGEND**

- PROPOSED ELEVATION (NGVD)
- EXISTING ELEVATION (NGVD)
- C.W.E. 4.0' NGVD
- MUCK BLANKET (MINIMUM 1')
- EXISTING SUBSTRATE



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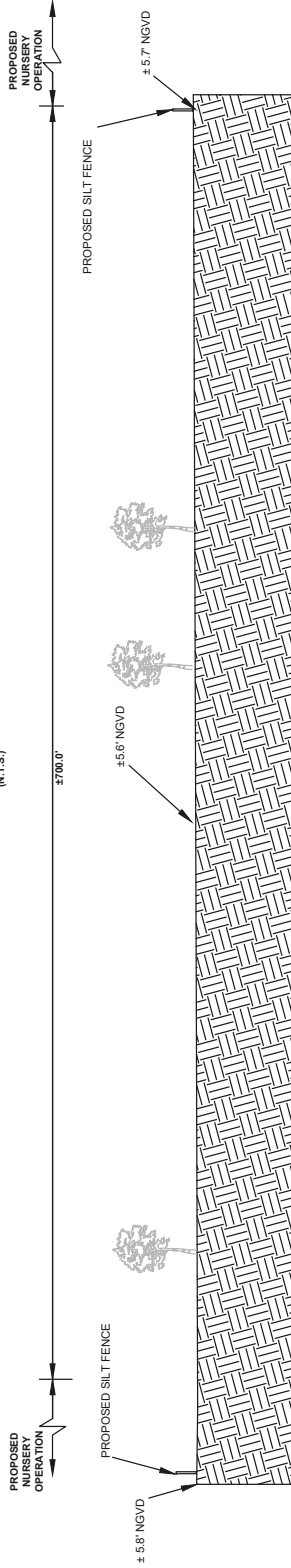
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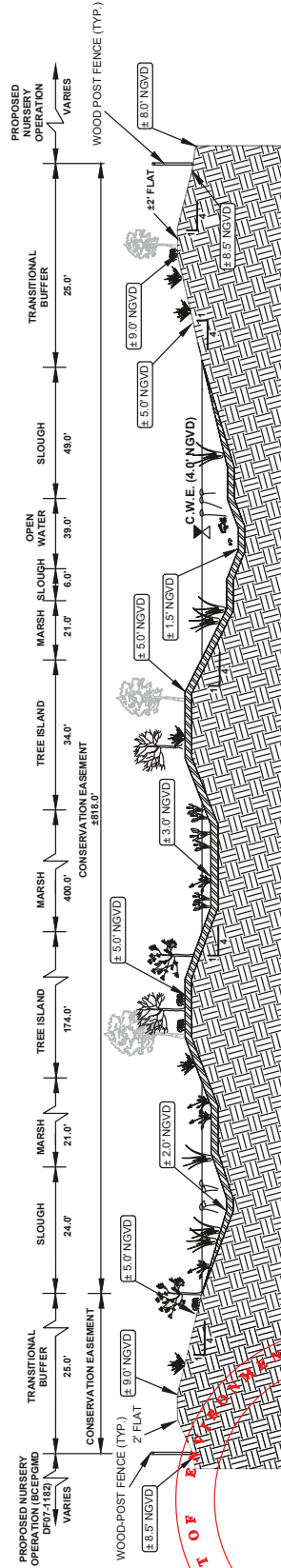
**BERGERON US 27 PROPERTY**  
PREPARED FOR:  
BERGERON US 27, LLC

SECTION A	
Date: 4/24/2023	Sheet: 4 of 6
Proj No: 18-0042-001	

**B-B**  
EXISTING CONDITIONS  
(N.T.S.)

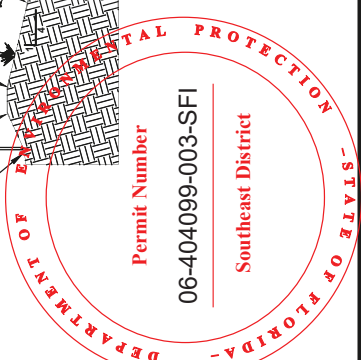


**B-B**  
PROPOSED CONDITIONS  
(N.T.S.)



**LEGEND**

- PROPOSED ELEVATION (NGVD)
- EXISTING ELEVATION (NGVD)
- C.W.E. 4.0' NGVD
- MUCK BLANKET (MINIMUM 1')
- EXISTING SUBSTRATE



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**BERGERON US 27 PROPERTY**  
PREPARED FOR:  
BERGERON US 27, LLC

# PLANTING TABLE

Legend	Scientific Name	Common Name	Spacing	Quantity	Size	Planting Elevation (NGVD)
TREE ISLANDS: (0.22 a.c.)						
TREES:						
	Persia Borbonia	Red Bay	10' o.c.	20	7 Gallon	4.5 - 5.0' NGVD
	Taxodium distichum	Bald Cypress	10' o.c.	55	7 Gallon	4.0 - 4.5' NGVD
	Ilex cassine	Dahoon Holly	10' o.c.	21	7 Gallon	4.0 - 5.0' NGVD
			Subtotal	96		
TREE ISLANDS: (0.22 A.C.)						
SHRUBS & GROUNDCOVER:						
	Chrysobalanus icaco	Green Cocoplum	4' o.c.	120	1 Gallon	4.5 - 5.0' NGVD
	Hamelia patens	Firebush	4' o.c.	150	1 Gallon	4.5 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Stachytarpheta jamaicensis	Dwarf Florida porterweed	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Achrostichum dansefolium	Leatherfern	4' o.c.	150	1 Gallon	4.0 - 5.0' NGVD
			Subtotal	600		
MARSH: (1.55 a.c.)						
	Ponedaria cordata	Pickereelweed	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria lancifolia	Duck Potato	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria latifolia	Arrowhead	3' o.c.	750	Bareroot 24"	3.0 - 4.0' NGVD
	Scripus californicus	Giant Bulrush	3' o.c.	1,000	Bareroot 24"	2.5 - 3.5' NGVD
	Canna flaccida	Yellow Cannas	3' o.c.	1,000	Bareroot 24"	3.5 - 4.0' NGVD
	Scripus americanus	Three-square bulrush	3' o.c.	800	Bareroot 24"	3.5 - 4.0' NGVD
			Subtotal	7,500		
SLOUGH: (0.70 ac)						
	Nymphaea odorata	White Water Lily	4' o.c.	1,200	Bareroot	1.5 - 2.5' NGVD
	Scripus californicus	Giant bulrush	4' o.c.	700	Bareroot	1.5 - 2.5' NGVD
			Subtotal	1,900		
TRANSITIONAL AREA: (1.1 a.c.)						
TREES:						
	Azimina glabra	Pond apple	10' o.c.	120	7 Gallon	4.0 - 5.5' NGVD
	Pinus elliottii	Slash pine	10' o.c.	180	7 Gallon	4.5 - 9.0' NGVD
	Sabal palmetto	Cabbage palm	10' o.c.	180	10 Gallon (10')	4.5 - 9.0' NGVD
			Subtotal	480		
TRANSITIONAL AREA: (1.1 a.c.)						
SHRUBS & GROUNDCOVER:						
	Iris virginica	Blue-flag iris	4' o.c.	480	1 Gallon	4.0 - 5.0' NGVD
	Eugenia sp.	Stopper	4' o.c.	675	1 Gallon	4.0 - 5.5' NGVD
	Canna flaccida	Golden canna	4' o.c.	470	1 Gallon	4.0 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	680	3 Gallon	6.5 - 9.0' NGVD
	Hibiscus coccineus	Scarlet hibiscus	4' o.c.	680	1 Gallon	5.5 - 9.0' NGVD
			Subtotal	2,995		
			Total	13,571		



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**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
**BERGERON US 27, LLC**

**East Coast Buffer  
Mitigation Plan  
TCG Project No. 18-0042.001**

The proposed Bergeron US-27 LLC project consists of the construction of a nursery and related facilities on a ± 56.08 acre parcel located at the intersection of US-27 and Stirling Road in the Town of Southwest Ranches, in Broward County, Florida. The Bergeron nursery site consists mainly of improved pasture, with a ±10.1 acre low-quality melaleuca (*Melaleuca quinquenervia*) wetland at the extreme southern end of the property and ±27.56 acres of low-quality melaleuca (*Melaleuca quinquenervia*) wetland on the northern half of the property for a total of 37.66 acres of wetlands. The subject site is bordered on the west by US-27, on the north by Griffin Road and the C-11 Canal, on the east by Sharon Memorial Gardens and on the south by Stirling Road. A 5.7 acre portion of the existing wetland is the subject of a previous Notice of Violation (NOV) for unauthorized fill. In 2009, BCEPGMD and SFWMD authorized the ATF filling of the 5.7 acres, along with 2.68 acres of herbaceous wetlands for a total of 8.38 acres of direct impacts. The mitigation proposal consisted of a combination of on-site wetland enhancement, on-site wetland creation, off-site wetland restoration within the C-11 Bains and the purchase of 1.10 freshwater credits at the FPL-Everglades Mitigation Bank.

Due to the unauthorized fill of the 5.7 acres of wetlands, and the originally proposed impacts associated with BCEPD License No. DF05-1107, on-site mitigation is currently proposed on the subject site. Proposed onsite mitigation consists of the construction of a 2.5-acre mitigation area (as licensed within BCEPD License No. DF05-1107 & SFWMD No. 06-05580-P) along the central-eastern boundary of the subject site. In addition to the proposed onsite mitigation area, the remaining mitigation required for the wetland impacts includes the combination of a credit purchase from the Hole in the Donut (HID) Mitigation Bank and the previously purchased 1.10 credits from the Everglades Mitigation Bank. The onsite mitigation will include 2.5 acres of wetland enhancement that will be placed under conservation easement. As referenced within the submitted mitigation plans, the mitigation areas consists of elevated transitional areas to serve as required buffers and eliminate direct surface water run-off into the mitigation area, along with marsh, slough, and tree island habitats. In addition, an open water component is proposed to act as a prey-concentration area within the proposed marsh. Mitigation plantings will be conducted as depicted in the mitigation plans, and will include desirable native wetland and transitional species including, but not limited to; bald cypress (*Taxodium distichum*), pond apple (*Annona glabra*), pickerelweed (*Pontedaria cordata*), spikerush (*Eleocharis* sp.), golden canna (*Canna flaccida*) and blue-flag iris (*Iris virginica*).

Therefore, the total wetlands to be directly impacted on site are 33.44 acres and 2.1 acres of secondary impacts. Mitigation for these impacts is proposed in the 1.10 credits that have already been purchased and debited from the Everglades Mitigation Bank, the Enhancement of 2.5 acres of herbaceous wetlands onsite, and the purchase of 8.75 credits from the HID. A summary table is included below:

Existing Conditions – 56.08 total ac. (33.44 ac. Direct impacts, 2.1 ac. Secondary impacts)

**Direct Impacts**

**A: W-1, On-Site melaleuca wetlands – 34.49 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)  
 0.27 RFV X 34.49 Total Acres = **9.31 Functional Value** (UMAM units)

**B: W-2, On-Site herbaceous wetlands – 0.27 acres**

Score	Category
5	Location/Landscape Support
4	Water Environment
7	Community Structure

16 (actual) / 30 (total possible) = 0.53 Relative Functional Value (RFV)  
 0.53 RFV X 0.27 Total Acres = **0.14 Functional Value** (UMAM units)

**C: W-3, On-Site melaleuca wetlands – 0.97 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
5	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 0.97 Total Acres = **0.36 Functional Value** (UMAM units)

**D: W-4, On-Site melaleuca wetlands – 1.8 acres**

Score	Category
4	Location/Landscape Support
3	Water Environment
4	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 1.8 Total Acres = **0.66 Functional Value** (UMAM units)



## **Secondary Impacts**

### **E: Off-Site Melaleuca wetlands – 2.1 acres**

<b>Score</b>	<b>Category</b>
3/1	Location/Landscape Support
3/2	Water Environment
2/2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)

0.27 RFV X 2.1 Total Acres = **0.210 Functional Value** (UMAM units)

### **Total Functional Loss=10.68**

Mitigation Summary – 2.5 ac. on-site restoration, 1.10 credit purchase from EMB, 8.75 credit purchase from HID

### **C: On-Site Enhancement – 2.5 acres**

<b>Score</b>	<b>Category</b>
2/7	Location/Landscape Support
2/8	Water Environment
2/8	Community Structure

0.20-0.77=0.57

0.57 Relative Functional Value (RFV)

0.57 RFV / (1.14 TL X 1.50 Risk) x2.5 acres = **0.833 Functional Value** (UMAM units)

### **D: Everglades Mitigation Bank credit purchase of 1.1 credits**

See attached WATER score sheets

WATER score=0.37

Site suitability score of 0.2

Site suitability multiplier of 1.02

Conversion of 1.1 functional UMAM units to acres=2.97 acres

1.02x0.37x2.97=1.1 credits to be purchased which will replace **1.1 functional units**

### **E: Hole in the Donut credit purchase**

The total functional loss is 10.8

Onsite enhancement =0.833

EMB=1.1

0.833+1.1=1.93 functional units

10.68-1.93=**8.75** credits to be purchased from HID

Additional 12.5% of mitigation proposed through HID credit purchase as 10 credits have been purchased.

Prepared by:  
Aleida Ors Waldman, Esq.  
Aleida Ors Waldman, P.A.  
19612 SW 69<sup>th</sup> Place  
Fort Lauderdale, FL 33332

Return original or certified  
recorded document to:  
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and Growth Management Department  
Environmental Permitting Division  
1 North University Drive, Mailbox 201  
Plantation, Florida 33324

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**JOINT DEED OF AMENDED CONSERVATION EASEMENT – STANDARD  
(within Broward County)**

**THIS JOINT DEED OF AMENDED CONSERVATION EASEMENT** ("Amended Conservation Easement") is given this 17th day of May, 2023 by Bergeron US 27 LLC, a Florida Limited Liability Company and Bergeron SW Ranches US 27, LLC, a Delaware Limited Liability Company (collectively referred to as "Grantor"), whose mailing address is 19612 SW 69th Place, Ft. Lauderdale, FL 33332 to the South Florida Water Management District ("District"), 3301 Gun Club Road, MSC 9210, West Palm Beach, Florida 33406, Broward County ("County"), a political subdivision of the state of Florida, 115 South Andrews Avenue, Room 409, Fort Lauderdale, Florida 33301, and the Florida Department of Environmental Protection, Southeast District, ("DEP") 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 (collectively referred to as "Grantees"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of Grantor, and all subsequent owners of the "Amended Conservation Easement Area" (as hereinafter defined) and the term "Grantees" shall include any successor or assignee of Grantees.

**WITNESSETH**

**WHEREAS**, Grantor is the fee simple owner of certain lands situated in Broward County, Florida, and more specifically described on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property");

**WHEREAS**, South Florida Water Management District Permit No. 06—05580-P ("Permit") and Broward County License No. DF05-1107 ("License") (collectively "Permit and License") and any modifications thereto issued by the Grantees authorize certain activities which could affect wetlands, surface waters, or other aquatic resources in or of the State of Florida;

**WHEREAS**, the District and County previously accepted a Joint Deed of Conservation Easement from Grantor which was recorded in Official Record Book 50923, Page(s) 1868-1901, of the Official Records of Broward County, Florida (“Original Conservation Easement”);

**WHEREAS**, the District transferred compliance and enforcement authority over the Permit referenced in the Original Conservation Easement to the Florida Department of Environmental Protection on November 19, 2021;

**WHEREAS**, the District, the County, and the Grantor seek to amend the Original Conservation Easement to add the Florida Department of Environmental Protection as an additional Grantee;

**WHEREAS**, the Amended Conservation Easement falls within the Florida Department of Environmental Protection’s permit numbers ERP\_404099 and ST404\_404099;

**WHEREAS**, the Grantor also seeks to amend the Original Conservation Easement to add 1.172 acres to those lands encumbered by the Original Conservation Easement for an Amended Conservation Easement Area of 3.673 acres;

**WHEREAS**, Grantor, in consideration of the consent granted by the Permit and License or other good and valuable consideration provided to Grantor, is agreeable to amending, granting, and securing to the Grantees a perpetual conservation easement, as defined in Section 704.06, Florida Statutes (F.S.), over a larger area of the Property, described on Exhibit “B” (“Amended Conservation Easement Area”);

**WHEREAS**, Grantor grants this Amended Conservation Easement as a condition of the Permit and License solely to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions;

**WHEREAS**, Grantor desires to preserve the Amended Conservation Easement Area in perpetuity in its natural condition, or, in accordance with the Permit and License, in a preserved, enhanced, restored, or created condition;

**WHEREAS**, Grantor and Grantees desire to vacate and repeal the Original Conservation Easement and enter into this Amended Conservation Easement.

**NOW, THEREFORE**, in consideration of the issuance of the Permit and License to construct and operate the permitted and licensed activity, and as an inducement to Grantees in issuing or modifying the Permit and License, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Amended Conservation Easement for and in favor of Grantees upon the

Amended Conservation Easement Area described on Exhibit "B" which shall run with the land and be binding upon Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Amended Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Amended Conservation Easement.
2. Purpose. It is the purpose of this Amended Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S. Those wetland and upland areas included in this Amended Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the Permit and License (or any modifications thereto) and any Management Plan attached hereto as Exhibit "C" ("Permit and License" or "Management Plan") which has been approved in writing by Grantees, shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the Permit and License (or any modifications thereto).

To carry out this purpose, the following rights are conveyed to Grantees by this Amended Conservation Easement:

- a. To enter upon the Amended Conservation Easement Area at reasonable times with any necessary equipment or vehicles to inspect, to determine compliance with the covenants and prohibitions contained in this Amended Conservation Easement, and to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Amended Conservation Easement Area by Grantor at the time of such entry; and
  - b. To proceed at law or in equity to enforce the provisions of this Amended Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of such areas or features of the Amended Conservation Easement Area that may be damaged by any activity or use that is inconsistent with this Amended Conservation Easement.
3. Prohibited Uses. Except for activities that are permitted and licensed or required by the Permit and License (or any modification thereto) (which may include preservation, enhancement, restoration, creation, maintenance, and monitoring activities, or surface water management improvements) or other activities described herein or in the Management Plan (if any), any activity on or use of the Amended Conservation Easement Area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the

foregoing, the following activities are expressly prohibited in or on the Amended Conservation Easement Area:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:
  - i. The removal of dead trees and shrubs or leaning trees that could cause damage to property is authorized;
  - ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;
  - iii. Activities authorized by the Permit and License, the approved Management Plan, or otherwise approved in writing by Grantees are authorized; and
  - iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by Grantees are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify Grantees in writing of its intent to commence such activities. All such activities may only be completed during the time period for which Grantees approved the plan;
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- e. Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, clearing, and fencing;
- g. Acts or uses detrimental to such aforementioned retention of land or water areas; and
- h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. The DEP is hereby an additional Grantee such that the Grantor is granting all of the rights of this Amended Conservation Easement to DEP as a Grantee, in addition to the District and County.
5. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Amended Conservation Easement Area, including the right to engage or to permit or invite others to engage in all uses of the Amended Conservation Easement Area that are not prohibited herein and which are not inconsistent with the Permit and License (or any modifications thereto), Management Plan (if any), or the intent and purposes of this Amended Conservation Easement.
5. No Dedication. No right of access by the general public to any portion of the Amended Conservation Easement Area is conveyed by this Amended Conservation Easement.
6. Grantees' Liability. Grantees' liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantees shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Amended Conservation Easement Area.
7. Enforcement. Enforcement of the terms, provisions and restrictions of this Amended Conservation Easement shall be at the reasonable discretion of Grantees, and any forbearance on behalf of Grantees to exercise their rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantees' rights hereunder. Grantees shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Amended Conservation Easement.
8. Taxes. When perpetual maintenance is required by the Permit or License, or, if any, the approved Management Plan, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Amended Conservation Easement Area, and shall furnish Grantees with satisfactory evidence of payment upon request.
9. Assignment. Grantees will hold this Amended Conservation Easement exclusively for conservation purposes. Grantees will not assign their rights and obligations under this Amended Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.
10. Severability. If any provision of this Amended Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Amended Conservation Easement shall not be affected thereby, as long as the purpose of the Amended Conservation Easement is preserved.

11. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Amended Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in this Amended Conservation Easement.
12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.
13. Modifications. This Amended Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be recorded in the Official Records of Broward County, Florida.
14. Recordation. Grantor shall record this Amended Conservation Easement in timely fashion in the Official Records of Broward County, Florida, and shall rerecord it at any time Grantees may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Amended Conservation Easement in the public records. Grantor will hold Grantees harmless from any recording costs or taxes necessary to record this Amended Conservation Easement in the public records.

**TO HAVE AND TO HOLD** unto Grantees forever. The covenants, terms, conditions, restrictions, and purposes imposed with this Amended Conservation Easement shall be binding upon Grantor and shall continue as a servitude running in perpetuity with the Amended Conservation Easement Area.

Grantor hereby covenants with Grantees that Grantor is lawfully seized of said Amended Conservation Easement Area in fee simple; that the Amended Conservation Easement Area is free and clear of all encumbrances that are inconsistent with the terms of this Amended Conservation Easement; all mortgages and liens on the Amended Conservation Easement Area, if any, have been subordinated to this Amended Conservation Easement; that Grantor has good right and lawful authority to convey this Amended Conservation Easement; and that it hereby fully warrants and defends record title to the Amended Conservation Easement Area hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Bergeron US 27, LLC ("Grantor") has hereunto set its authorized hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

A Florida corporation or  Florida limited liability company (choose one)

By: \_\_\_\_\_  
(Signature)

Name: Ronald M. Bergeron, Sr.  
(Print)

Title: Managing Member

Signed, sealed and delivered in our presence as witnesses:

By: \_\_\_\_\_  
(Signature)

Name: Frank Sava  
(Print)

By: \_\_\_\_\_  
(Signature)

Name: Lonnie N. Bergeron  
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

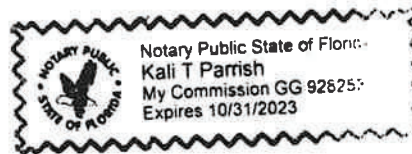
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12 day of May, 2023, by Ronald M. Bergeron, Sr., as the Managing Member (title), of Bergeron US 27, LLC, a Florida limited liability company. He/She is  personally known to me or  has produced a \_\_\_\_\_ (state) driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Kali T. Parrish  
(Signature)

Kali T. Parrish  
(Name)

My Commission Expires: 10/31/2023





IN WITNESS WHEREOF, Bergeron SW Ranches US 27, LLC ("Grantor") has hereunto set its authorized hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

A Florida corporation or  Delaware limited liability company (choose one)

By: \_\_\_\_\_  
(Signature)

Name: Ronald M. Bergeron, Sr.  
(Print)

Title: Managing Member

Signed, sealed and delivered in our presence as witnesses:

By: \_\_\_\_\_  
(Signature)

Name: Frank Sala  
(Print)

By: \_\_\_\_\_  
(Signature)

Name: Lonnie N. Bergeron  
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

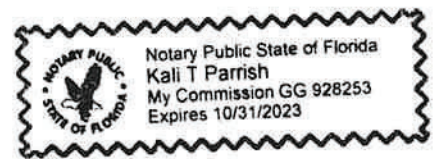
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12 day of May, 2023, by Ronald M. Bergeron, Sr., as the Managing Member (title), of Bergeron SW Ranches US 27, LLC, a Florida limited liability company. He/She is  personally known to me or  has produced a \_\_\_\_\_ (state) driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Kali T. Parrish  
(Signature)

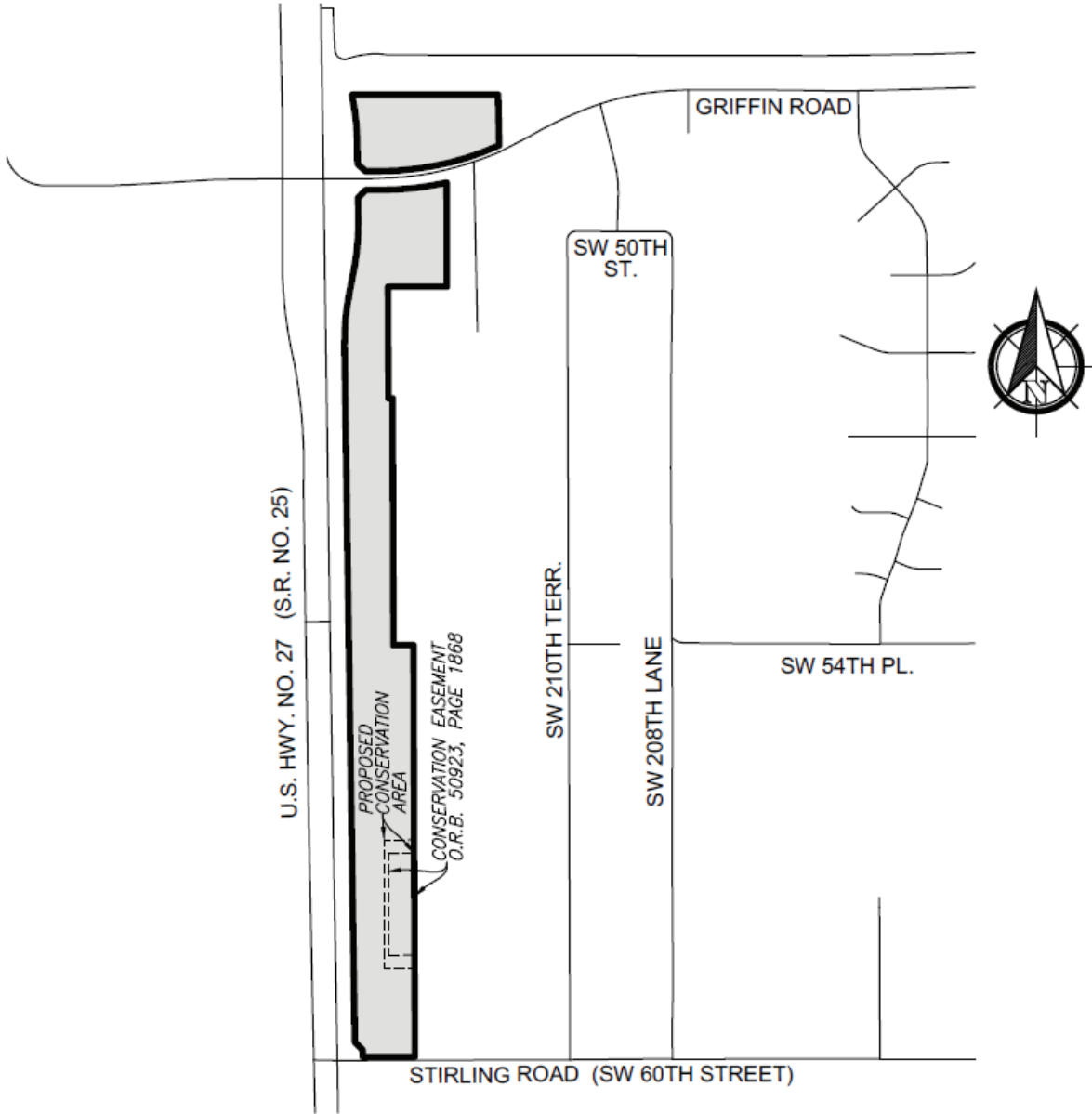
Kali T. Parrish  
(Name)

My Commission Expires: 10/31/2023



**EXHIBIT A**

[LOCATION MAP]



LOCATION MAP

NOT TO SCALE

**EXHIBIT B**

[LEGAL DESCRIPTION AND SKETCH OF  
AMENDED CONSERVATION EASEMENT AREA]



**EXHIBIT "B"**  
**SKETCH AND DESCRIPTION**  
**PROPOSED CONSERVATION EASEMENT**

**DESCRIPTION:**

A PORTION OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, LYING EAST OF THE FLORIDA STATE ROAD 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER THE PLAT "SHARON GARDENS MEMORIAL PARK", AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE BROWARD COUNTY RECORDS; THENCE NORTH 00°11'46" WEST, ALONG THE WESTERLY LINE OF SAID PLAT, A DISTANCE OF 407.80 FEET; THENCE SOUTH 89°56'50" WEST A DISTANCE OF 191.17 FEET TO THE POINT ON CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°07'27", AND THE RADIUS OF 3.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°10'37" EAST, A DISTANCE OF 816.74 FEET TO THE POINT ON CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 89°30'12", AND THE RADIUS OF 3.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.69 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°40'49" EAST, A DISTANCE OF 191.49 FEET; THENCE NORTH 00°11'46" WEST, A DISTANCE OF 416.19 FEET TO THE POINT OF BEGINNING.

SAID LAND IS SITUATED IN BROWARD COUNTY HAVING AN AREA OF 159,986 SQUARE FEET, 3.673 ACRES.

**NOTES:**

1. THE PURPOSE FOR THIS SKETCH AND DESCRIPTION IS TO PROVIDE A PROPOSED CONSERVATION EASEMENT.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR A CERTIFIED DIGITAL SIGNATURE OF A REGISTERED FLORIDA SURVEYOR AND MAPPER.
3. THIS DRAWING IS THE PROPERTY OF CARNAHAN-PROCTOR-CROSS, INC., CERTIFICATE OF AUTHORIZATION LB2936 AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
4. THIS OFFICE HAS MADE NO SEARCH OF PUBLIC RECORDS.
5. BEARINGS SHOWN ARE ASSUMED, HAVING AN INITIAL BEARING OF NORTH 00°11'46" WEST, AND ALL OTHER BEARINGS ARE REFERENCED TO.
6. THERE HAVE BEEN NO UNDERGROUND IMPROVEMENTS LOCATED IN CONNECTION WITH THIS SKETCH AND DESCRIPTION.
7. ALL MEASUREMENTS ARE RELATIVE TO STATE PLANE COORDINATE SYSTEM FLORIDA EAST ZONE 0901, 1983-90 ADJUSTMENT, AND ARE IN THE US SURVEY FOOT.
8. NOT TO BE CONSTRUED AS A BOUNDARY, RIGHT-OF-WAY OR EASEMENT SURVEY. THE TITLE SEARCH HAS TO BE PERFORMED IN ORDER TO DETERMINE IF THERE IS ANY ADDITIONAL DEDICATION OF THE RIGHT-OF-WAY.
9. LAND DESCRIPTION SHOWN HEREON IS PREPARED BY THE SURVEYOR, BASED ON ENGINEERING DRAWING.

**THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED  
 BY LANDON M. CROSS, USING A DIGITAL SIGNATURE.  
 THIS SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.  
 PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED.**

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH AS SHOWN HEREON CONFORMS TO THE APPLICABLE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LANDON M. CROSS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA LICENSE NO. LS3348

Landon  
 M Cross

Digitally signed by Landon M Cross  
 DN: cn=LS, o=CARNAHAN-PROCTOR  
 AND CROSS INC.,  
 dnQualifier=A01410000000101736  
 A051E00005557, cn=Landon M  
 Cross  
 Date: 2023.01.18 11:59:17 -0500'



**EXHIBIT "B"**  
**SKETCH AND DESCRIPTION**  
**PROPOSED CONSERVATION EASEMENT**

**S89°56'50"W 191.17'**

$\Delta=90^{\circ}07'27''$   
**R=3.00'**  
**A=4.72'**  
 C.B.=S44°53'07"W

WEST LINE OF PLAT  
 "SHARON GARDENS MEMORIAL PARK"

**N00°11'46"W 407.80'**

**P.O.B.**

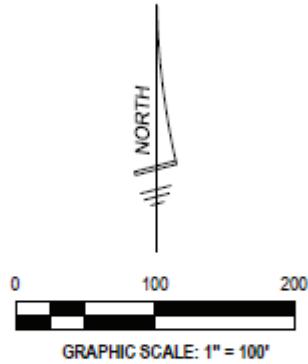
SW CORNER OF PLAT  
 "SHARON GARDENS MEMORIAL PARK"  
 P.B. 84, PG. 40, B.C.R.

**S00°10'37"E 816.74'**

**N00°11'46"W 416.1918'**

$\Delta=89^{\circ}30'12''$   
**R=3.00'**  
**A=4.69'**  
 C.B.=S44°55'43"E

**S89°40'49"E 191.49'**



- ABBREVIATIONS:**
- A = ARC LENGTH
  - B.C.R. = BROWARD COUNTY RECORDS
  - $\Delta$  = CENTRAL ANGLE
  - C.B. = CHORD BEARING
  - P.B. = PLAT BOOK
  - P.O.B. = POINT OF BEGINNING
  - PG. = PAGE
  - R = RADIUS

PROJECT NO.	210300	SCALE:	1" = 100'
PROPOSED CONSERVATION EASEMENT		DATE:	8/9/2022
DWG. BY:	NI	SKETCH AND DESCRIPTION	
CHD BY:	LMC	SHEET 2 OF 2 SHEETS	



**EXHIBIT C**

BROWARD COUNTY LICENSE DF05-1107

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# CONSTRUCTION COMMENCEMENT NOTICE

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**Instructions:** In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. \_\_\_\_\_ Application No. \_\_\_\_\_  
Project Name \_\_\_\_\_ Phase \_\_\_\_\_

Construction of the system authorized by the above referenced Environmental Resource Permit and Application, is expected to commence on \_\_\_\_\_, 20\_\_\_\_ and will have an estimated completion date of \_\_\_\_\_, 20\_\_\_\_

**PLEASE NOTE:** If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

\_\_\_\_\_  
Permittee's or Authorized Agent's Signature Company

\_\_\_\_\_  
Print Name Title Date

\_\_\_\_\_  
E-mail Phone Number



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## As-Built Certification And Request for Conversion to Operation Phase

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Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: \_\_\_\_\_ Application No: \_\_\_\_\_ Permittee: \_\_\_\_\_  
Project Name: \_\_\_\_\_ Phase or Independent Portion (if applicable): \_\_\_\_\_

I HEREBY CERTIFY THAT (please check only one box):

- To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

**For activities that require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name) (Fla. Lic. or Reg. No.)  
Signature  
(Company Name) (Company Address)  
(Telephone Number) (Email Address)

AFFIX SEAL

(Date)

**For activities that do not require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name)  
Signature  
(Company Name) (Company Address)





(Telephone Number)

(Email Address)

(Date)



## Drawings and Information Checklist

**Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:**

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
  - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
  - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours, or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
  - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions, and elevations of all, including clean-outs, pipes, connections to control structures, and points of discharge to receiving waters;
  - d. System grading - dimensions, elevations, contours, final grades, or cross-sections to determine contributing drainage areas, flow directions, and conveyance of runoff to the system discharge point(s);
  - e. Conveyance - dimensions, elevations, contours, final grades, or cross-sections of systems utilized to divert off-site runoff around or through the new system;
  - f. Benchmark(s) - location and description (minimum of one per major water control structure);
  - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted, and identification of source of material; also provide the dimensions, elevations, contours, and representative cross-sections depicting the construction.
5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.
6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

# Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity

Instructions: Complete this form to transfer to the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of, the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume I (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.: \_\_\_\_\_ Application No(s): \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Phase (if applicable): \_\_\_\_\_

A. **Request to Transfer:** The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

By: \_\_\_\_\_  
 Signature of Permittee \_\_\_\_\_ Name and Title \_\_\_\_\_  
 \_\_\_\_\_  
 Company Name \_\_\_\_\_ Company Address \_\_\_\_\_  
 \_\_\_\_\_  
 Phone/email address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

B. **Agreement for System Operation and Maintenance Responsibility:** The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II.

The operation and maintenance entity does not need to sign this form if it is the same entity that was approved for operation and maintenance in the issued permit.

Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

By: \_\_\_\_\_  
 Signature of Representative of O&M Entity \_\_\_\_\_ Name of Entity for O&M \_\_\_\_\_  
 \_\_\_\_\_  
 Name and Title \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_  
 Email Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
 \_\_\_\_\_  
 Phone \_\_\_\_\_ Date \_\_\_\_\_

**Enclosed are the following documents, as applicable:**

- Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
- Copy of all recorded plats
- Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- Copy of filed articles of incorporation (if filed before 1995)



- A Completed documentation that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I. (Note: this is optional, but aids in processing of this request)



# Request to Transfer Environmental Resource and/or State 404 Program Permit

Instructions: To be completed, executed, and submitted by the new owner to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Use of this form is not required when a valid ERP permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be by letter or email, or through use of this form, and must be sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2013). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No(s):    Application No(s):    Acres to be Transferred:

Permitted Project:    Proposed Project Name (if different):

Phase of Project (if applicable):

I hereby notify the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3(d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit(s) be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permittee:

Mailing Address:

City:    State:    Zip:

Telephone:    E-mail:

\_\_\_\_\_  
Signature of Proposed Permittee

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Name and Title

Enclosures:

- Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- Copy of current plat(s) (if any), as recorded in the Public Records
- Copy of current recorded restrictive covenants and articles of incorporation (if any)
- Other



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# OPERATION AND MAINTENANCE INSPECTION CERTIFICATION

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Instructions: Submit this form to the Agency within 30 days of completion of the inspection after any failure of a stormwater management system or deviation from the permit. This form may also be used to document inspections required under Section 12.4 of Applicant's Handbook Volume I, however submittal to the Agency is not required unless requested by the Agency.

Permit No.: \_\_\_\_\_ Application No.: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Identification or Name of Stormwater Management System: \_\_\_\_\_

Phase of Stormwater Management System (if applicable): \_\_\_\_\_

Inspection Date: \_\_\_\_\_

Inspection results: (check all that apply)

The undersigned hereby certifies that the works or activities are functioning in substantial conformance with the permit. This certification is based upon on-site observation of the system conducted by me or my designee under my direct supervision and my review of as-built plans.

The following maintenance was conducted since the last inspection (attach additional pages if needed):

\_\_\_\_\_

The undersigned hereby certifies that I or my designee under my direct supervision has inspected this surface water management system and the system does not appear to be functioning in substantial conformance with the permit. I am aware that maintenance or alteration is required to bring the system into substantial compliance with the terms and conditions of the permit. As appropriate, I have informed the owner of the following:

- (a) The system does not appear to be functioning properly;
- (b) That maintenance or repair is required to bring the system into compliance; and
- (c) If maintenance or repair measures are not adequate to bring the system into compliance, the system may have to be replaced or an alternative design constructed subsequent to approval by the agency below.

The following components of the system do not appear to be functioning properly (attach additional pages if needed):

\_\_\_\_\_

**Any components of the constructed system that are not in substantial conformance with the permitted system shall require a written request to modify the permit in accordance with the provisions of Rule 62-330.315, F.A.C. If such modification request is not approved by the agency below, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S.**



Name of Inspector: \_\_\_\_\_

Florida Registration Number: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature of Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

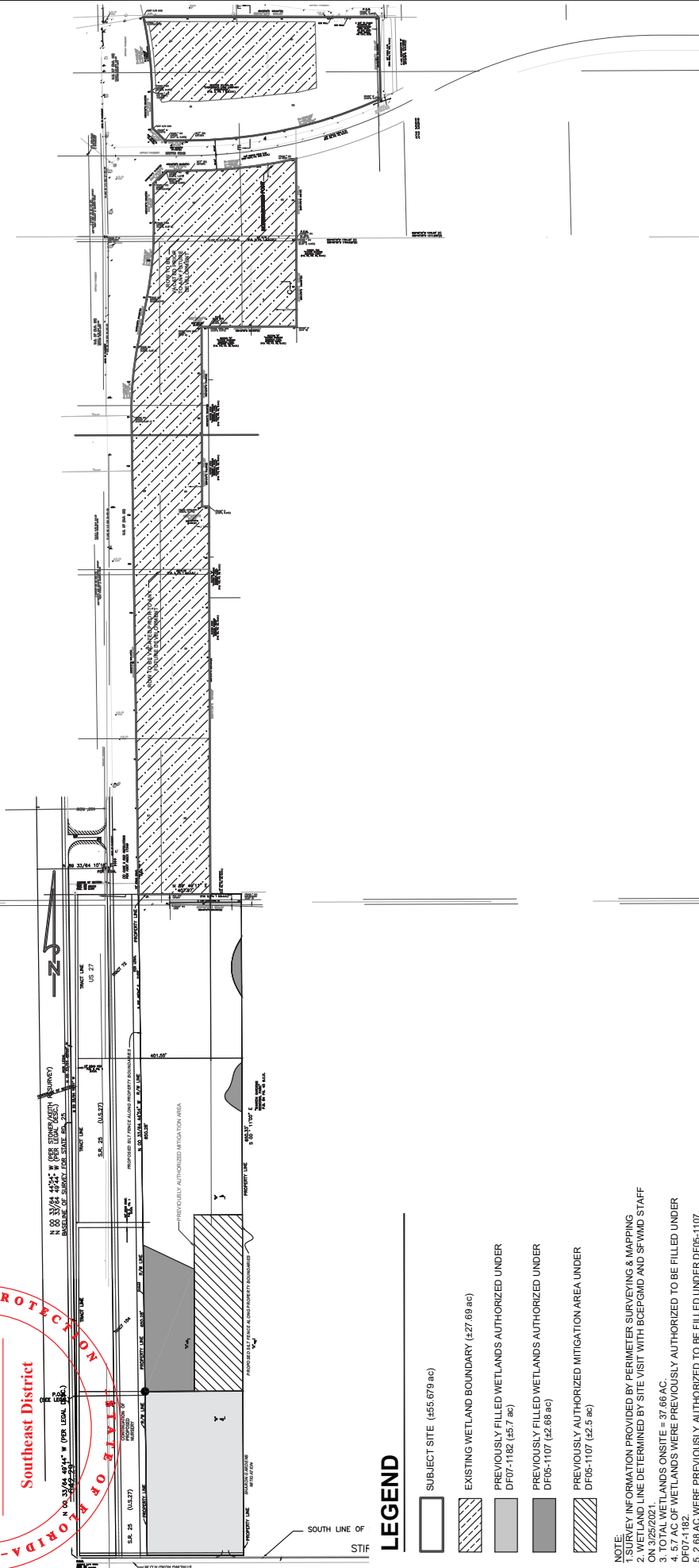
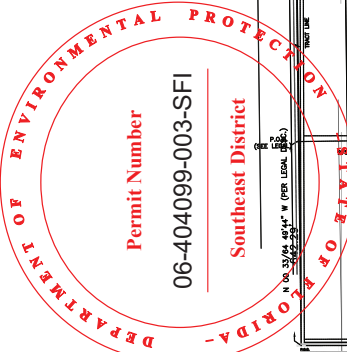
### **Report Reviewed by Permittee:**

Name of Permittee: \_\_\_\_\_






Signature of Permittee: \_\_\_\_\_

Date: \_\_\_\_\_

Title (if any): \_\_\_\_\_



**LEGEND**

-  SUBJECT SITE (455.679 ac)
-  EXISTING WETLAND BOUNDARY (±27.69 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF07-1182 (45.7 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (42.88 ac)
-  PREVIOUSLY AUTHORIZED MITIGATION AREA UNDER DF05-1107 (±2.5 ac)

**NOTE:**  
 1. ALL SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING  
 2. WETLAND LINE DETERMINED BY SITE VISIT WITH DCE/GRAND AND SR/MDM STAFF ON 3/25/2021  
 3. TOTAL WETLANDS ON SITE = 37.66 AC.  
 4. 5.7 AC OF WETLANDS WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF07-1182.  
 5. 2.68 AC WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF05-1107.

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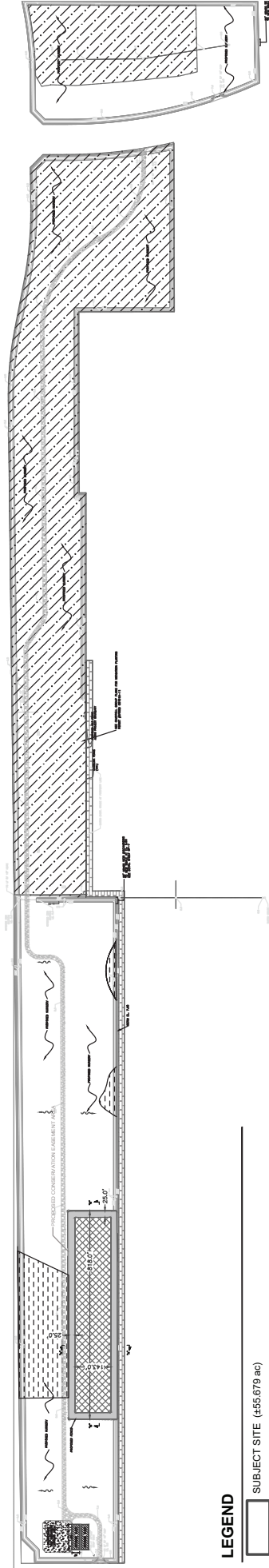
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**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC








EXISTING CONDITIONS	
Date: 4/24/2023	Sheet: 1 of: 6
Proj No: 18-0042-001	



**NORTH**  
  
**SCALE**  
**1"=400'**



**LEGEND**

-  SUBJECT SITE (±55,679 ac)
-  PROPOSED DIRECT WETLAND IMPACT (±27.69 ac)
-  PROPOSED SECONDARY WETLAND IMPACT (±2.1ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (±2.68 ac)
-  PROPOSED TRANSITIONAL BUFFER (±1.1ac)
-  PROPOSED MITIGATION AREA (±2.5 ac)
-  PROPOSED GRAVEL ROAD (±1,028 SQ. FT.)

NOTE: 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING.  
 2. PROPOSED WETLAND ENHANCEMENT, WETLAND CREATION, AND WETLAND BUFFER (±3.6 AC) WILL BE PLACED UNDER CONSERVATION EASEMENT.  
 3. PROPOSED 31.96 ACRES OF DIRECT WETLAND IMPACTS TOTAL (INCLUDING 27.45 ACRES OF DIRECT WETLAND IMPACTS, 2.68 ACRES OF PREVIOUSLY AUTHORIZED IMPACTS UNDER DF-11-07, AND 0.48 ACRES OF DIRECT IMPACT FOR PROPOSED WETLAND BUFFER); AND 2.1 ACRES OF SECONDARY IMPACTS.  
 4. APPROXIMATELY 131,678 CY OF FILL TO BE PLACED IN WETLANDS.

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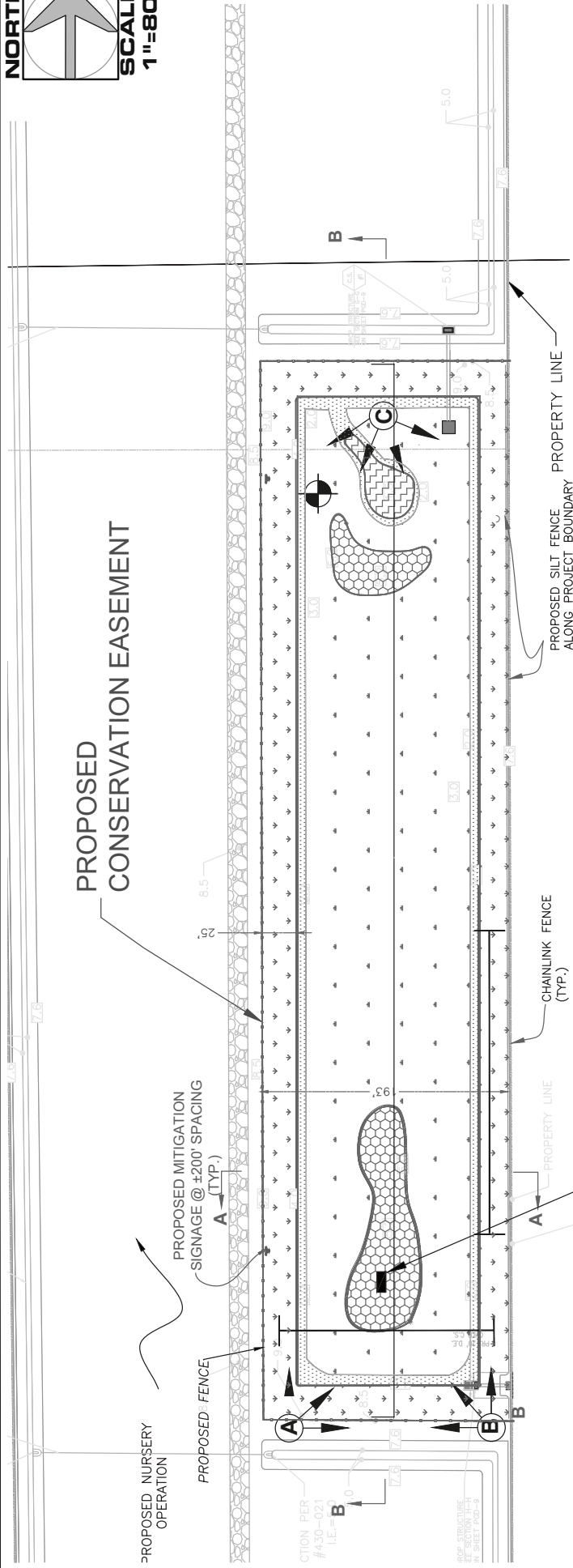
**BERGERON US 27 PROPERTY**

PREPARED FOR:  
 BERGERON US 27, LLC







DREDGE & FILL PLAN

Date: 4/24/2023  
 Sheet: 2 of 6  
 Proj No.: 18-0042.001

**PROPOSED CONSERVATION EASEMENT**



**LEGEND**

-  TRANSITIONAL BUFFER (1.1 ac) (NOT INCLUDED IN MITIGATION ACREAGE, BUT WILL BE INCLUDED IN CE)
-  TREE ISLAND (0.22ac)
-  MARSH (1.55ac)
-  SLOUGH = (0.70ac)
-  OPEN WATERPREY CONCENTRATION AREA (0.03ac)
-  TOTAL ONSITE MITIGATION ACREAGE = 2.58ac - SEE NOTES

NOTES:  
 1. FOR ADDITIONAL SITE PLAN INFORMATION, PLEASE SEE PAVING, CONSTRUCTION PLANS AND CALCULATIONS BY CARNAHAN - PROCTOR & CROSS, INC.  
 2. THE PROPOSED CONSERVATION EASEMENT WILL INCLUDE 3.8ac

APPROXIMATE LOCATION OF PROPOSED BAT BOX



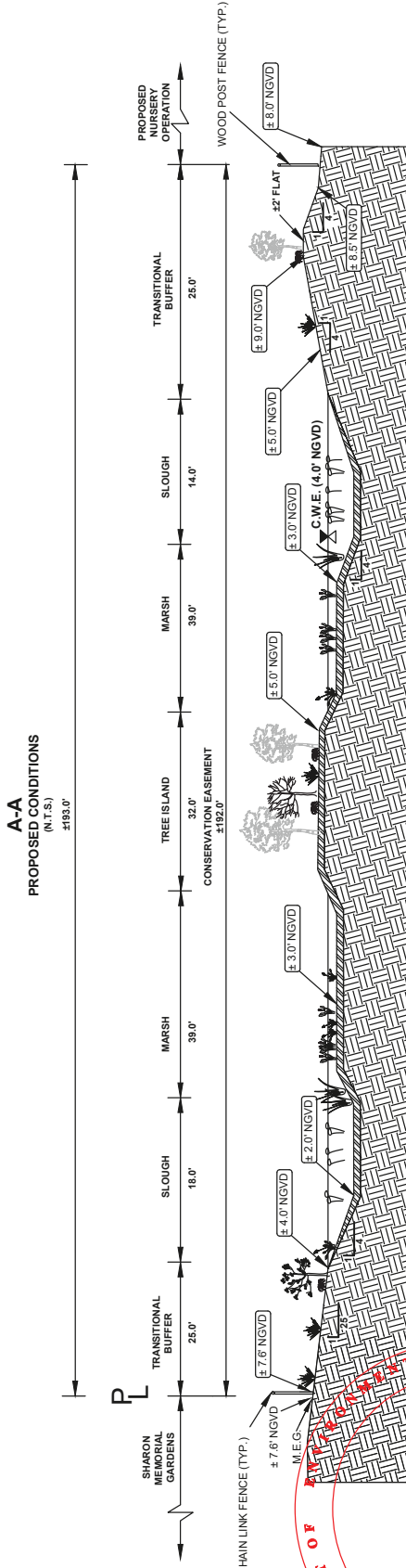
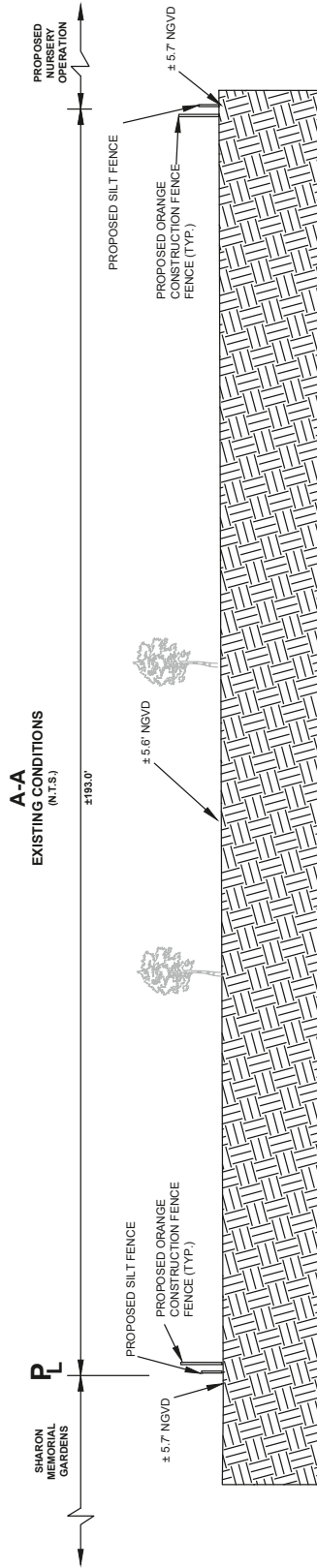
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 BERGERON US 27, LLC

MITIGATION PLAN  
 Date: 4/24/2023  
 Sheet: 3 of 6  
 Proj No.: 18-0042.001



- LEGEND**
- PROPOSED ELEVATION (NGVD)
  - EXISTING ELEVATION (NGVD)
  - C.W.E. 4.0' NGVD
  - MUCK BLANKET (MINIMUM 1')
  - EXISTING SUBSTRATE



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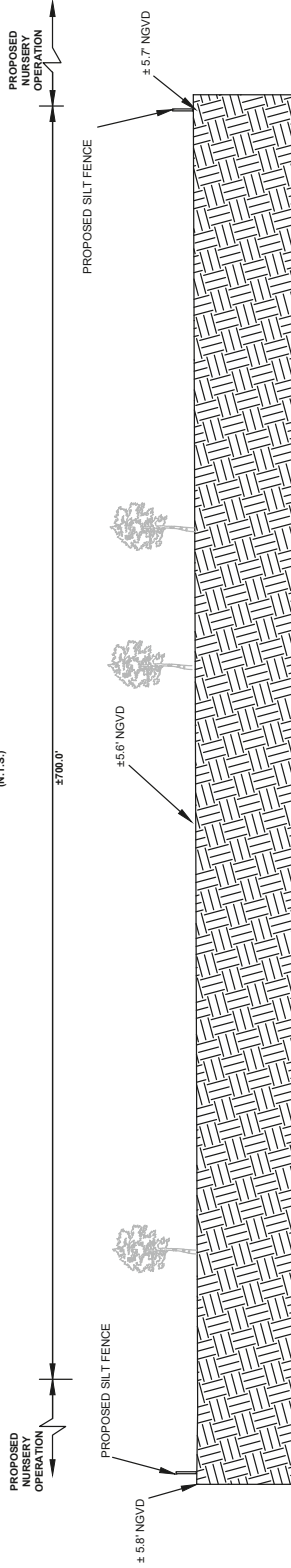
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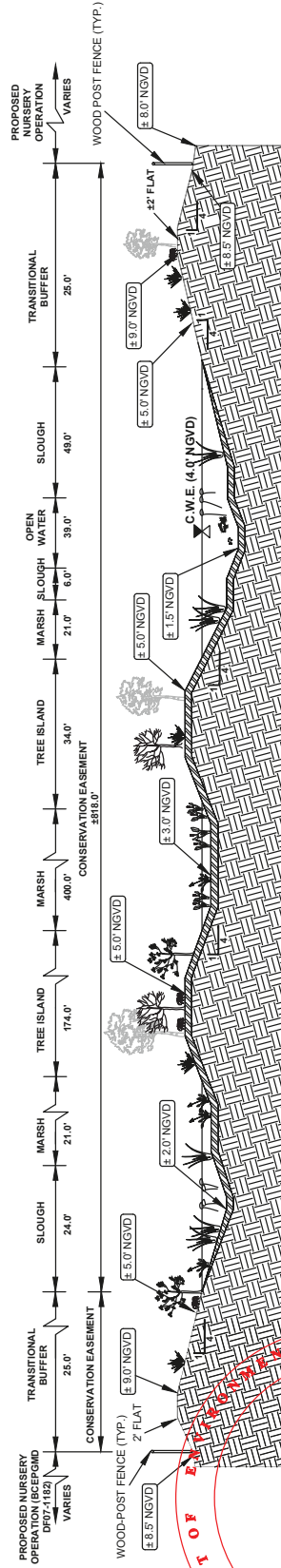
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 PREPARED FOR:  
 BERGERON US 27, LLC

SECTION A	
Date: 4/24/2023	Sheet: 4 of 6
Proj No: 18-0042-001	

**B-B**  
EXISTING CONDITIONS  
(N.T.S.)



**B-B**  
PROPOSED CONDITIONS  
(N.T.S.)



**LEGEND**

- ± 5.7' NGVD PROPOSED ELEVATION (NGVD)
- ± 5.8' NGVD EXISTING ELEVATION (NGVD)
- C.W.E. 4.0' NGVD C.W.E. 4.0' NGVD
- MUCK BLANKET (MINIMUM 1')
- EXISTING SUBSTRATE



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**BERGERON US 27 PROPERTY**  
PREPARED FOR:  
BERGERON US 27, LLC

# PLANTING TABLE

Legend	Scientific Name	Common Name	Spacing	Quantity	Size	Planting Elevation (NGVD)
TREE ISLANDS: (0.22 a.c.)						
TREES:						
	Persia Borbonia	Red Bay	10' o.c.	20	7 Gallon	4.5 - 5.0' NGVD
	Taxodium distichum	Bald Cypress	10' o.c.	55	7 Gallon	4.0 - 4.5' NGVD
	Ilex cassine	Dahoon Holly	10' o.c.	21	7 Gallon	4.0 - 5.0' NGVD
			Subtotal	96		
TREE ISLANDS: (0.22 A.C.)						
SHRUBS & GROUNDCOVER:						
	Chrysobalanus icaco	Green Cocoplum	4' o.c.	120	1 Gallon	4.5 - 5.0' NGVD
	Hamelia patens	Firebush	4' o.c.	150	1 Gallon	4.5 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Stachytarpheta jamaicensis	Dwarf Florida porterweed	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Achrostichum dansefolium	Leatherfern	4' o.c.	150	1 Gallon	4.0 - 5.0' NGVD
			Subtotal	600		
MARSH: (1.55 a.c.)						
	Ponedaria cordata	Pickereelweed	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria lancifolia	Duck Potato	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria latifolia	Arrowhead	3' o.c.	750	Bareroot 24"	3.0 - 4.0' NGVD
	Scirpus californicus	Giant Bulrush	3' o.c.	1,000	Bareroot 24"	2.5 - 3.5' NGVD
	Canna flaccida	Yellow Cannas	3' o.c.	1,000	Bareroot 24"	3.5 - 4.0' NGVD
	Scirpus americanus	Three-square bulrush	3' o.c.	800	Bareroot 24"	3.5 - 4.0' NGVD
			Subtotal	7,500		
SLOUGH: (0.70 ac)						
	Nymphaea odorata	White Water Lily	4' o.c.	1,200	Bareroot	1.5 - 2.5' NGVD
	Scirpus californicus	Giant bulrush	4' o.c.	700	Bareroot	1.5 - 2.5' NGVD
			Subtotal	1,900		
TRANSITIONAL AREA: (1.1 a.c.)						
TREES:						
	Pinus strobus	Pond apple	10' o.c.	120	7 Gallon	4.0 - 5.5' NGVD
	Pinus elliottii	Slash pine	10' o.c.	180	7 Gallon	4.5 - 9.0' NGVD
	Sabal palmetto	Cabbage palm	10' o.c.	180	10 Gallon (10')	4.5 - 9.0' NGVD
			Subtotal	480		
TRANSITIONAL AREA: (1.1 a.c.)						
SHRUBS & GROUNDCOVER:						
	Iris virginica	Blue-flag iris	4' o.c.	480	1 Gallon	4.0 - 5.0' NGVD
	Eugenia sp.	Stopper	4' o.c.	675	1 Gallon	4.0 - 5.5' NGVD
	Canna flaccida	Golden canna	4' o.c.	470	1 Gallon	4.0 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	680	3 Gallon	6.5 - 9.0' NGVD
	Hibiscus coccineus	Scarlet hibiscus	4' o.c.	680	1 Gallon	5.5 - 9.0' NGVD
			Subtotal	2,985		
			Total	13,571		



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**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
**BERGERON US 27, LLC**

**East Coast Buffer  
Mitigation Plan  
TCG Project No. 18-0042.001**

The proposed Bergeron US-27 LLC project consists of the construction of a nursery and related facilities on a ± 56.08 acre parcel located at the intersection of US-27 and Stirling Road in the Town of Southwest Ranches, in Broward County, Florida. The Bergeron nursery site consists mainly of improved pasture, with a ±10.1 acre low-quality melaleuca (*Melaleuca quinquenervia*) wetland at the extreme southern end of the property and ±27.56 acres of low-quality melaleuca (*Melaleuca quinquenervia*) wetland on the northern half of the property for a total of 37.66 acres of wetlands. The subject site is bordered on the west by US-27, on the north by Griffin Road and the C-11 Canal, on the east by Sharon Memorial Gardens and on the south by Stirling Road. A 5.7 acre portion of the existing wetland is the subject of a previous Notice of Violation (NOV) for unauthorized fill. In 2009, BCEPGMD and SFWMD authorized the ATF filling of the 5.7 acres, along with 2.68 acres of herbaceous wetlands for a total of 8.38 acres of direct impacts. The mitigation proposal consisted of a combination of on-site wetland enhancement, on-site wetland creation, off-site wetland restoration within the C-11 Bains and the purchase of 1.10 freshwater credits at the FPL-Everglades Mitigation Bank.

Due to the unauthorized fill of the 5.7 acres of wetlands, and the originally proposed impacts associated with BCEPD License No. DF05-1107, on-site mitigation is currently proposed on the subject site. Proposed onsite mitigation consists of the construction of a 2.5-acre mitigation area (as licensed within BCEPD License No. DF05-1107 & SFWMD No. 06-05580-P) along the central-eastern boundary of the subject site. In addition to the proposed onsite mitigation area, the remaining mitigation required for the wetland impacts includes the combination of a credit purchase from the Hole in the Donut (HID) Mitigation Bank and the previously purchased 1.10 credits from the Everglades Mitigation Bank. The onsite mitigation will include 2.5 acres of wetland enhancement that will be placed under conservation easement. As referenced within the submitted mitigation plans, the mitigation areas consists of elevated transitional areas to serve as required buffers and eliminate direct surface water run-off into the mitigation area, along with marsh, slough, and tree island habitats. In addition, an open water component is proposed to act as a prey-concentration area within the proposed marsh. Mitigation plantings will be conducted as depicted in the mitigation plans, and will include desirable native wetland and transitional species including, but not limited to; bald cypress (*Taxodium distichum*), pond apple (*Annona glabra*), pickerelweed (*Pontedaria cordata*), spikerush (*Eleocharis* sp.), golden canna (*Canna flaccida*) and blue-flag iris (*Iris virginica*).

Therefore, the total wetlands to be directly impacted on site are 33.44 acres and 2.1 acres of secondary impacts. Mitigation for these impacts is proposed in the 1.10 credits that have already been purchased and debited from the Everglades Mitigation Bank, the Enhancement of 2.5 acres of herbaceous wetlands onsite, and the purchase of 8.75 credits from the HID. A summary table is included below:

Existing Conditions – 56.08 total ac. (33.44 ac. Direct impacts, 2.1 ac. Secondary impacts)

**Direct Impacts**

**A: W-1, On-Site melaleuca wetlands – 34.49 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)  
 0.27 RFV X 34.49 Total Acres = **9.31 Functional Value** (UMAM units)

**B: W-2, On-Site herbaceous wetlands – 0.27 acres**

Score	Category
5	Location/Landscape Support
4	Water Environment
7	Community Structure

16 (actual) / 30 (total possible) = 0.53 Relative Functional Value (RFV)  
 0.53 RFV X 0.27 Total Acres = **0.14 Functional Value** (UMAM units)

**C: W-3, On-Site melaleuca wetlands – 0.97 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
5	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 0.97 Total Acres = **0.36 Functional Value** (UMAM units)

**D: W-4, On-Site melaleuca wetlands – 1.8 acres**

Score	Category
4	Location/Landscape Support
3	Water Environment
4	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 1.8 Total Acres = **0.66 Functional Value** (UMAM units)

## **Secondary Impacts**

### **E: Off-Site Melaleuca wetlands – 2.1 acres**

<b>Score</b>	<b>Category</b>
3/1	Location/Landscape Support
3/2	Water Environment
2/2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)

0.27 RFV X 2.1 Total Acres = **0.210 Functional Value** (UMAM units)

### **Total Functional Loss=10.68**

Mitigation Summary – 2.5 ac. on-site restoration, 1.10 credit purchase from EMB, 8.75 credit purchase from HID

### **C: On-Site Enhancement – 2.5 acres**

<b>Score</b>	<b>Category</b>
2/7	Location/Landscape Support
2/8	Water Environment
2/8	Community Structure

0.20-0.77=0.57

0.57 Relative Functional Value (RFV)

0.57 RFV / (1.14 TL X 1.50 Risk) x2.5 acres = **0.833 Functional Value** (UMAM units)

### **D: Everglades Mitigation Bank credit purchase of 1.1 credits**

See attached WATER score sheets

WATER score=0.37

Site suitability score of 0.2

Site suitability multiplier of 1.02

Conversion of 1.1 functional UMAM units to acres=2.97 acres

1.02x0.37x2.97=1.1 credits to be purchased which will replace **1.1 functional units**

### **E: Hole in the Donut credit purchase**

The total functional loss is 10.8

Onsite enhancement =0.833

EMB=1.1

0.833+1.1=1.93 functional units

10.68-1.93=**8.75** credits to be purchased from HID

Additional 12.5% of mitigation proposed through HID credit purchase as 10 credits have been purchased.



Prepared by:  
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Aleida Ors Waldman, P.A.  
19612 SW 69<sup>th</sup> Place  
Fort Lauderdale, FL 33332

Return original or certified  
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and Growth Management Department  
Environmental Permitting Division  
1 North University Drive, Mailbox 201  
Plantation, Florida 33324

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**JOINT DEED OF AMENDED CONSERVATION EASEMENT – STANDARD  
(within Broward County)**

**THIS JOINT DEED OF AMENDED CONSERVATION EASEMENT** ("Amended Conservation Easement") is given this 17th day of May, 2023 by Bergeron US 27 LLC, a Florida Limited Liability Company and Bergeron SW Ranches US 27, LLC, a Delaware Limited Liability Company (collectively referred to as "Grantor"), whose mailing address is 19612 SW 69th Place, Ft. Lauderdale, FL 33332 to the South Florida Water Management District ("District"), 3301 Gun Club Road, MSC 9210, West Palm Beach, Florida 33406, Broward County ("County"), a political subdivision of the state of Florida, 115 South Andrews Avenue, Room 409, Fort Lauderdale, Florida 33301, and the Florida Department of Environmental Protection, Southeast District, ("DEP") 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 (collectively referred to as "Grantees"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of Grantor, and all subsequent owners of the "Amended Conservation Easement Area" (as hereinafter defined) and the term "Grantees" shall include any successor or assignee of Grantees.

**WITNESSETH**

**WHEREAS**, Grantor is the fee simple owner of certain lands situated in Broward County, Florida, and more specifically described on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property");

**WHEREAS**, South Florida Water Management District Permit No. 06—05580-P ("Permit") and Broward County License No. DF05-1107 ("License") (collectively "Permit and License") and any modifications thereto issued by the Grantees authorize certain activities which could affect wetlands, surface waters, or other aquatic resources in or of the State of Florida;

**WHEREAS**, the District and County previously accepted a Joint Deed of Conservation Easement from Grantor which was recorded in Official Record Book 50923, Page(s) 1868-1901, of the Official Records of Broward County, Florida (“Original Conservation Easement”);

**WHEREAS**, the District transferred compliance and enforcement authority over the Permit referenced in the Original Conservation Easement to the Florida Department of Environmental Protection on November 19, 2021;

**WHEREAS**, the District, the County, and the Grantor seek to amend the Original Conservation Easement to add the Florida Department of Environmental Protection as an additional Grantee;

**WHEREAS**, the Amended Conservation Easement falls within the Florida Department of Environmental Protection’s permit numbers ERP\_404099 and ST404\_404099;

**WHEREAS**, the Grantor also seeks to amend the Original Conservation Easement to add 1.172 acres to those lands encumbered by the Original Conservation Easement for an Amended Conservation Easement Area of 3.673 acres;

**WHEREAS**, Grantor, in consideration of the consent granted by the Permit and License or other good and valuable consideration provided to Grantor, is agreeable to amending, granting, and securing to the Grantees a perpetual conservation easement, as defined in Section 704.06, Florida Statutes (F.S.), over a larger area of the Property, described on Exhibit “B” (“Amended Conservation Easement Area”);

**WHEREAS**, Grantor grants this Amended Conservation Easement as a condition of the Permit and License solely to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions;

**WHEREAS**, Grantor desires to preserve the Amended Conservation Easement Area in perpetuity in its natural condition, or, in accordance with the Permit and License, in a preserved, enhanced, restored, or created condition;

**WHEREAS**, Grantor and Grantees desire to vacate and repeal the Original Conservation Easement and enter into this Amended Conservation Easement.

**NOW, THEREFORE**, in consideration of the issuance of the Permit and License to construct and operate the permitted and licensed activity, and as an inducement to Grantees in issuing or modifying the Permit and License, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Amended Conservation Easement for and in favor of Grantees upon the

Amended Conservation Easement Area described on Exhibit "B" which shall run with the land and be binding upon Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Amended Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Amended Conservation Easement.
2. Purpose. It is the purpose of this Amended Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S. Those wetland and upland areas included in this Amended Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the Permit and License (or any modifications thereto) and any Management Plan attached hereto as Exhibit "C" ("Permit and License" or "Management Plan") which has been approved in writing by Grantees, shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the Permit and License (or any modifications thereto).

To carry out this purpose, the following rights are conveyed to Grantees by this Amended Conservation Easement:

- a. To enter upon the Amended Conservation Easement Area at reasonable times with any necessary equipment or vehicles to inspect, to determine compliance with the covenants and prohibitions contained in this Amended Conservation Easement, and to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Amended Conservation Easement Area by Grantor at the time of such entry; and
  - b. To proceed at law or in equity to enforce the provisions of this Amended Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of such areas or features of the Amended Conservation Easement Area that may be damaged by any activity or use that is inconsistent with this Amended Conservation Easement.
3. Prohibited Uses. Except for activities that are permitted and licensed or required by the Permit and License (or any modification thereto) (which may include preservation, enhancement, restoration, creation, maintenance, and monitoring activities, or surface water management improvements) or other activities described herein or in the Management Plan (if any), any activity on or use of the Amended Conservation Easement Area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the

foregoing, the following activities are expressly prohibited in or on the Amended Conservation Easement Area:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:
  - i. The removal of dead trees and shrubs or leaning trees that could cause damage to property is authorized;
  - ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;
  - iii. Activities authorized by the Permit and License, the approved Management Plan, or otherwise approved in writing by Grantees are authorized; and
  - iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by Grantees are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify Grantees in writing of its intent to commence such activities. All such activities may only be completed during the time period for which Grantees approved the plan;
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- e. Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, clearing, and fencing;
- g. Acts or uses detrimental to such aforementioned retention of land or water areas; and
- h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. The DEP is hereby an additional Grantee such that the Grantor is granting all of the rights of this Amended Conservation Easement to DEP as a Grantee, in addition to the District and County.
5. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Amended Conservation Easement Area, including the right to engage or to permit or invite others to engage in all uses of the Amended Conservation Easement Area that are not prohibited herein and which are not inconsistent with the Permit and License (or any modifications thereto), Management Plan (if any), or the intent and purposes of this Amended Conservation Easement.
5. No Dedication. No right of access by the general public to any portion of the Amended Conservation Easement Area is conveyed by this Amended Conservation Easement.
6. Grantees' Liability. Grantees' liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantees shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Amended Conservation Easement Area.
7. Enforcement. Enforcement of the terms, provisions and restrictions of this Amended Conservation Easement shall be at the reasonable discretion of Grantees, and any forbearance on behalf of Grantees to exercise their rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantees' rights hereunder. Grantees shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Amended Conservation Easement.
8. Taxes. When perpetual maintenance is required by the Permit or License, or, if any, the approved Management Plan, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Amended Conservation Easement Area, and shall furnish Grantees with satisfactory evidence of payment upon request.
9. Assignment. Grantees will hold this Amended Conservation Easement exclusively for conservation purposes. Grantees will not assign their rights and obligations under this Amended Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.
10. Severability. If any provision of this Amended Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Amended Conservation Easement shall not be affected thereby, as long as the purpose of the Amended Conservation Easement is preserved.

11. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Amended Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in this Amended Conservation Easement.
12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.
13. Modifications. This Amended Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be recorded in the Official Records of Broward County, Florida.
14. Recordation. Grantor shall record this Amended Conservation Easement in timely fashion in the Official Records of Broward County, Florida, and shall rerecord it at any time Grantees may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Amended Conservation Easement in the public records. Grantor will hold Grantees harmless from any recording costs or taxes necessary to record this Amended Conservation Easement in the public records.

**TO HAVE AND TO HOLD** unto Grantees forever. The covenants, terms, conditions, restrictions, and purposes imposed with this Amended Conservation Easement shall be binding upon Grantor and shall continue as a servitude running in perpetuity with the Amended Conservation Easement Area.

Grantor hereby covenants with Grantees that Grantor is lawfully seized of said Amended Conservation Easement Area in fee simple; that the Amended Conservation Easement Area is free and clear of all encumbrances that are inconsistent with the terms of this Amended Conservation Easement; all mortgages and liens on the Amended Conservation Easement Area, if any, have been subordinated to this Amended Conservation Easement; that Grantor has good right and lawful authority to convey this Amended Conservation Easement; and that it hereby fully warrants and defends record title to the Amended Conservation Easement Area hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Bergeron US 27, LLC ("Grantor") has hereunto set its authorized hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

A Florida corporation or  Florida limited liability company (choose one)

By: \_\_\_\_\_  
(Signature)

Name: Ronald M. Bergeron, Sr.  
(Print)

Title: Managing Member

Signed, sealed and delivered in our presence as witnesses:

By: \_\_\_\_\_  
(Signature)

Name: Frank Sava  
(Print)

By: \_\_\_\_\_  
(Signature)

Name: Lonnie N. Bergeron  
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

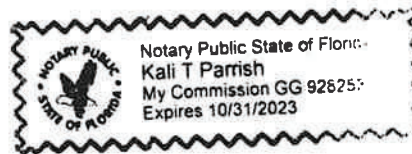
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12 day of May, 2023, by Ronald M. Bergeron, Sr., as the Managing Member (title), of Bergeron US 27, LLC, a Florida limited liability company. He/She is  personally known to me or  has produced a \_\_\_\_\_ (state) driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Kali T. Parrish  
(Signature)

Kali T. Parrish  
(Name)

My Commission Expires: 10/31/2023



IN WITNESS WHEREOF, Bergeron SW Ranches US 27, LLC ("Grantor") has hereunto set its authorized hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

A Florida corporation or  Delaware limited liability company (choose one)

By: \_\_\_\_\_  
(Signature)

Name: Ronald M. Bergeron, Sr.  
(Print)

Title: Managing Member

Signed, sealed and delivered in our presence as witnesses:

By: \_\_\_\_\_  
(Signature)

Name: Frank Sala  
(Print)

By: \_\_\_\_\_  
(Signature)

Name: Lonnie N. Bergeron  
(Print)

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12 day of May, 2023, by Ronald M. Bergeron, Sr., as the Managing Member (title), of Bergeron SW Ranches US 27, LLC, a Florida limited liability company. He/She is  personally known to me or  has produced a \_\_\_\_\_ (state) driver's license as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Kali T. Parrish  
(Signature)

Kali T. Parrish  
(Name)

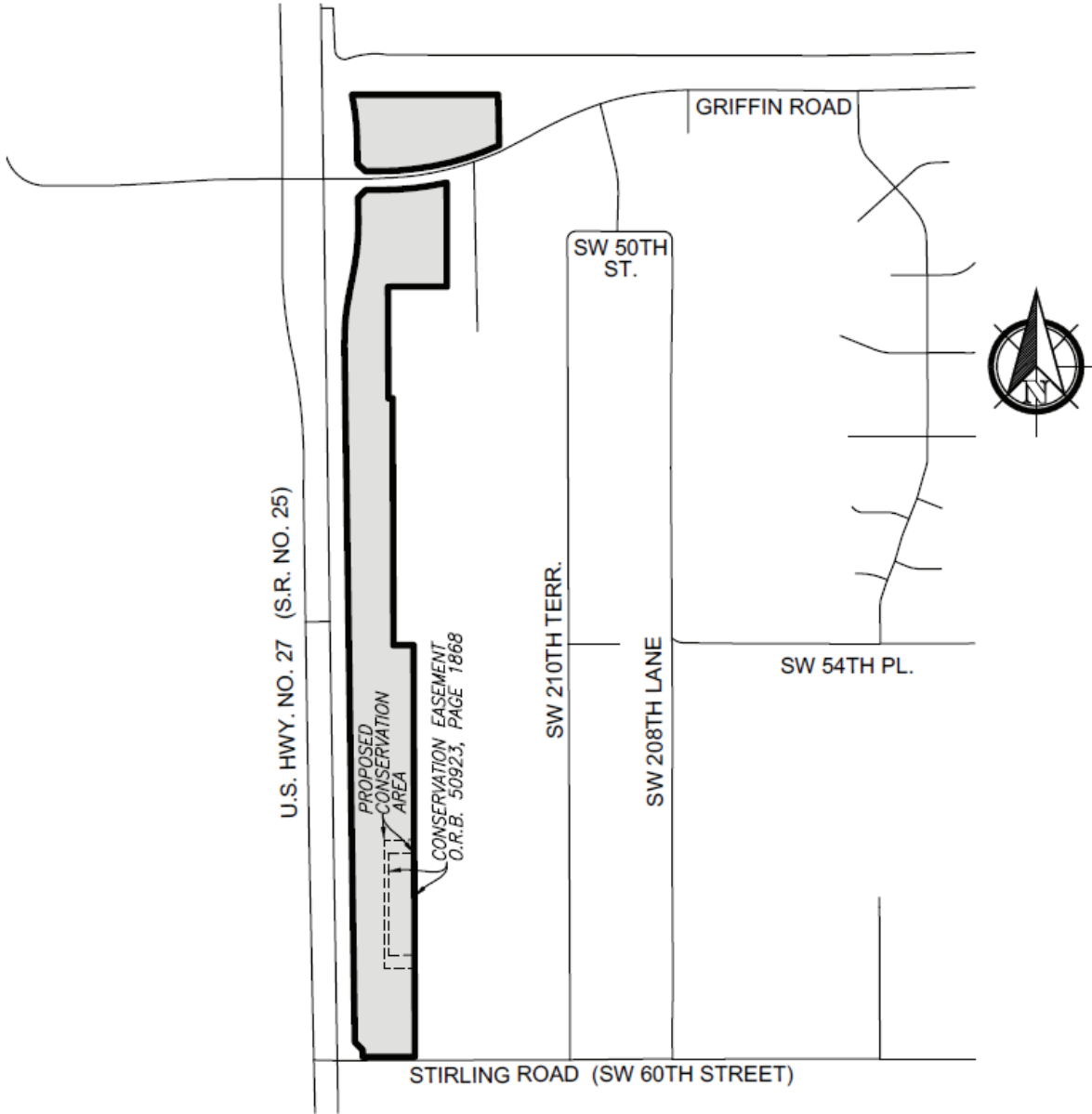
My Commission Expires: 10/31/2023





**EXHIBIT A**

[LOCATION MAP]



LOCATION MAP

NOT TO SCALE

**EXHIBIT B**

[LEGAL DESCRIPTION AND SKETCH OF  
AMENDED CONSERVATION EASEMENT AREA]



CERTIFICATE OF AUTHORIZATION NO. LB 2936  
 CIVIL ENGINEERING | CONSTRUCTION SERVICES | GEOMATICS  
 814 SOUTH MILITARY TRAIL, DEERFIELD BEACH, FL 33442  
 PHONE: (954) 972-3959 FAX: (954) 972-4178  
 www.carnahan-proctor.com

**EXHIBIT "B"**  
**SKETCH AND DESCRIPTION**  
**PROPOSED CONSERVATION EASEMENT**

**DESCRIPTION:**

A PORTION OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, LYING EAST OF THE FLORIDA STATE ROAD 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER THE PLAT "SHARON GARDENS MEMORIAL PARK", AS RECORDED IN PLAT BOOK 84, PAGE 40, OF THE BROWARD COUNTY RECORDS; THENCE NORTH 00°11'46" WEST, ALONG THE WESTERLY LINE OF SAID PLAT, A DISTANCE OF 407.80 FEET; THENCE SOUTH 89°56'50" WEST A DISTANCE OF 191.17 FEET TO THE POINT ON CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°07'27", AND THE RADIUS OF 3.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°10'37" EAST, A DISTANCE OF 816.74 FEET TO THE POINT ON CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 89°30'12", AND THE RADIUS OF 3.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.69 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°40'49" EAST, A DISTANCE OF 191.49 FEET; THENCE NORTH 00°11'46" WEST, A DISTANCE OF 416.19 FEET TO THE POINT OF BEGINNING.

SAID LAND IS SITUATED IN BROWARD COUNTY HAVING AN AREA OF 159,986 SQUARE FEET, 3.673 ACRES.

**NOTES:**

1. THE PURPOSE FOR THIS SKETCH AND DESCRIPTION IS TO PROVIDE A PROPOSED CONSERVATION EASEMENT.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR A CERTIFIED DIGITAL SIGNATURE OF A REGISTERED FLORIDA SURVEYOR AND MAPPER.
3. THIS DRAWING IS THE PROPERTY OF CARNAHAN-PROCTOR-CROSS, INC., CERTIFICATE OF AUTHORIZATION LB2936 AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
4. THIS OFFICE HAS MADE NO SEARCH OF PUBLIC RECORDS.
5. BEARINGS SHOWN ARE ASSUMED, HAVING AN INITIAL BEARING OF NORTH 00°11'46" WEST, AND ALL OTHER BEARINGS ARE REFERENCED TO.
6. THERE HAVE BEEN NO UNDERGROUND IMPROVEMENTS LOCATED IN CONNECTION WITH THIS SKETCH AND DESCRIPTION.
7. ALL MEASUREMENTS ARE RELATIVE TO STATE PLANE COORDINATE SYSTEM FLORIDA EAST ZONE 0901, 1983-90 ADJUSTMENT, AND ARE IN THE US SURVEY FOOT.
8. NOT TO BE CONSTRUED AS A BOUNDARY, RIGHT-OF-WAY OR EASEMENT SURVEY. THE TITLE SEARCH HAS TO BE PERFORMED IN ORDER TO DETERMINE IF THERE IS ANY ADDITIONAL DEDICATION OF THE RIGHT-OF-WAY.
9. LAND DESCRIPTION SHOWN HEREON IS PREPARED BY THE SURVEYOR, BASED ON ENGINEERING DRAWING.

**THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED  
 BY LANDON M. CROSS, USING A DIGITAL SIGNATURE.  
 THIS SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.  
 PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED.**

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH AS SHOWN HEREON CONFORMS TO THE APPLICABLE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LANDON M. CROSS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA LICENSE NO. LS3348

Landon  
 M Cross

Digitally signed by Landon M Cross  
 DN: cn=LS, o=CARNAHAN-PROCTOR  
 AND CROSS INC.,  
 dnQualifier=A01410000000101736  
 A051000005557, cn=Landon M  
 Cross  
 Date: 2023.01.18 11:59:17 -0500'



REVISED FROM EXHIBIT "A" TO EXHIBIT "B" NILMC 1/18/2023

PROPOSED CONSERVATION EASEMENT

210300 ESMT

DATE: 8/9/2022

SHEET 1 OF 2 SHEETS

**EXHIBIT "B"**  
**SKETCH AND DESCRIPTION**  
**PROPOSED CONSERVATION EASEMENT**

S89°56'50"W 191.17'

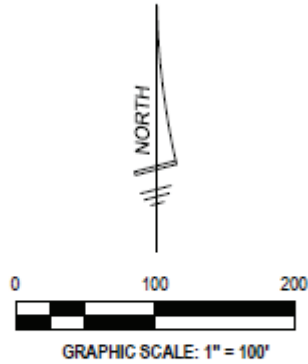
$\Delta=90^{\circ}07'27''$   
R=3.00'  
A=4.72'  
C.B.=S44°53'07"W

WEST LINE OF PLAT  
"SHARON GARDENS MEMORIAL PARK"

N00°11'46"W 407.80'

**P.O.B.**

SW CORNER OF PLAT  
"SHARON GARDENS MEMORIAL PARK"  
P.B. 84, PG. 40, B.C.R.



S00°10'37"E 816.74'

N00°11'46"W 416.1918'

$\Delta=89^{\circ}30'12''$   
R=3.00'  
A=4.69'  
C.B.=S44°55'43"E

S89°40'49"E 191.49'

**ABBREVIATIONS:**

- A = ARC LENGTH
- B.C.R. = BROWARD COUNTY RECORDS
- $\Delta$  = CENTRAL ANGLE
- C.B. = CHORD BEARING
- P.B. = PLAT BOOK
- P.O.B. = POINT OF BEGINNING
- PG. = PAGE
- R = RADIUS

PROJECT NO.	210300	SCALE:	1" = 100'
PROPOSED CONSERVATION EASEMENT		DATE:	8/9/2022
DWG. BY:	NI	SKETCH AND DESCRIPTION	
CHD BY:	LMC	SHEET 2 OF 2 SHEETS	



**EXHIBIT C**

BROWARD COUNTY LICENSE DF05-1107

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# CONSTRUCTION COMMENCEMENT NOTICE

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**Instructions:** In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. \_\_\_\_\_ Application No. \_\_\_\_\_  
Project Name \_\_\_\_\_ Phase \_\_\_\_\_

Construction of the system authorized by the above referenced Environmental Resource Permit and Application, is expected to commence on \_\_\_\_\_, 20\_\_\_\_ and will have an estimated completion date of \_\_\_\_\_, 20\_\_\_\_

**PLEASE NOTE:** If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

\_\_\_\_\_  
Permittee's or Authorized Agent's Signature Company

\_\_\_\_\_  
Print Name Title Date

\_\_\_\_\_  
E-mail Phone Number



## As-Built Certification And Request for Conversion to Operation Phase

Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: \_\_\_\_\_ Application No: \_\_\_\_\_ Permittee: \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Phase or Independent Portion (if applicable): \_\_\_\_\_

I HEREBY CERTIFY THAT (please check only one box):

- To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

**For activities that require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name) (Fla. Lic. or Reg. No.)  
 Signature  
 (Company Name) (Company Address)  
 (Telephone Number) (Email Address)

AFFIX SEAL

(Date)

**For activities that do not require certification by a registered professional:**

By: \_\_\_\_\_ (Print Name)  
 Signature  
 (Company Name) (Company Address)



(Telephone Number)

(Email Address)

(Date)





## Drawings and Information Checklist

**Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:**

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings and supplemental documents if needed:
  - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
  - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
  - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions and elevations of all, including clean-outs, pipes, connections to control structures and points of discharge to receiving waters;
  - d. System grading - dimensions, elevations, contours, final grades or cross-sections to determine contributing drainage areas, flow directions and conveyance of runoff to the system discharge point(s);
  - e. Conveyance - dimensions, elevations, contours, final grades or cross-sections of systems utilized to divert off-site runoff around or through the new system;
  - f. Benchmark(s) - location and description (minimum of one per major water control structure);
  - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted and identification of source of material; also provide the dimensions, elevations, contours and representative cross-sections depicting the construction.
5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.
6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

# Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity

Instructions: Complete this form to transfer to the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of, the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume I (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.: \_\_\_\_\_ Application No(s): \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Phase (if applicable): \_\_\_\_\_

A. **Request to Transfer:** The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

By: \_\_\_\_\_  
 Signature of Permittee \_\_\_\_\_ Name and Title \_\_\_\_\_  
 \_\_\_\_\_  
 Company Name \_\_\_\_\_ Company Address \_\_\_\_\_  
 \_\_\_\_\_  
 Phone/email address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

B. **Agreement for System Operation and Maintenance Responsibility:** The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II.

The operation and maintenance entity does not need to sign this form if it is the same entity that was approved for operation and maintenance in the issued permit.

Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

By: \_\_\_\_\_  
 Signature of Representative of O&M Entity \_\_\_\_\_ Name of Entity for O&M \_\_\_\_\_  
 \_\_\_\_\_  
 Name and Title \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_  
 Email Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
 \_\_\_\_\_  
 Phone \_\_\_\_\_ Date \_\_\_\_\_

**Enclosed are the following documents, as applicable:**

- Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
- Copy of all recorded plats
- Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- Copy of filed articles of incorporation (if filed before 1995)
- A Completed documentation that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I. (Note: this is optional, but aids in processing of this request)





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# OPERATION AND MAINTENANCE INSPECTION CERTIFICATION

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Instructions: Submit this form to the Agency within 30 days of completion of the inspection after any failure of a stormwater management system or deviation from the permit. This form may also be used to document inspections required under Section 12.4 of Applicant's Handbook Volume I, however submittal to the Agency is not required unless requested by the Agency.

Permit No.: \_\_\_\_\_ Application No.: \_\_\_\_\_ Date Issued: \_\_\_\_\_  
Identification or Name of Stormwater Management System: \_\_\_\_\_  
Phase of Stormwater Management System (if applicable): \_\_\_\_\_  
Inspection Date: \_\_\_\_\_

Inspection results: (check all that apply)

- The undersigned hereby certifies that the works or activities are functioning in substantial conformance with the permit. This certification is based upon on-site observation of the system conducted by me or my designee under my direct supervision and my review of as-built plans.
  
- The following maintenance was conducted since the last inspection (attach additional pages if needed):  
  
\_\_\_\_\_
  
- The undersigned hereby certifies that I or my designee under my direct supervision has inspected this surface water management system and the system does not appear to be functioning in substantial conformance with the permit. I am aware that maintenance or alteration is required to bring the system into substantial compliance with the terms and conditions of the permit. As appropriate, I have informed the owner of the following:
  - (a) The system does not appear to be functioning properly;
  - (b) That maintenance or repair is required to bring the system into compliance; and
  - (c) If maintenance or repair measures are not adequate to bring the system into compliance, the system may have to be replaced or an alternative design constructed subsequent to approval by the agency below.

The following components of the system do not appear to be functioning properly (attach additional pages if needed):  
  
\_\_\_\_\_

**Any components of the constructed system that are not in substantial conformance with the permitted system shall require a written request to modify the permit in accordance with the provisions of Rule 62-330.315, F.A.C. If such modification request is not approved by the agency below, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S.**



Name of Inspector: \_\_\_\_\_

Florida Registration Number: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature of Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

### **Report Reviewed by Permittee:**

Name of Permittee: \_\_\_\_\_

Signature of Permittee: \_\_\_\_\_

Date: \_\_\_\_\_

Title (if any): \_\_\_\_\_

**Note:** This reservation letter was updated on 1/12/2023 to reflect the transfer of delegation from SFWMD to FDEP (Application No. 06-0404099-002-EI). The reservation was originally extended until 1/8/2022 and was paid on 01/08/2022. Receipt is attached at the end of this letter.

**United States Department of the Interior  
NATIONAL PARK SERVICE  
Everglades and Dry Tortugas National Parks  
40001 State Road 9336  
Homestead, Florida 33034**

IN REPLY REFER TO:

HID Reference # **2021-19**

Date: **1/8/2021**

Mr. Lonnie Bergeron  
Bergeron US 27 LLC  
19612 SW 69thPlace  
Fort Lauderdale, 33332

To Whom it May Concern:

Thank you for your interest in the Hole-in-the-Donut Wetland Restoration Project (HID) at Everglades National Park. The HID was originally established, under Section 404 of the Clean Water Act, in 1996 through the issuance of U.S. Army Corps of Engineers (ACOE) permit # SAJ-1993-01691 and under the Florida Department of Environmental Protection's (FDEP) Mitigation Banking Statute (F.S. 373.4135) through Permit # 132416479, in 1995. Effective September 11, 2015, the HID came into compliance with the 2008 federal rule governing the management of ILF mitigation programs resulting in an In-Lieu-Fee Instrument (ILF) and Mitigation plan. Effective November 6, 2019, the HID completed a major permit modification with FDEP, resulting in a new State permit (# 0257597-005). These updated state and federal regulatory documents provide the guidelines and framework for the management of the HID and authorizes the transfer of freshwater palustrine emergent credits that can satisfy Permittee's state and federal mitigation requirements.

The HID is providing this reservation letter with the understanding that the Permittee is in the process of obtaining the appropriate permit(s), and has provided to us at least one permit or permit application number, due to unavoidable wetland impacts caused by this project:

**Bergeron Museum Property/Bergeron US 27 Nursery**

The permit and property information from the application provided are as follows:

Permit/Application Numbers

ACOE: **06-0404099-003-SFI**                      SFWMD/DEP: **210507-6155**

County - RER (Miami-Dade)/Broward: **DF05-1107**                      Other:

Property Information

Folio: **Broward:503934010340,0430,0431 S: 34                      T: 50                      R: 39**  
**0420,0570,0280,0170, 0100, 0020;**  
**503927020210,0220, 0160**



January 11, 2022

Mr. Lonnie Bergeron  
Bergeron US 27 LLC  
19612 SW 69<sup>th</sup> Place  
Fort Lauderdale, FL 33332

Re: Letter of Receipt

Dear Sir/Madam,

Please let this letter serve as receipt of check # **3297** in the amount of **\$780,000.00** for a total of **10.00** Palustrine Emergent wetland UMAM credits from the 'Hole-in-the-Donut' wetland restoration and mitigation program at Everglades National Park. The project name is **Bergeron Museum Property / Bergeron US 27 Nursery** and the project reference is **HID 2021-19**.

We received this check on January 6, 2022.

Restoration fund AEVED	\$780,000.00
------------------------	--------------

Sincerely,

A handwritten signature in cursive script that reads "Tenzin Yangchen".

Tenzin Yangchen,  
Senior Accountant

cc: Everglades National Park ([ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov)), (through scan; email)

This reservation letter has been assigned an HID reference number used to track the status of a Permittee's HID reservation, payment, receipts and any correspondence between the HID and the Permittee. The Permittee should keep this number for their records and refer to the HID reference number when inquiring about the status of their reservation or credit transactions. The reservation number for the above named project is:

**2021-19**

Based on the information in the application form you provided, we understand you are requesting a reservation to satisfy the highest mitigation requirement, according to the amount of compensatory mitigation determined by the regulatory agencies, shown in UMAM below:

- 10.00** State credits based on the universal mitigation assessment method (UMAM)
- 10.00** Federal credits based on the universal mitigation assessment method (UMAM)
- 10.00** County credits based on the universal mitigation assessment method (UMAM)

If within the 6 month reservation period the regulatory agencies determine that a different amount of mitigation is required than is included in this reservation, Permittees may choose to contact the HID and request an adjustment to the number of mitigation credits reserved. Reservations can be modified up (if credits are available) or down. If additional credits are not available, the HID bears no responsibility to provide additional mitigation credits. The Permittee may seek to fulfill the additional mitigation requirements elsewhere, or withdraw the reservation in its entirety. If a reservation is withdrawn, the reserved mitigation credits are retained by HID.

This reservation is valid for 6 months from the date of issue, reflected above. The Permittee may request no more than one 6 month extension/renewal of the reservation letter. Reservation extension requests must be sent via email to [ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov). Reservation extension requests sent to alternate email addresses will not be processed. If the reservation extension request is not received before the expiration date, all commitments set forth in the reservation letter will be deemed null and void. Credits for expired reservations will be returned to the project and made available to the public on the date of the next credit release.

For approved reservation extension requests, all obligations, terms and conditions of the original reservation will remain in effect with the exception of the cost of mitigation. The renewed reservation will reflect the cost of mitigation at the date of renewal. In light of this, reservation extension requests shall be submitted no more than 30 days prior to the expiration date of the reservation.

Restoration in the HID currently requires \$78,000.00 per local, state, or federal UMAM credit. Everglades National Park will undertake wetland restoration on behalf of the Permittee, based on the highest mitigation requirement for the project indicated, for a total cost of **\$ 780,000.00** payable to the National Park Foundation. The NPS will also perform other attendant activities such as, but not limited to, monitoring of restoration and maintenance of restored wetlands.



The Foundation must receive the payment, in full, within 6 months of the date that this letter was issued. Once the payment mentioned above is received by the National Park Foundation, the Foundation will issue a receipt and send a copy of the receipt to the HID. If the payment is not received by the Foundation within this time period, all agreements set forth in this letter will be deemed null and void.

The Permittee **must provide to the HID electronic copies of the signed regulatory permits** pertaining to the project described in this reservation. If the HID does not receive copies of the regulatory permits pertaining to the project, the HID will be unable to withdraw credits from the state and federal credit ledgers and therefore unable assume responsibility for the mitigation requirements.

Please make your payment in full, and **please include the credit transaction form that is attached below**. Please be advised that the compensatory mitigation reserved via this letter can only be used for the project as indicated above. No portion of the mitigation described herein may be used for another project, and once a payment is made no refund of all or any part of it will be made.

Thank you for supporting the HID In Lieu Fee and Mitigation Bank and Everglades National Park. Please contact Michelle Tongue, HID Project Manager with questions or concerns at [ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov) or (305) 242-7866.

Sincerely,

A handwritten signature in black ink, appearing to read "MTongue", written in a cursive style.

Michelle Tongue  
Restoration Project Manager

**HOLE-IN-THE-DONUT CREDIT TRANSACTION FORM**

National Park Foundation AEVED

This form must accompany your check payable to the National Park Foundation for the indicated amount.

**Reference** HID Reference # **2021-19**

**Project: Bergeron Museum Property/Bergeron US 27 Nursery**

Permit/Application Numbers	Required Compensatory Mitigation
ACOE: <b>06-0404099-003-SFI</b>	<b>10.00</b> UMAM credits
County - RER (Miami-Dade)/Broward: <b>DF05-1107</b>	<b>10.00</b> UMAM credits
SFWMD/DEP: <b>210507-6155</b>	<b>10.00</b> UMAM credits
Other:	UMAM credits

The HID will undertake palustrine emergent wetland restoration on your behalf, in order to meet the highest mitigation requirement requested, for your permit requirement of UMAM credits.

**Total Amount Due** **\$ 780,000.00**

Mailing address: ATTN: Olatun Ademulegun  
Senior Manager, Financial Operations  
National Park Foundation  
1500 K Street NW, Ste 700  
Washington, DC 20005

Return Receipt to: Mr. Lonnie Bergeron  
Bergeron US 27 LLC  
19612 SW 69thPlace  
Fort Lauderdale, 33332



Resilient Environment Department

**ENVIRONMENTAL PERMITTING DIVISION**

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

***Via E-mail to agent: Tyler Chappell, The Chappell Group, Inc.***

June 12, 2023

Bergeron SW Ranches US 27 LLC  
& Bergeron US 27, LLC  
c/o Ronald Bergeron Sr.  
19612 SW 69th Place  
Pembroke Pines, Florida 33332

Re: Bergeron Museum - Wetland fill and mitigation  
Modification #4 to County License No. DF05-1107

Dear Mr. Bergeron:

Pursuant to your request dated November 23, 2020, this letter certifies that Broward County Environmental Resource License No. DF05-1107 is hereby modified. This modification authorizes additional impacts to a 27.69-acre wetland area located north of the previously licensed parcels, acquired by the applicant in 2019, for the purpose of an agricultural operation. The previously license, not yet constructed 2.5-acre mitigation area will be surrounded by a 1.1-acre transitional area (buffer), for a total of 3.673-acres to be encumbered by a Conservation Easement (CE). A 2.5-acre portion of this mitigation area is currently under protection of a CE found in the Broward County records, Instrument #112400135.

A summary of the original project and subsequent modifications is listed below:

- DF05-1107
  - issued 10/13/2006
  - Set to expire 10/13/2011
  - Impact 2.68-acres of wetland (aerials indicate work had been done prior to licensing), mitigation provided by 2.5 acres on site wetland (creation/enhancement).
- DF05-1107 Mod 1
  - issued 05/12/2009
  - Expiration changed to 05/12/2014
  - Change in creation and enhancement ratio; mitigation remains at 2.5-acres.
- DF05-1107 Mod 2
  - issued 09/12/2013
  - Extension only
  - Expiration changed to 05/12/2019
  -
- DF05-1107 Mod 3 issued 05/16/2018
  - Extension only
  - Expiration changed to 05/12/2021
- DF05-1107 Mod 4 requested prior to expiration. **This letter extends the expiration date to 5/12/2026.**

The attached drawings shall complement drawings of the original license. All other specific conditions and technical elements of the license not related to the dimensions of the structure remain as previously authorized. Specific Condition B.3., B.10. and B.11. shall be modified as follows (deletions are shown with ~~strikethrough~~ and changes are **bold**); new condition B.12. is shown in bold:

~~B.3. Upon completion of the Area, the following documentation shall be submitted to the Department: (a) certification of elevations in relation to design, (b) verification of actual acreage, and (c) the time-zero monitoring report. This documentation is required within 30 days of completion of the Area and prior to any Certification of Occupancy being received for any structure on the site.~~ **The following steps must be taken prior to submittal of the Time-Zero monitoring report, all relevant correspondence may be uploaded to ePermits or e-mailed to [AWRlicense@broward.org](mailto:AWRlicense@broward.org). If there are conflicts with any other agency regarding the mitigation area, notify the Aquatic and Wetland group immediately.:**

- (a) **Upon completion of the mitigation earthwork, the Licensee shall submit an as-built survey providing a Florida registered surveyor's certification of elevations in relation to design and surveyor verification of actual acreage for all licensed mitigation habitats. Plant installation shall not begin until after the Department has approved the as-built survey and verified muck placement.**
- (b) **The source for the plants and muck (a minimum of 12-inches of muck required) for the wetland area shall be conveyed prior to plant installation. Plant substitutions or planting plan alterations must be approved by the Department prior to installation.**

**Once above items have been approved a Time-Zero monitoring report may be submitted. The Time Zero report is required within 30 days earthwork approval and prior to any Certificate of Occupancy being issued for any structure on the site.**

**The Area(s) shall be monitored, and reports submitted quarterly for five (5) years describing in detail the condition of the Areas relative to the reference wetland and the criteria listed in Specific Condition B. 6.a-f of the original license.**

~~B.10. A draft Conservation Easement and Surety Bond a Letter of Credit (LOC) for \$159,254.92 469,500.00 have been submitted by the applicant. Should either of these documents be unacceptable to the County Attorney's Office or the County Commission, a replacement document shall be submitted in a form acceptable to the Department, the County Attorney's Office and the Commission within thirty (30) days of the Department's written notification that the document was unacceptable.~~ **Once approved by the County Commissioners, the Conservation Easement and a copy of this license will be recorded in the public records of the County. It is the Licensee's responsibility to pay the recording costs. A check made payable to the "Board of County Commissioners" shall be submitted to the Department within fifteen (15) days of receipt of the notice of recording costs.**

~~B.11. The Surety Bond Letter of Credit (LOC) includes construction, planting, monitoring and maintenance costs for the mitigation area. Upon EPD review and approval of all information required in Specific Condition B.3, the licensee may request the release of 35% of the construction and planting portion of the bond LOC, and an additional 15% two years thereafter if the site is following all license conditions. After the five-year maintenance and monitoring period has elapsed and upon demonstration that the licensee has met the intent and all information requested in Specific Conditions B.3 and B.4, and if necessary, B.5, the licensee may request the release of the monitoring and maintenance portion and the remaining construction funds of the bond LOC. All requests shall be made in writing to the Wetlands Resources Section of EPD.~~

**B.12. The licensee shall:**

- (a) **Provide the Department a timeline of construction activities within 15 days after issuance of this modification or the FDEP ERP/404 Permit, whichever is later, and progress reports every 60 days thereafter until the Time Zero monitoring report referenced in B.3. above is submitted.**
- (b) **Start earthwork within 90 days after issuance of this modification or the FDEP ERP/404 Permit, whichever is later, and complete earthwork of the proposed conservation easement area within 270 days after issuance of this modification or the FDEP ERP/404 Permit, whichever is later.**
- (c) **Submit to the Department an as-built certification within 300 days after issuance of this modification or the FDEP ERP/404 Permit, whichever is later.**
- (d) **Submit to the Department the Time Zero monitoring report referenced in B.3. above within 365 days after issuance of this modification or the FDEP ERP/404 Permit, whichever is later.**

Attach this letter and drawings to the original license as they become a part thereof. These approved modifications are specific to the County Environmental Resource License for this project; therefore, it is the Licensee's responsibility to make sure that the changes are incorporated in other sets of project-related plans or permits, as necessary, for proper execution by on-site personnel.

If you have any questions regarding this modification approval, please feel free to contact Michelle Decker at (954) 519-1205 or [mdecker@broward.org](mailto:mdecker@broward.org).

Sincerely,

**Michelle Decker for**

Linda Sunderland  
Environmental Program Supervisor

**June 12, 2023**

Date

ENC:

1. Sec. 27-14 Administrative Review Procedures (4 pages)
2. One copy of revised stamped drawings (31 pages)

cc:

1. Jena Robbins, The Chappell Group, Inc. (via e-mail)
2. Frank Saia (via e-mail)
3. Lonnie Bergeron (via e-mail)

Sec. 27-14. Administrative review of EPGMD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
  - (2) Interpretations of license or environmental review approval conditions.
  - (3) Interpretations of variance conditions.
  - (4) The decision to suspend or revoke a license or environmental review approval.
  - (5) The requirement of certain license conditions.
  - (6) The issuance of a license or environmental review approval.
  - (7) The denial of a license or environmental review approval.
  - (8) The scope of a license or environmental review approval, geographic or otherwise.
  - (9) The scope of a variance, geographic or otherwise.
  - (10) The issuance of a stop work order.
  - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
  - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.

- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
- (1) The nature of the determination sought to be reviewed.
  - (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
  - (3) The specific determination for which the review is sought.
  - (4) The specific legal grounds upon which the parties seek review of the determination.
  - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
  - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
  - (7) A copy of the director's or the designee's written final determination.
  - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPGMD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPGMD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to

the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.

(j) Notice and Scheduling Requirements:

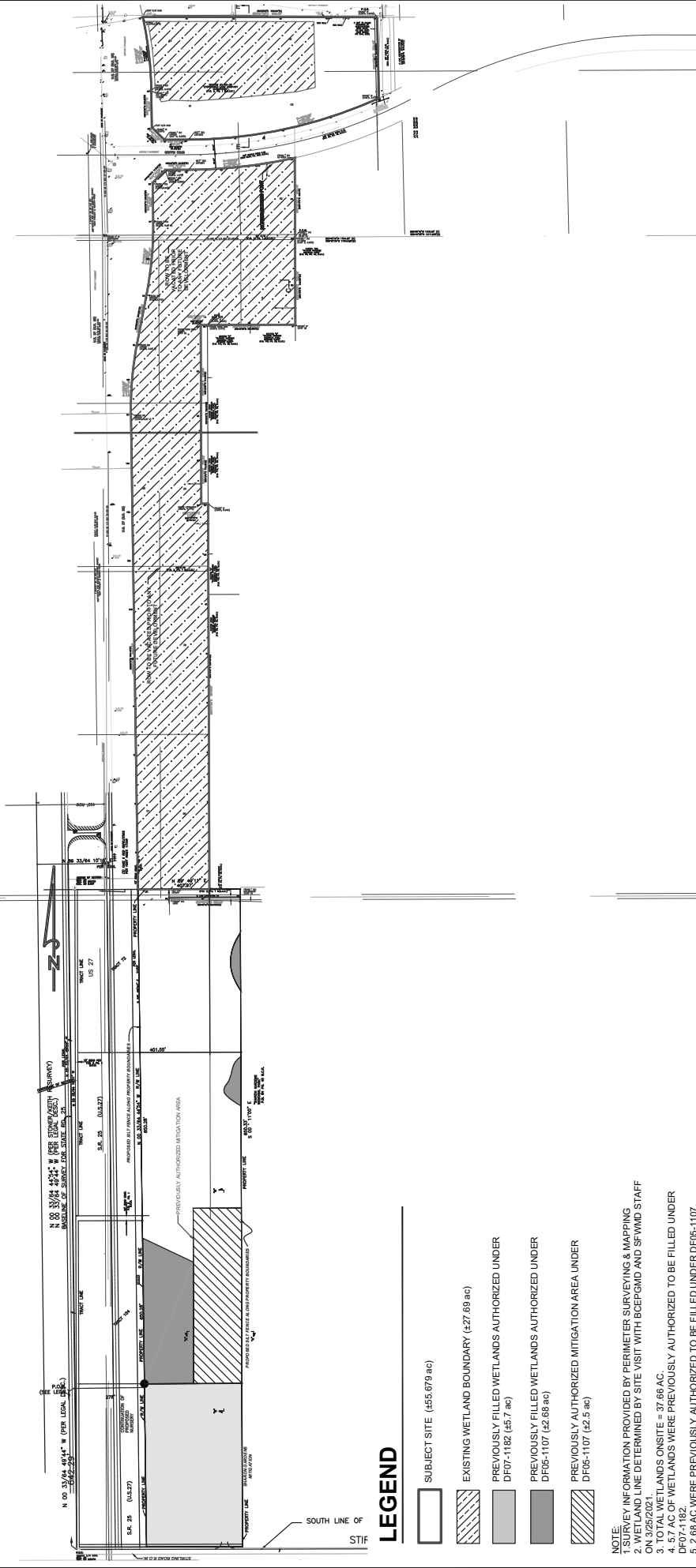
- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPGMD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
  - (2) The petitioner shall give notice of the hearing by:
    - a. Giving personal notice to all proper parties; and
    - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
    - c. Posting notice at a location determined by the Broward County Administrator's Office.
  - (3) The petitioner shall bear the cost of giving notice.
  - (4) The notice shall contain, at a minimum:
    - a. A description and location of the facility or the activity to be conducted by the petitioner; and
    - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
- (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPGMD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
  - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
- (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the








essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPGMD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.

- (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPGMD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.
- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
- (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
- (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
- (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
- (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)  
Secs. 27-15--27-19. Reserved.



**LEGEND**

-  SUBJECT SITE (455.679 ac)
-  EXISTING WETLAND BOUNDARY (±27.69 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF07-1182 (45.7 ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (42.68 ac)
-  PREVIOUSLY AUTHORIZED MITIGATION AREA UNDER DF05-1107 (±2.5 ac)

NOTE:  
 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING  
 2. WETLAND LINE DETERMINED BY SITE VISIT WITH BERGERON AND SRWMD STAFF ON 3/25/2023  
 3. TOTAL WETLANDS ON SITE = 37.66 AC.  
 4. 5.7 AC OF WETLANDS WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF07-1182.  
 5. 2.68 AC WERE PREVIOUSLY AUTHORIZED TO BE FILLED UNDER DF05-1107.

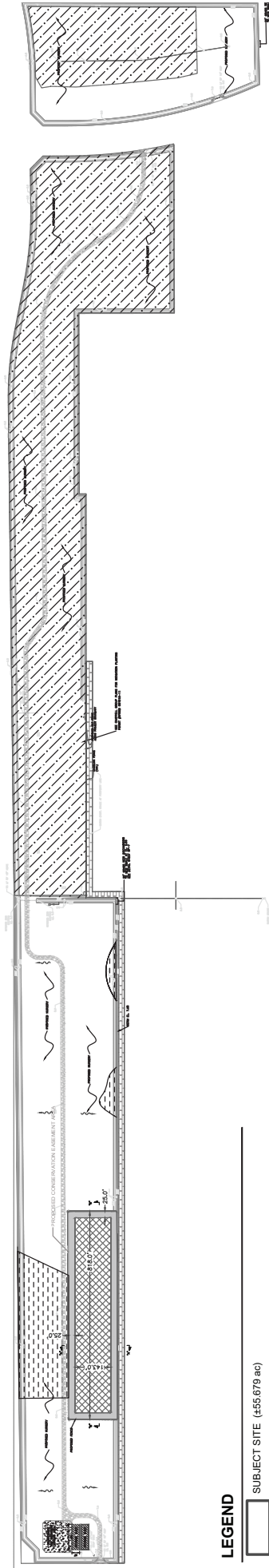
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**THE Chappell GROUP**  
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[www.thechappellgroup.com](http://www.thechappellgroup.com)








- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC

EXISTING CONDITIONS	
Date: 4/24/2023	Sheet: 1 of: 6
Proj No: 18-0042.001	



**LEGEND**

-  SUBJECT SITE (±55.679 ac)
-  PROPOSED DIRECT WETLAND IMPACT (±27.69 ac)
-  PROPOSED SECONDARY WETLAND IMPACT (±2.1ac)
-  PREVIOUSLY FILLED WETLANDS AUTHORIZED UNDER DF05-1107 (±2.88 ac)
-  PROPOSED TRANSITIONAL BUFFER (±1.1ac)
-  PROPOSED MITIGATION AREA (±2.5 ac)
-  PROPOSED GRAVEL ROAD (±1,028 SQ. FT.)

NOTE: 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING.  
 2. PROPOSED WETLAND ENHANCEMENT, WETLAND CREATION, AND WETLAND BUFFER (±3.6 AC) WILL BE PLACED UNDER CONSERVATION EASEMENT.  
 3. PROPOSED 31.96 ACRES OF DIRECT WETLAND IMPACTS TOTAL (INCLUDING 27.45 ACRES OF DIRECT WETLAND IMPACTS, 2.88 ACRES OF PREVIOUSLY AUTHORIZED IMPACTS UNDER DF-11-07, AND 0.48 ACRES OF DIRECT IMPACT FOR PROPOSED WETLAND BUFFER); AND 2.1 ACRES OF SECONDARY IMPACTS.  
 4. APPROXIMATELY 131,678 CY OF FILL TO BE PLACED IN WETLANDS.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. ANY REPRODUCTION, COPIES, LOANS, REVEALS, OR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.  
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/ Appraisals

**BERGERON US 27 PROPERTY**

PREPARED FOR:  
 BERGERON US 27, LLC

DREDGE & FILL PLAN

Date: 4/24/2023	Sheet: 2	of: 6
Proj No.: 18-0042-001		



### LEGEND

- SUBJECT SITE (±55.679 ac)
- W-4: APPROXIMATE HERBACEOUS WETLAND (±1.8 ac)
- W-3: APPROXIMATE MELALEUCA WETLAND (±0.97 ac)
- W-2: APPROXIMATE HERBACEOUS WETLAND (±0.27 ac)
- W-1: APPROXIMATE MELALEUCA WETLAND (±34.62 ac)

NOTE:  
 1. SURVEY INFORMATION PROVIDED BY PERIMETER SURVEYING & MAPPING  
 2. WETLAND LINE DETERMINED BY SITE VISIT WITH BCEPQMD AND SPWMD STAFF  
 ON 3/25/2021

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- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys & Appraisals

## BERGERON US 27 PROPERTY

PREPARED FOR:  
 BERGERON US 27, LLC

EXISTING CONDITIONS

Date:	11/2/2022	Sheet:	1	of:	1
Proj No.:	18-0042.001				

**Bergeron US 27 Property  
Project Avoidance & Minimization Summary  
TCG Project No. 18-0042.001**

The proposed Bergeron US 27 Property project consists of the expansion of an existing agricultural operation on a ± 55.679-acre parcel located at the intersection of US-27 and Stirling Road and US-27 and Griffin Road in the Town of Southwest Ranches, in Broward County, Florida. The proposed project is to construct and operate a surface water management system for the creation of a nursery and associated facilities. The site consists mainly of improved pasture, with ±37.66-acres low-quality melaleuca (*Melaleuca quinquenervia*) and herbaceous freshwater wetlands. Of the ±37.66 acres of wetlands, 9.97 acres of wetlands were previously authorized to be filled for a nursery and associated facilities. The subject site is bordered on the west by US-27, on the north by the C-11 Canal, on the east by Sharon Memorial Gardens and on the south by Stirling Road. The Sharon Memorial Gardens site is mostly undeveloped, with a marsh mitigation area located in the southwest corner of the property, adjacent to the Bergeron US 27 property.

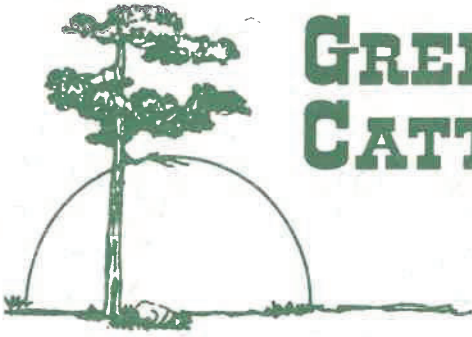
This summary serves as a narrative on the avoidance and minimization of impacts as reviewed and included to the greatest extent possible for the proposed project. Due to the nature and location of the wetlands, complete avoidance is not a viable alternative as the project would not be a financially feasible development nor would it accomplish the project intent of expanding an existing agricultural operation.

A portion of the subject site was previously owned by South Florida Water Management District and was noted in their own assessments that the site contained low quality, degraded wetlands that were predominately overrun with invasive exotic vegetation. Prior to application submittal, various considerations and efforts were made in an effort to avoid and/or minimize potential on-site, off-site and secondary wetland impacts. During the initial due diligence of the project development, alternative sites within the parcel and neighboring parcels were examined. These alternative sites were inadequate for the purpose of the proposed project as they were largely unavailable for purchase, did not provide adequate acreage for the nursery and associated facilities, or were platted for other uses.

Following the selection of this parcel for the project's purpose, numerous site plan options were evaluated. Multiple factors were addressed in order to result in a project that accommodates wetland avoidance, onsite mitigation and public benefit in such a manner that still is economically feasible to the owner and applicant. The location of the project site is unique in its proximity to the Everglades, but it is bordered by US 27 with no berm or buffer, allowing direct runoff into the property. Therefore, the location/landscape score is higher than typical project sites that include a large

proportion of melaleuca dominant wetlands, resulting in higher mitigation requirements than typically associated with similar project sites in Broward County. Any proposed enhancement or restoration of onsite wetlands as mitigation receives a minimal environmental gain. The project has thus been designed to locate the proposed onsite restoration in the central eastern portion of the site, that is farthest onsite away from any existing roadways. Additionally, the size of the project was taken into consideration as the project property is approximately 55.679 ac in overall size with approximately 37.66 acres of total wetlands, 9.97 acres of which were previously impacted. In addition, 3.6 acres will be placed under conservation easement with 2.5 acres of wetland enhancement/creation and 1.1 acres of transitional buffer. Any further reduction in usable real property results in the project being economically unfeasible. The surface water management system was also designed to utilize drainage/retention swales along the property boundaries. These swales will provide for 150% of the required pre-treatment for runoff prior to discharge into the retention and mitigation area and will also provide an additional passive buffer area to minimize any potential secondary impacts to the adjacent mitigation areas. In addition to these factors being taken into consideration during the initial site plan evaluation, the site plan has been revised.

The site plan was revised on three (3) separate occasions with the final result of a 20% increase in proposed onsite mitigation. The proposed mitigation maximizes potential environmental benefit for the enhancement and eliminates potential secondary impacts through design features and proposed plantings. As such, the proposed impacts to existing wetlands onsite are proposed to be compensated for with proposed onsite mitigation and the purchase of mitigation credits. Therefore, it is anticipated that the proposed project sufficiently demonstrates that wetland impacts have been avoided to the greatest extent possible and that the proposed restoration efforts will effectively limit further loss of wetlands in Broward County by providing 2.5 acres of additional wetland habitat adjacent to the Everglades.



# GREEN GLADES CATTLE CO.

April 20, 2023

Ms. Jena Robbins,  
Project Manager  
**The Chappell Group, Inc.**  
714 East McNab Road  
Pompano Beach, FL 33061

**Re: Bergeron US 27, LLC and Bergeron SW Ranches US 27 LLC  
FDEP No. 06-0404099-002-EI**

Dear Ms. Robbins:

I am writing this letter to explain the purpose of the proposed expansion of the agricultural nursery facility on the Bergeron US27 property, and to better identify requirements for the project site.

As you know, the entire Bergeron US27 property is a +/- 56 property. Of the entire property, the southern portion (+/-23 acres) of the property was previously permitted, cleared and filled in 2009 for a nursery facility. It has been used as a nursery ever since it was originally permitted. The proposed expansion of the nursery facility on the northern portion (+/-33 acres) of the property is to partially replace other lands previously used by a subsidiary of our company Green Glades Cattle Company (GGCC), for its sod nursery that have since been developed for other uses. In the last 5 years, approximately 100 acres of land owned by various subsidiaries of our company, that were previously used for sod nursery and beef cattle breeding and grazing, have been removed from service for the development of commercial and industrial projects.

Green Glades Cattle Company (GGCC), operates agricultural cattle and nursery facilities on various lands owned by the principals of the applicant and others via agricultural leases whereby GGCC, in exchange for use of the property for agricultural uses, will provide to the property owner maintenance of the property using Best Management Practices (BMPs) as outlined by the

Florida Department of Agriculture and Consumer Services (FDACS). GGCC has operated as a agricultural business since 1996 and is headquartered at the applicant's main office located at 19612 SW 69<sup>th</sup> Place, Pembroke Pines, FL 33332. In addition to the existing nursery facility on the southern +/-23 acre portion of the subject property, GGCC has existing agricultural leases on approximately 135 acres within the southwest Broward County area.

We propose to site the facility expansion on Bergeron US27 for several reasons. First, the +/-33 acre (northern) portion of the subject property is immediately adjacent to and contiguous to existing nursery/agricultural facility currently being operated by GGCC since 2009.

Second, we need a parcel of land of large enough in size to efficiently and safely operate the sod farming operations and facilities. Ideally, sod farming needs to be at least 25 contiguous acres to operate safely and economically. The adjacent +/-33 acre northern portion of the subject property will provide much needed land for GGCC's operation.

Third, the expansion land site needs to be located as close as possible to our existing facilities, operations and our main office. We are a Broward County based company. Like our other agricultural operations, this expansion land will be managed from our existing main office located at 19612 SW 69<sup>th</sup> Place, Pembroke Pines, FL 33332. Having the expansion facility within 5 miles of our main office allows our employees to travel to and from each site as efficiently as possible.

Last, the expansion land site needs to be properly zoned to allow for sod farming operations. This property is zoned A-1 (Agricultural) by the Town of Southwest Ranches. Lands with a higher zoning designation are cost prohibitive for sod farming operations as those property owners require high rent in addition to the typical agricultural lease and operations.

If you have any questions, or if you would like to tour one of our existing facilities, please contact me at 954-680-6100.

Regards,



Bill Culligan, Operations Manager  
Green Glades Cattle Company



**Bergeron US 27 Property  
Mitigation Plan  
TCG Project No. 18-0042.001**

The proposed Bergeron US-27 Property project consists of the expansion of an existing agricultural operation on a ±55.679-acre parcel located at the intersection of US-27 and Stirling Road in the Town of Southwest Ranches, in Broward County, Florida. The Bergeron US 27 site consists mainly of improved pasture, with a ±9.97-acre low-quality herbaceous pasture wetland at the extreme southern end of the property and ±27.69 acres of low-quality melaleuca (*Melaleuca quinquenervia*) wetland on the northern half of the property for a total of 37.66 acres of wetlands. The subject site is bordered on the west by US-27, on the north by Griffin Road and the C-11 Canal, on the east by Menorah Gardens & Funeral Chapels, and on the south by Stirling Road. A 2.68-acre portion of the existing wetland was previously authorized under BCEPGMD ERL No. DF05-1107 to be filled. The required mitigation consisted of the creation of 1.04 acres of wetlands and the enhancement to 1.46 acres of wetlands on site. In addition, a 5.7-acre portion of the existing wetland is the subject of a previous Notice of Violation (NOV) for unauthorized fill. In 2009, BCEPGMD and SFWMD authorized the ATF filling of the 5.7 acres, along with 2.68 acres of herbaceous wetlands for a total of 8.38 acres of direct impacts. The mitigation proposal consisted of the onsite creation and enhancement of wetlands for the original 2.68 acres of wetland impacts and the impacts to 5.7 acres of wetlands were mitigated for through surplus mitigation from other projects by the Licensee and the purchase of credits from the Everglades Mitigation Bank.

Due to the originally proposed impacts to 2.68 acres of wetlands associated with BCEPGMD License No. DF05-1107, on-site mitigation is currently proposed on the subject site. Proposed onsite mitigation consists of the construction of a 3.673-acre conservation easement consisting of a 2.5-acre mitigation area, and a 1.1-acre transitional buffer along the south-eastern boundary of the subject site. In addition to the proposed onsite mitigation area, the remaining mitigation required for the wetland impacts includes a credit purchase from the Hole in the Donut (HID) Mitigation Bank. As referenced within the submitted mitigation plans, the mitigation area consists of elevated transitional areas to serve as required buffers and eliminate direct surface water run-off into the mitigation area, along with marsh, slough, and tree island habitats. In addition, an open water component is proposed to act as a prey-concentration area within the proposed marsh. Mitigation plantings will be conducted as depicted in the mitigation plans and will include desirable native wetland and transitional species including, but not limited to; bald cypress (*Taxodium distichum*), pond apple (*Annona glabra*), pickerelweed (*Pontedaria cordata*), arrowhead (*Sagittaria latifolia*), golden canna (*Canna flaccida*) and blue-flag iris (*Iris virginica*).

The proposed project consists of the previously authorized wetland fill of 2.68 acres under DF05-1107, the filling of 27.69 acres of wetlands, the creation of a 1.1-acre transitional buffer, and the enhancement and creation of wetlands for a 2.5 acre mitigation area (see table 1 below).

On March 25, 2021, wetland boundaries were delineated and agreed upon by BCEPGMD and SFWMD staff. The wetland boundaries consisted of a 34.62 acres melaleuca wetland (W-1), a 0.27-acre herbaceous wetland (W-2), a 0.97-acre melaleuca wetland (W-3), and a 1.8-acre herbaceous wetland (W-4). This resulted in a total of 37.66 acres of wetlands on site. Of the 34.62 total acres of W-1 wetlands delineated on site, 5.7 acres have been mitigated for previously through a credit purchase under BCEPGMD ERL No. DF07-1182. In addition, 4.27 acres of jurisdictional wetlands were delineated on site, of which 2.68 acres were filled and the remaining wetlands were to be a mitigation area and placed under a conservation easement.

Therefore, there is a remainder of 24.65 acres within the W-1 wetland boundary to be mitigated for. The 24.65 acres of W-1 wetland, 0.27 acres of W-2 wetland, 0.97 acres of W-3 wetland, and 1.8 acres of W-4 wetland equates to a total of 27.69 acres of wetlands on site to be mitigated for. (See table 2 below).

**Table 1.**

<b>Proposed Project</b>	<b>Acres</b>
Proposed Direct Wetland Impact	27.69
Previously authorized wetland fill (DF05-1107)	2.68
<b>Total:</b>	<b>30.37</b>

**Table 2.**

<b>Wetland Boundaries</b>	<b>Total Acres</b>	<b>Acres to be Impacted</b>
W-1	24.65	24.65
W-2	0.27	0.27
W-3	0.97	0.97
W-4	1.8	1.8
<b>Total:</b>	<b>27.69</b>	<b>27.69</b>

Existing Conditions – 55.68 total ac. (27.69 ac. Total Wetlands on Site, 27.69 ac. Direct impacts, 2.1 ac. Secondary impacts)

**Direct Impacts**

**A: W-1, On-Site melaleuca wetlands – 24.65 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)  
 0.27 RFV X 24.65 Total Acres = **6.66 Functional Value** (UMAM units)

**B: W-2, On-Site herbaceous wetlands – 0.27 acres**

Score	Category
5	Location/Landscape Support
4	Water Environment
7	Community Structure

16 (actual) / 30 (total possible) = 0.53 Relative Functional Value (RFV)  
 0.53 RFV X 0.27 Total Acres = **0.14 Functional Value** (UMAM units)

**C: W-3, On-Site melaleuca wetlands – 0.97 acres**

Score	Category
3	Location/Landscape Support
3	Water Environment
5	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 0.97 Total Acres = **0.36 Functional Value** (UMAM units)

**D: W-4, On-Site melaleuca wetlands – 1.8 acres**

Score	Category
4	Location/Landscape Support
3	Water Environment
4	Community Structure

11 (actual) / 30 (total possible) = 0.37 Relative Functional Value (RFV)  
 0.37 RFV X 1.8 Total Acres = **0.66 Functional Value** (UMAM units)

**Secondary Impacts**

**E: Off-Site Melaleuca wetlands – 2.1 acres**

Score	Category
3/1	Location/Landscape Support
3/2	Water Environment
2/2	Community Structure

8 (actual) / 30 (total possible) = 0.27 Relative Functional Value (RFV)  
 0.27 RFV X 2.1 Total Acres = **0.210 Functional Value** (UMAM units)

**Total Functional Loss = 8.03**

**F: Hole in the Donut credit purchase**

The total functional loss is 8.03  
**8.03** credits needed to offset wetland impacts  
**10.0** credits purchased from HID

**Additional 27.1% of mitigation proposed through HID credit purchase as 10 credits have been purchased.**

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART I - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.400 F.A.C.)**

Site/Project Name <b>Bergeron US 27 Property</b>		Application Number		Assessment Area Name or Number <b>W1</b>	
FLUCCs code <b>6190 - Melaleuca</b>		Further classification (optional)		Impact or Mitigation Site? <b>Impact</b>	Assessment Area Size <b>24.65 Acres</b>
Basin/Watershed Name/Number <b>New River Basin</b>	Affected Waterbody (Class)		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance) <b>N/A</b>		
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands <b>Low quality melaleuca wetlands with no direct connectivity and is bordered to the north and east by a similar melaleuca monoculture, by US-27 to the west, Stirling Road to the south and Griffin Road to the north.</b>					
Assessment area description <b>Historic low-quality melaleuca monoculture with a mixed unterstory.</b>					
Significant nearby features <b>US-27 to the west and New River Canal to the north</b>			Uniqueness (considering the relative rarity in relation to the regional landscape.) <b>Not unique -melaleuca wetlands occur regionally throughout South Florida</b>		
Functions <b>Provides minimal habitat, storage or feeding capabilities. Possible groundwater recharge</b>			Mitigation for previous permit/other historic use <b>N/A</b>		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found ) <b>Passerine birds, small mammals</b>			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): <b>Passerine birds (boat tailed grackle, mourning dove)</b>					
Additional relevant factors: <b>In addition to US-27, Stirling and and Griffin Road, the site is bordered by disturbed, low-quality melaleuca wetlands</b>					
Assessment conducted by: <b>JR</b>			Assessment date(s): <b>11/03/22</b>		

Form 62-345.900(1), F.A.C. [ effective date ]

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name: <b>Bergeron US 27 Property</b>	Application Number: -	Assessment Area Name or Number: <b>W1</b>
Impact or Mitigation: <b>Impact</b>	Assessment Conducted by: <b>JR</b>	Assessment Date: <b>11/03/22</b>

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

		Current	With Impact
.500(6)(a) Location and Landscape Support	a. Quality and quantity of <b>habitat support</b> outside of AA.	X	
	b. <b>Invasive plant species.</b>		
	c. <b>Wildlife access</b> to and from AA (proximity and barriers).		
	d. <b>Downstream benefits</b> provided to fish and wildlife.		
	e. Adverse impacts to wildlife in AA from <b>land uses</b> outside of AA.	X	
	f. <b>Hydrologic connectivity</b> (impediments and flow restrictions).		
<b>Current</b>	<b>With Impact</b>		
<b>3</b>		Notes: Large linear tract in low-impact area, bordered on the west by US-27, South New River Canal to the north. Southern portion of the site has been previously been cleared and is a current cattle pasture.	
Place an "X" in the box above next to the two (2) most important criteria used in scoring this section			

		Current	With Impact
.500(6)(b) Water Environment (n/a for uplands)	a. Appropriateness of <b>water levels and flows.</b>	X	
	b. Reliability of <b>water level indicators.</b>		
	c. Appropriateness of <b>soil moisture.</b>		
	d. <b>Flow rates</b> /points of discharge.		
	e. <b>Fire frequency</b> /severity.		
	f. <b>Type of vegetation.</b>	X	
	g. <b>Hydrologic stress</b> on vegetation.		
	h. <b>Use by animals</b> with hydrologic requirements.		
	i. <b>Plant community composition</b> associated with water quality (i.e., plants tolerant of poor WQ).		
	j. <b>Water quality of standing water by observation</b> (i.e., discoloration, turbidity).		
<b>Current</b>	<b>With Impact</b>		
<b>3</b>		Notes: Low quality melaleuca wetland that contains evidence of hydrology during wet season. Site receives direct runoff from US 27 with no pretreatment.	
Place an "X" in the box above next to the two (2) most important criteria used in scoring this section			

		Current	With Impact
.500(6)(c) Community Structure	I. Appropriate/desirable species		
	II. Invasive/exotic plant species	X	
	III. Regeneration/recruitment		
	IV. Age, size distribution.		
	V. Snags, dens, cavity, etc.		
	VI. Plants' condition.		
	VII. Land management practices.	X	
	VIII. Topographic features (refugia, channels, hummocks).		
	IX. Submerged vegetation (only score if present).		
	X. Upland assessment area		
<b>Current</b>	<b>With Impact</b>		
<b>2</b>		Notes: Melaleuca and Atralian Pine canopy with a sparse mixed understory of swamp fern and sawgrass. Invasive species dominate the canopy and are quickly re-establishing the perimeter of the site that was previously cleared for the installation of the cattle fence. Brazilian pepper, torpedo grass, earleaf acacia and melaleuca seedlings are the dominant species.	
Place an "X" in the box above next to the two (2) most important criteria used in scoring this section			

<b>Raw Score</b> = Sum of above scores/30 (if uplands, divide by 20)	
<b>Current</b>	<b>With Impact</b>
0.27	0.00

<b>Impact Acres</b> =	24.65
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<b>Functional Loss (FL)</b> [For Impact Assessment Areas]:	
<b>FL</b> = ID x Impact Acres =	6.656

<b>Impact Delta (ID)</b>	
Current - w/Impact	0.27

NOTE: If impact is proposed to be mitigated at a mitigation bank that was assessed using UMAM, then the credits required for mitigation is equal to Functional Loss (FL). If impact mitigation is proposed at a mitigation bank that was not assessed using UMAM, then UMAM cannot be used to assess impacts; use the assessment method of the mitigation bank.

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART I - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.400 F.A.C.)**

Site/Project Name <b>Bergeron US 27 Property</b>		Application Number		Assessment Area Name or Number <b>W2</b>	
FLUCCs code <b>6190 - Melaleuca</b>		Further classification (optional)		Impact or Mitigation Site? <b>Impact</b>	
Assessment Area Size <b>0.27 Acres</b>		Basin/Watershed Name/Number <b>New River Basin</b>		Affected Waterbody (Class)	
		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)		<b>N/A</b>	
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands					
<b>Low quality herbaceous wetlands that were previously melaleuca,with no direct connectivity and is bordered to the north and east by a similar melaleuca monoculture, by US-27 to the west, Stirling Road to the south and Griffin Road to the north.</b>					
Assessment area description					
<b>Historic low-quality melaleuca monoculture with a mixed unterstory.</b>					
Significant nearby features			Uniqueness (considering the relative rarity in relation to the regional landscape.)		
<b>US-27 to the west and New River Canal to the north</b>			<b>Not unique -melaleuca wetlands occur regionally throughout South Florida</b>		
Functions			Mitigation for previous permit/other historic use		
<b>Provides minimal habitat, storage or feeding capabilities. Possible groundwater recharge</b>			<b>N/A</b>		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found )			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)		
<b>Passerine birds, small mammals</b>					
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):					
<b>Passerine birds (boat tailed grackle, mourning dove)</b>					
Additional relevant factors:					
<b>In addition to US-27, Stirling and and Griffin Road, the site is bordered by disturbed, low-quality melaleuca wetlands</b>					
Assessment conducted by:			Assessment date(s):		
<b>JR</b>			<b>11/03/22</b>		

Form 62-345.900(1), F.A.C. [ effective date ]

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name: <b>Bergeron US 27 Property</b>	Application Number: -	Assessment Area Name or Number: <b>W2</b>
Impact or Mitigation: <b>Impact</b>	Assessment Conducted by: <b>JR</b>	Assessment Date: <b>11/03/22</b>

Scoring Guidance		Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)	
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed		Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Current	With Impact
.500(6)(a) Location and Landscape Support		a. Quality and quantity of <b>habitat support</b> outside of AA.			X	
		b. <b>Invasive plant species.</b>				
		c. <b>Wildlife access</b> to and from AA (proximity and barriers).				
		d. <b>Downstream benefits</b> provided to fish and wildlife.				
		e. Adverse impacts to wildlife in AA from <b>land uses</b> outside of AA.			X	
		f. <b>Hydrologic connectivity</b> (impediments and flow restrictions).				
<b>Current</b>	<b>With Impact</b>	g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.				
<b>5</b>		h. Protection of wetland functions provided by uplands ( <b>upland</b> AAs only).				
		Notes: Large linear tract in low-impact area, bordered on the west by US-27, South New River Canal to the north. Southern portion of the site has been previously cleared and is a current cattle pasture.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
.500(6)(b) Water Environment (n/a for uplands)		a. Appropriateness of <b>water levels and flows.</b>			X	
		b. Reliability of <b>water level indicators.</b>				
		c. Appropriateness of <b>soil moisture.</b>				
		d. <b>Flow rates</b> /points of discharge.				
		e. <b>Fire frequency</b> /severity.				
		f. <b>Type of vegetation.</b>			X	
		g. <b>Hydrologic stress</b> on vegetation.				
		h. <b>Use by animals</b> with hydrologic requirements.				
		i. <b>Plant community composition</b> associated with water quality (i.e., plants tolerant of poor WQ).				
		j. <b>Water quality of standing water by observation</b> (i.e., discoloration, turbidity).				
		<b>Current</b>	<b>With Impact</b>	k. <b>Water quality data</b> for the type of community.		
<b>4</b>		l. <b>Water depth, wave energy, and currents.</b>				
		Notes: Low quality, isolated wetland that contains evidence of hydrology during wet season. Site receives direct runoff from US 27 with no pretreatment.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
.500(6)(c) Community Structure  <input checked="" type="checkbox"/> Vegetation  <input type="checkbox"/> Benthic  <input type="checkbox"/> Both		I. Appropriate/desirable species				
		II. Invasive/exotic plant species			X	
		III. Regeneration/recruitment				
		IV. Age, size distribution.				
		V. Snags, dens, cavity, etc.				
		VI. Plants' condition.				
		VII. Land management practices.			X	
		VIII. Topographic features (refugia, channels, hummocks).				
		IX. Submerged vegetation (only score if present).				
		X. Upland assessment area				
<b>Current</b>	<b>With Impact</b>	Notes: Previously Melaleuca and Australian Pine canopy, now herbaceous with Eleocharis palustris, Pontederia cordata, typha and Panicum repens.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
<b>7</b>						

<b>Raw Score</b> = Sum of above scores/30 (if uplands, divide by 20)	
<b>Current</b>	<b>With Impact</b>
0.53	0.00

<b>Impact Acres</b> =	0.27
-----------------------	------

<b>Functional Loss (FL)</b> [For Impact Assessment Areas]:	
<b>FL</b> = ID x Impact Acres =	0.143

<b>Impact Delta (ID)</b>	
Current - w/Impact	0.53

NOTE: If impact is proposed to be mitigated at a mitigation bank that was assessed using UMAM, then the credits required for mitigation is equal to Functional Loss (FL). If impact mitigation is proposed at a mitigation bank that was not assessed using UMAM, then UMAM cannot be used to assess impacts; use the assessment method of the mitigation bank.



**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART I - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.400 F.A.C.)**

Site/Project Name <b>Bergeron US 27 Property</b>		Application Number		Assessment Area Name or Number <b>W3</b>	
FLUCCs code <b>6190 - Melaleuca</b>		Further classification (optional)		Impact or Mitigation Site? <b>Impact</b>	Assessment Area Size <b>0.97 Acres</b>
Basin/Watershed Name/Number <b>New River Basin</b>	Affected Waterbody (Class)		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance) <b>N/A</b>		
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands <b>Low quality melaleuca wetlands with no direct connectivity and is bordered to the north and east by a similar melaleuca monoculture, by US-27 to the west, Stirling Road to the south and Griffin Road to the north.</b>					
Assessment area description <b>Historic low-quality melaleuca monoculture with a mixed unterstory.</b>					
Significant nearby features <b>US-27 to the west and New River Canal to the north</b>			Uniqueness (considering the relative rarity in relation to the regional landscape.) <b>Not unique -melaleuca wetlands occur regionally throughout South Florida</b>		
Functions <b>Provides minimal habitat, storage or feeding capabilities. Possible groundwater recharge</b>			Mitigation for previous permit/other historic use <b>N/A</b>		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found ) <b>Passerine birds, small mammals</b>			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): <b>Passerine birds (boat tailed grackle, mourning dove)</b>					
Additional relevant factors: <b>In addition to US-27, Stirling and and Griffin Road, the site is bordered by disturbed, low-quality melaleuca wetlands</b>					
Assessment conducted by: <b>JR</b>			Assessment date(s): <b>11/03/22</b>		

Form 62-345.900(1), F.A.C. [ effective date ]

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name: <b>Bergeron US 27 Property</b>	Application Number: -	Assessment Area Name or Number: <b>W3</b>
Impact or Mitigation: <b>Impact</b>	Assessment Conducted by: <b>JR</b>	Assessment Date: <b>11/03/22</b>

Scoring Guidance		Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)	
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed		Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Current	With Impact
.500(6)(a) Location and Landscape Support		a. Quality and quantity of <b>habitat support</b> outside of AA.			X	
		b. <b>Invasive plant species.</b>				
		c. <b>Wildlife access</b> to and from AA (proximity and barriers).				
		d. <b>Downstream benefits</b> provided to fish and wildlife.				
		e. Adverse impacts to wildlife in AA from <b>land uses</b> outside of AA.			X	
		f. <b>Hydrologic connectivity</b> (impediments and flow restrictions).				
<b>Current</b>	<b>With Impact</b>	g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.				
<b>3</b>		h. Protection of wetland functions provided by uplands ( <b>upland</b> AAs only).				
		Notes: Large linear tract in low-impact area, bordered on the west by US-27, South New River Canal to the north. Souther portion of the site has been previously cleared and is a current cattle pasture.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
.500(6)(b) Water Environment (n/a for uplands)		a. Appropriateness of <b>water levels and flows.</b>			X	
		b. Reliability of <b>water level indicators.</b>				
		c. Appropriateness of <b>soil moisture.</b>				
		d. <b>Flow rates</b> /points of discharge.				
		e. <b>Fire frequency</b> /severity.				
		f. <b>Type of vegetation.</b>			X	
		g. <b>Hydrologic stress</b> on vegetation.				
		h. <b>Use by animals</b> with hydrologic requirements.				
		i. <b>Plant community composition</b> associated with water quality (i.e., plants tolerant of poor WQ).				
		j. <b>Water quality of standing water by observation</b> (i.e., discoloration, turbidity).				
<b>Current</b>	<b>With Impact</b>	k. <b>Water quality data</b> for the type of community.				
<b>3</b>		l. <b>Water depth, wave energy, and currents.</b>				
		Notes: Low quality melaleuca wetland that contains evidence of hydrology during wet season. Site receives direct runoff from US 27 with no pretreatment.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
.500(6)(c) Community Structure  <input checked="" type="checkbox"/> Vegetation  <input type="checkbox"/> Benthic  <input type="checkbox"/> Both		I. Appropriate/desirable species				
		II. Invasive/exotic plant species			X	
		III. Regeneration/recruitment				
		IV. Age, size distribution.				
		V. Snags, dens, cavity, etc.				
		VI. Plants' condition.				
		VII. Land management practices.			X	
		VIII. Topographic features (refugia, channels, hummocks).				
		IX. Submerged vegetation (only score if present).				
		X. Upland assessment area				
<b>Current</b>	<b>With Impact</b>	Notes: Melaleuca and Atralian Pine canopy with a sparse mixed understory of swamp fern and sawgrass. Invasive species dominate the canopy and are quickly re-establishing the perimeter of the site that was previously cleared for the installation of the cattle fence. Brazilian pepper, torpedo grass, earleaf acacia and melaleuca seedlings are the dominant species.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
<b>5</b>						

<b>Raw Score</b> = Sum of above scores/30 (if uplands, divide by 20)	
<b>Current</b>	<b>With Impact</b>
0.37	0.00

<b>Impact Acres</b> =	0.97
-----------------------	------

<b>Functional Loss (FL)</b> [For Impact Assessment Areas]:	
<b>FL</b> = ID x Impact Acres =	0.359

<b>Impact Delta (ID)</b>	
Current - w/Impact	0.37

NOTE: If impact is proposed to be mitigated at a mitigation bank that was assessed using UMAM, then the credits required for mitigation is equal to Functional Loss (FL). If impact mitigation is proposed at a mitigation bank that was not assessed using UMAM, then UMAM cannot be used to assess impacts; use the assessment method of the mitigation bank.

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART I - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.400 F.A.C.)**

Site/Project Name <b>Bergeron US 27 Property</b>		Application Number		Assessment Area Name or Number <b>W4</b>	
FLUCCs code <b>6190 - Melaleuca</b>		Further classification (optional)		Impact or Mitigation Site? <b>Impact</b>	
Assessment Area Size <b>1.80 Acres</b>		Basin/Watershed Name/Number <b>New River Basin</b>		Affected Waterbody (Class)	
		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)		<b>N/A</b>	
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands					
<b>Low quality melaleuca wetlands with no direct connectivity and is bordered to the north and east by a similar melaleuca monoculture, by US-27 to the west, Stirling Road to the south and Griffin Road to the north.</b>					
Assessment area description					
<b>Historic low-quality melaleuca monoculture with a mixed unterstory.</b>					
Significant nearby features			Uniqueness (considering the relative rarity in relation to the regional landscape.)		
<b>US-27 to the west and New River Canal to the north</b>			<b>Not unique -melaleuca wetlands occur regionally throughout South Florida</b>		
Functions			Mitigation for previous permit/other historic use		
<b>Provides minimal habitat, storage or feeding capabilities. Possible groundwater recharge</b>			<b>N/A</b>		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found )			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)		
<b>Passerine birds, small mammals</b>					
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):					
<b>Passerine birds (boat tailed grackle, mourning dove)</b>					
Additional relevant factors:					
<b>In addition to US-27, Stirling and and Griffin Road, the site is bordered by disturbed, low-quality melaleuca wetlands</b>					
Assessment conducted by:			Assessment date(s):		
<b>JR</b>			<b>11/03/22</b>		

Form 62-345.900(1), F.A.C. [ effective date ]

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name: <b>Bergeron US 27 Property</b>	Application Number: -	Assessment Area Name or Number: <b>W4</b>
Impact or Mitigation: <b>Impact</b>	Assessment Conducted by: <b>JR</b>	Assessment Date: <b>11/03/22</b>

Scoring Guidance		Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)	
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed		Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Current	With Impact
.500(6)(a) Location and Landscape Support		a. Quality and quantity of <b>habitat support</b> outside of AA.			X	
		b. <b>Invasive plant species.</b>				
		c. <b>Wildlife access</b> to and from AA (proximity and barriers).				
		d. <b>Downstream benefits</b> provided to fish and wildlife.				
		e. Adverse impacts to wildlife in AA from <b>land uses</b> outside of AA.			X	
		f. <b>Hydrologic connectivity</b> (impediments and flow restrictions).				
<b>Current</b>	<b>With Impact</b>	g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.				
<b>4</b>		h. Protection of wetland functions provided by uplands ( <b>upland</b> AAs only).				
		Notes: Large linear tract in low-impact area, bordered on the west by US-27, South New River Canal to the north			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
.500(6)(b) Water Environment (n/a for uplands)		a. Appropriateness of <b>water levels and flows.</b>			X	
		b. Reliability of <b>water level indicators.</b>				
		c. Appropriateness of <b>soil moisture.</b>				
		d. <b>Flow rates</b> /points of discharge.				
		e. <b>Fire frequency</b> /severity.				
		f. <b>Type of vegetation.</b>			X	
		g. <b>Hydrologic stress</b> on vegetation.				
		h. <b>Use by animals</b> with hydrologic requirements.				
		i. <b>Plant community composition</b> associated with water quality (i.e., plants tolerant of poor WQ).				
		j. <b>Water quality of standing water by observation</b> (i.e., discoloration, turbidity).				
		<b>Current</b>	<b>With Impact</b>	k. <b>Water quality data</b> for the type of community.		
<b>3</b>		l. <b>Water depth, wave energy, and currents.</b>				
		Notes: Low quality melaleuca wetland that contains evidence of hydrology during wet season. Site receives direct runoff from US 27 with no pretreatment.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
.500(6)(c) Community Structure  <input checked="" type="checkbox"/> Vegetation  <input type="checkbox"/> Benthic  <input type="checkbox"/> Both		I. Appropriate/desirable species				
		II. Invasive/exotic plant species			X	
		III. Regeneration/recruitment				
		IV. Age, size distribution.				
		V. Snags, dens, cavity, etc.				
		VI. Plants' condition.				
		VII. Land management practices.			X	
		VIII. Topographic features (refugia, channels, hummocks).				
		IX. Submerged vegetation (only score if present).				
		X. Upland assessment area				
<b>Current</b>	<b>With Impact</b>	Notes: Melaleuca and Australian Pine canopy with a sparse mixed understory of swamp fern and sawgrass. Invasive species dominate the canopy and are quickly re-establishing the perimeter of the site that was previously cleared for the installation of the cattle fence. Brazilian pepper, torpedo grass, earleaf acacia and melaleuca seedlings are the dominant species.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section	
<b>4</b>						

<b>Raw Score</b> = Sum of above scores/30 (if uplands, divide by 20)	
<b>Current</b>	<b>With Impact</b>
0.37	0.00

<b>Impact Acres</b> =	1.80
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<b>Functional Loss (FL)</b> [For Impact Assessment Areas]:	
<b>FL</b> = ID x Impact Acres =	0.666

<b>Impact Delta (ID)</b>	
Current - w/Impact	0.37

NOTE: If impact is proposed to be mitigated at a mitigation bank that was assessed using UMAM, then the credits required for mitigation is equal to Functional Loss (FL). If impact mitigation is proposed at a mitigation bank that was not assessed using UMAM, then UMAM cannot be used to assess impacts; use the assessment method of the mitigation bank.

**Note:** This reservation letter was updated on 1/12/2023 to reflect the transfer of delegation from SFWMD to FDEP (Application No. 06-0404099-002-EI). The reservation was originally extended until 1/8/2022 and was paid on 01/08/2022. Receipt is attached at the end of this letter.

**United States Department of the Interior  
NATIONAL PARK SERVICE  
Everglades and Dry Tortugas National Parks  
40001 State Road 9336  
Homestead, Florida 33034**

IN REPLY REFER TO:

HID Reference # **2021-19**

Date: **1/8/2021**

Mr. Lonnie Bergeron  
Bergeron US 27 LLC  
19612 SW 69thPlace  
Fort Lauderdale, 33332

To Whom it May Concern:

Thank you for your interest in the Hole-in-the-Donut Wetland Restoration Project (HID) at Everglades National Park. The HID was originally established, under Section 404 of the Clean Water Act, in 1996 through the issuance of U.S. Army Corps of Engineers (ACOE) permit # SAJ-1993-01691 and under the Florida Department of Environmental Protection's (FDEP) Mitigation Banking Statute (F.S. 373.4135) through Permit # 132416479, in 1995. Effective September 11, 2015, the HID came into compliance with the 2008 federal rule governing the management of ILF mitigation programs resulting in an In-Lieu-Fee Instrument (ILF) and Mitigation plan. Effective November 6, 2019, the HID completed a major permit modification with FDEP, resulting in a new State permit (# 0257597-005). These updated state and federal regulatory documents provide the guidelines and framework for the management of the HID and authorizes the transfer of freshwater palustrine emergent credits that can satisfy Permittee's state and federal mitigation requirements.

The HID is providing this reservation letter with the understanding that the Permittee is in the process of obtaining the appropriate permit(s), and has provided to us at least one permit or permit application number, due to unavoidable wetland impacts caused by this project:

**Bergeron Museum Property/Bergeron US 27 Nursery**

The permit and property information from the application provided are as follows:

Permit/Application Numbers

ACOE: **06-0404099-003-SFI**                      SFWMD/DEP: **210507-6155**

County - RER (Miami-Dade)/Broward: **DF05-1107**                      Other:

Property Information

Folio: **Broward:503934010340,0430,0431**      S: **34**                      T: **50**                      R: **39**

**0420,0570,0280,0170, 0100, 0020;**

**503927020210,0220, 0160**



January 11, 2022

Mr. Lonnie Bergeron  
Bergeron US 27 LLC  
19612 SW 69<sup>th</sup> Place  
Fort Lauderdale, FL 33332

Re: Letter of Receipt

Dear Sir/Madam,

Please let this letter serve as receipt of check # **3297** in the amount of **\$780,000.00** for a total of **10.00** Palustrine Emergent wetland UMAM credits from the 'Hole-in-the-Donut' wetland restoration and mitigation program at Everglades National Park. The project name is **Bergeron Museum Property / Bergeron US 27 Nursery** and the project reference is **HID 2021-19**.

We received this check on January 6, 2022.

Restoration fund AEVED	\$780,000.00
------------------------	--------------

Sincerely,

A handwritten signature in cursive script that reads "Tenzin Yangchen".

Tenzin Yangchen,  
Senior Accountant

cc: Everglades National Park ([ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov)), (through scan; email)

This reservation letter has been assigned an HID reference number used to track the status of a Permittee's HID reservation, payment, receipts and any correspondence between the HID and the Permittee. The Permittee should keep this number for their records and refer to the HID reference number when inquiring about the status of their reservation or credit transactions. The reservation number for the above named project is:

**2021-19**

Based on the information in the application form you provided, we understand you are requesting a reservation to satisfy the highest mitigation requirement, according to the amount of compensatory mitigation determined by the regulatory agencies, shown in UMAM below:

- 10.00** State credits based on the universal mitigation assessment method (UMAM)
- 10.00** Federal credits based on the universal mitigation assessment method (UMAM)
- 10.00** County credits based on the universal mitigation assessment method (UMAM)

If within the 6 month reservation period the regulatory agencies determine that a different amount of mitigation is required than is included in this reservation, Permittees may choose to contact the HID and request an adjustment to the number of mitigation credits reserved. Reservations can be modified up (if credits are available) or down. If additional credits are not available, the HID bears no responsibility to provide additional mitigation credits. The Permittee may seek to fulfill the additional mitigation requirements elsewhere, or withdraw the reservation in its entirety. If a reservation is withdrawn, the reserved mitigation credits are retained by HID.

This reservation is valid for 6 months from the date of issue, reflected above. The Permittee may request no more than one 6 month extension/renewal of the reservation letter. Reservation extension requests must be sent via email to [ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov). Reservation extension requests sent to alternate email addresses will not be processed. If the reservation extension request is not received before the expiration date, all commitments set forth in the reservation letter will be deemed null and void. Credits for expired reservations will be returned to the project and made available to the public on the date of the next credit release.

For approved reservation extension requests, all obligations, terms and conditions of the original reservation will remain in effect with the exception of the cost of mitigation. The renewed reservation will reflect the cost of mitigation at the date of renewal. In light of this, reservation extension requests shall be submitted no more than 30 days prior to the expiration date of the reservation.

Restoration in the HID currently requires \$78,000.00 per local, state, or federal UMAM credit. Everglades National Park will undertake wetland restoration on behalf of the Permittee, based on the highest mitigation requirement for the project indicated, for a total cost of **\$ 780,000.00** payable to the National Park Foundation. The NPS will also perform other attendant activities such as, but not limited to, monitoring of restoration and maintenance of restored wetlands.

The Foundation must receive the payment, in full, within 6 months of the date that this letter was issued. Once the payment mentioned above is received by the National Park Foundation, the Foundation will issue a receipt and send a copy of the receipt to the HID. If the payment is not received by the Foundation within this time period, all agreements set forth in this letter will be deemed null and void.

The Permittee **must provide to the HID electronic copies of the signed regulatory permits** pertaining to the project described in this reservation. If the HID does not receive copies of the regulatory permits pertaining to the project, the HID will be unable to withdraw credits from the state and federal credit ledgers and therefore unable assume responsibility for the mitigation requirements.

Please make your payment in full, and **please include the credit transaction form that is attached below**. Please be advised that the compensatory mitigation reserved via this letter can only be used for the project as indicated above. No portion of the mitigation described herein may be used for another project, and once a payment is made no refund of all or any part of it will be made.

Thank you for supporting the HID In Lieu Fee and Mitigation Bank and Everglades National Park. Please contact Michelle Tongue, HID Project Manager with questions or concerns at [ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov) or (305) 242-7866.

Sincerely,

A handwritten signature in black ink, appearing to read "MTongue", written in a cursive style.

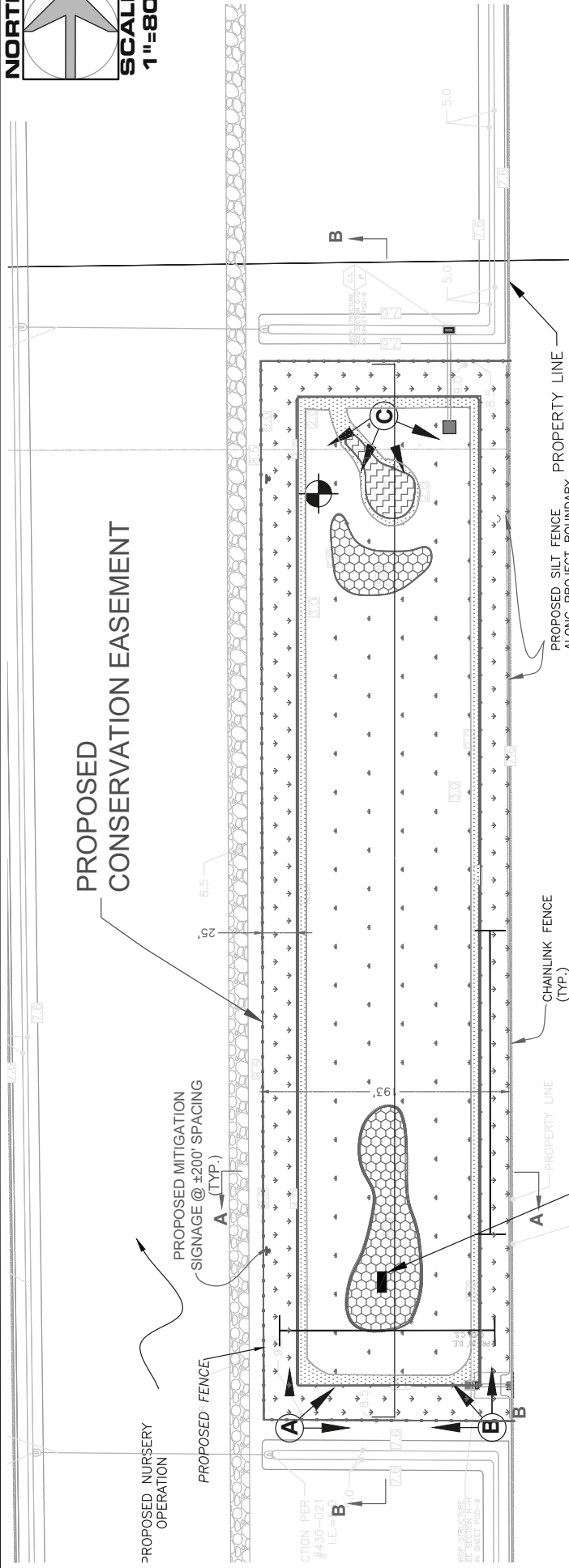
Michelle Tongue  
Restoration Project Manager







# PROPOSED CONSERVATION EASEMENT



## LEGEND

- TRANSITIONAL BUFFER (1.1 ac) (NOT INCLUDED IN MITIGATION ACREAGE, BUT WILL BE INCLUDED IN CE)
- TREE ISLAND (0.22ac)
- MARSH (1.55ac)
- SLOUGH = (0.70ac)
- OPEN WATERPREY CONCENTRATION AREA (0.03ac)
- TOTAL ONSITE MITIGATION ACREAGE = 2.58ac - SEE NOTES

NOTES:  
 1. FOR ADDITIONAL SITE PLAN INFORMATION, PLEASE SEE PAVING, CONSTRUCTION PLANS AND CALCULATIONS BY CARRAHAN - PROCTOR & CROSS, INC.  
 2. THE PROPOSED CONSERVATION EASEMENT WILL INCLUDE 3.6ac

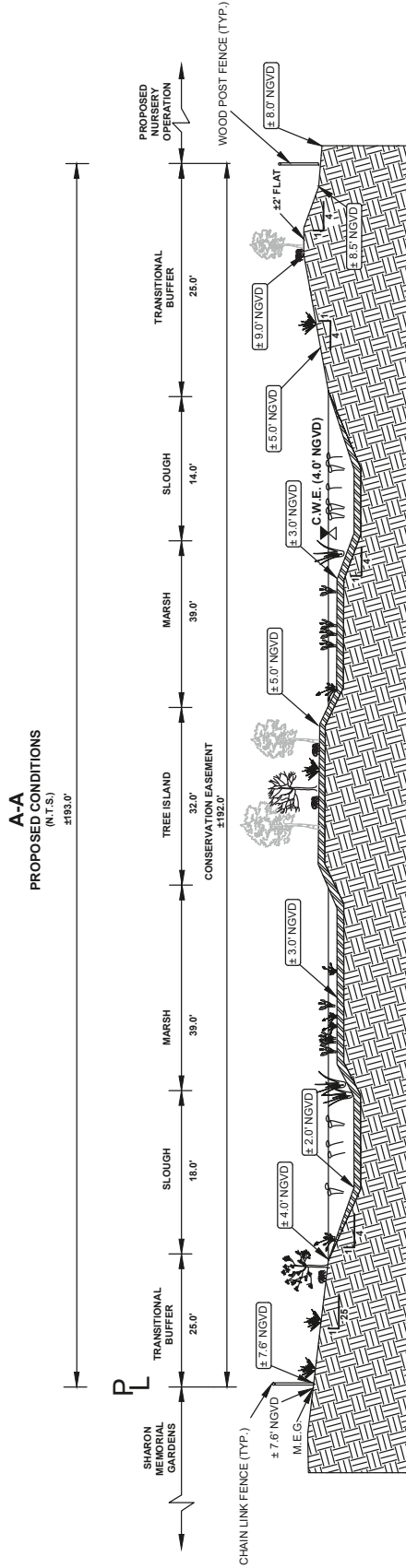
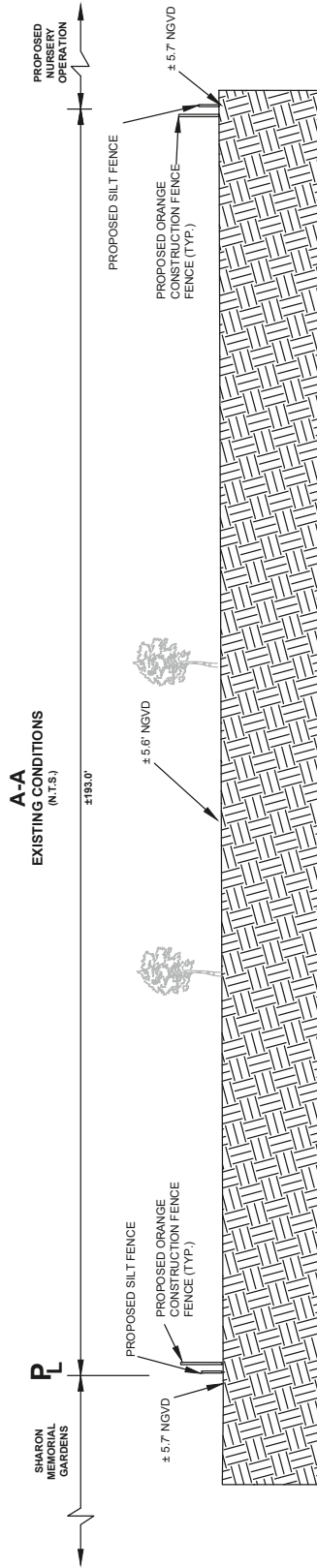
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**THE Chappell GROUP**  
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 Fort Worth, TX 76108  
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[www.thechappellgroup.com](http://www.thechappellgroup.com)

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/ Appraisals

**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC

MITIGATION PLAN	
Date: 4/24/2023	Sheet: 3 of 6
Proj No: 18-0042-001	



**LEGEND**

	PROPOSED ELEVATION (NGVD)
	EXISTING ELEVATION (NGVD)
	C.W.E. 4.0' NGVD
	MUCK BLANKET (MINIMUM 1')
	EXISTING SUBSTRATE

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Tallahassee, FL 32306  
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Fax: 954.782.1108  
[www.thechappellgroup.com](http://www.thechappellgroup.com)

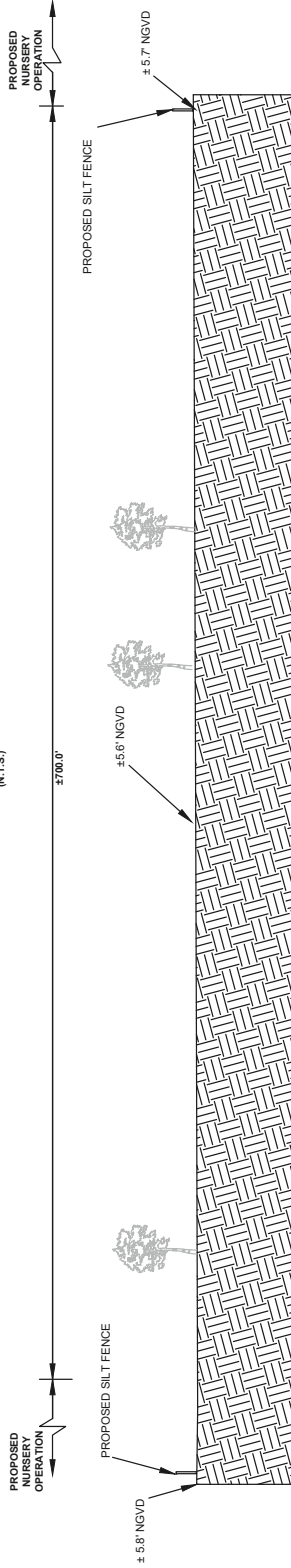
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/ Appraisals

**BERGERON US 27 PROPERTY**  
PREPARED FOR:  
BERGERON US 27, LLC

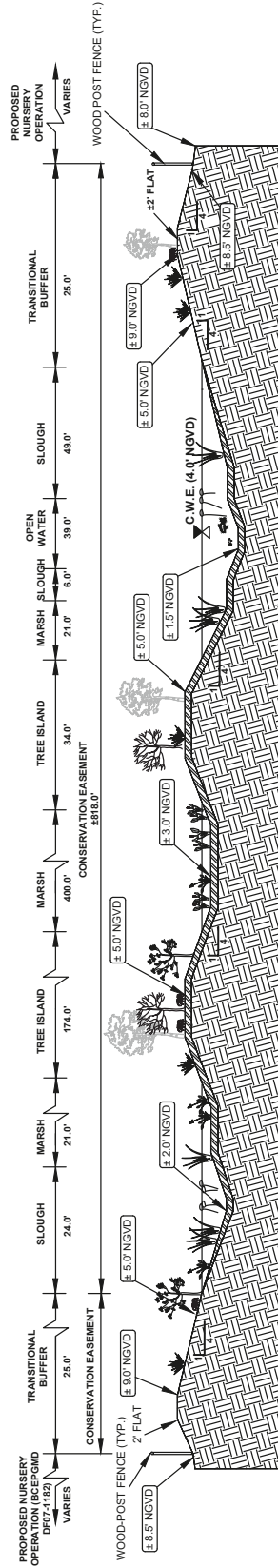
SECTION A

Date:	4/24/2023	Sheet:	4	of:	6
Proj No.:	18-0042-001				

**B-B**  
EXISTING CONDITIONS  
(N.T.S.)



**B-B**  
PROPOSED CONDITIONS  
(N.T.S.)



- LEGEND**
- PROPOSED ELEVATION (NGVD)
  - EXISTING ELEVATION (NGVD)
  - C.W.E. 4.0' NGVD
  - MUCK BLANKET (MINIMUM 1')
  - EXISTING SUBSTRATE

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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/ Appraisals

**BERGERON US 27 PROPERTY**  
PREPARED FOR:  
BERGERON US 27, LLC

SECTION B	
Date: 4/24/2023	Sheet: 5 of 6
Proj No.: 18-0042-001	

# PLANTING TABLE

Legend	Scientific Name	Common Name	Spacing	Quantity	Size	Planting Elevation (NGVD)
	TREE ISLANDS: (0.22 a.c.)					
	TREES:					
	Persia Borbonia	Red Bay	10' o.c.	20	7 Gallon	4.5 - 5.0' NGVD
	Taxodium distichum	Bald Cypress	10' o.c.	55	7 Gallon	4.0 - 4.5' NGVD
	Ilex cassine	Dahoon Holly	10' o.c.	21	7 Gallon	4.0 - 5.0' NGVD
			Subtotal	96		
	TREE ISLANDS: (0.22 A.C.)					
	SHRUBS & GROUNDCOVER:					
	Chrysobalanus icaco	Green Cocoplum	4' o.c.	120	1 Gallon	4.5 - 5.0' NGVD
	Hamelia patens	Firebush	4' o.c.	150	1 Gallon	4.5 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Stachytarpheta jamaicensis	Dwarf Florida porterweed	4' o.c.	90	1 Gallon	4.0 - 5.0' NGVD
	Achrostichum dansefolium	Leatherfern	4' o.c.	150	1 Gallon	4.0 - 5.0' NGVD
			Subtotal	600		
	MARSH: (1.55 a.c.)					
	Ponedaria cordata	Pickereelweed	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria latifolia	Duck Potato	3' o.c.	1,975	Bareroot 24"	3.0 - 4.0' NGVD
	Sagittaria latifolia	Arrowhead	3' o.c.	750	Bareroot 24"	3.0 - 4.0' NGVD
	Scripus californicus	Giant Bulrush	3' o.c.	1,000	Bareroot 24"	2.5 - 3.5' NGVD
	Canna flaccida	Yellow Canna	3' o.c.	1,000	Bareroot 24"	3.5 - 4.0' NGVD
	Scripus americanus	Three-square bulrush	3' o.c.	800	Bareroot 24"	3.5 - 4.0' NGVD
			Subtotal	7,500		
	SLOUGH: (0.70 ac)					
	Nymphaea odorata	White Water Lily	4' o.c.	1,200	Bareroot	1.5 - 2.5' NGVD
	Scripus californicus	Giant bulrush	4' o.c.	700	Bareroot	1.5 - 2.5' NGVD
			Subtotal	1,900		
	TRANSITIONAL AREA: (1.1 a.c)					
	TREES:					
	Azimina glabra	Pond apple	10' o.c.	120	7 Gallon	4.0 - 5.5' NGVD
	Pinus elliotii	Slash pine	10' o.c.	180	7 Gallon	4.5 - 9.0' NGVD
	Sabal palmetto	Cabbage palm	10' o.c.	180	10 Gallon (10')	4.5 - 9.0' NGVD
			Subtotal	480		
	TRANSITIONAL AREA: (1.1 a.c)					
	SHRUBS & GROUNDCOVER:					
	Iris virginica	Blue-flag iris	4' o.c.	480	1 Gallon	4.0 - 5.0' NGVD
	Eugenia sp.	Stopper	4' o.c.	675	1 Gallon	4.0 - 5.5' NGVD
	Canna flaccida	Golden canna	4' o.c.	470	1 Gallon	4.0 - 5.0' NGVD
	Tripsacum floridanum	Fakahatchee grass	4' o.c.	680	3 Gallon	6.5 - 9.0' NGVD
	Hibiscus coccineus	Scarlet hibiscus	4' o.c.	680	1 Gallon	5.5 - 9.0' NGVD
			Subtotal	2,985		
			Total	13,571		

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**BERGERON US 27 PROPERTY**  
 PREPARED FOR:  
 BERGERON US 27, LLC

PLANTING PLAN

Date: 4/24/2023  
 Sheet: 6 of 6  
 Proj No.: 18-0042-001

**Bergeron US 27 Property  
Onsite Wetland Monitoring and Maintenance Plan  
TCG Project No. 18-0042.001**

The proposed onsite wetland preserve plan includes the construction and operation of a surface water management system through the filling of 27.69 acres for the expansion of an existing nursery operation. Additionally, the proposed plan includes the enhancement/creation of 2.5 acres of wetlands through the transformation of a low-quality wetland into a freshwater marsh system. The proposed 2.5-acre wetland enhancement and creation area will also include a 1.1-acre transitional buffer for a total of 3.6 acres to be placed under a conservation easement. The mitigation component demonstrates avoidance and minimization of wetland impacts to the greatest extent possible through the enhancement and creation of 2.5 acres of onsite wetlands, and the purchase of 10 mitigation credits from the Hole in the Donut Mitigation Bank. The proposed wetland will result in various sub-habitats including freshwater herbaceous marsh, slough, open water and tree islands. These sub-habitats will also be surrounded by both transitional buffer areas, minimizing potential secondary impacts and providing additional habitat components within the conservation area. Overall, the proposed wetland preserve area will result in a high quality, diverse wetland system to offset impacts to an existing wetland system.

1. During construction of the onsite wetland preserve area, and upon the final grading, the site will be reviewed by an appropriate environmental professional to determine if the wetland restoration has been established based on the design criteria and if the appropriate water depths have been established pursuant to the proposed water table hydrograph. This assessment will also review potential water quality problems such as high levels of turbidity and make recommendations for corrective action. Upon completion of the earthwork, as-built surveys will be reviewed by an appropriate environmental profession before planting activities commence.
2. During the planting process, an appropriate environmental professional will be available to assist, direct, and facilitate the planting process in order to make sure that the appropriate design criteria are met. Upon completion of the planting, a time zero report will be completed and submitted within 30 days of completion.
3. The quantitative monitoring of the wetland preserve area will include three (3) random one-meter quadrat samples along three (3) permanent transects to determine the percent aerial coverage and survival rate of installed and naturally recruited herbaceous and woody species. Percent coverage in selected locations will be determined and survival rate will be established. Monitoring transects will be set to include portions of each proposed habitat type within the area; transitional buffer, marsh, slough and tree island. A permanent stake will be

714 East McNab Road. Pompano Beach, FL 33060 *tel.* 954.782.1908 *fax.* 954.782.1108 [www.thechappellgroup.com](http://www.thechappellgroup.com)

installed at each permanent transect to ensure accurate reporting of the percent aerial coverage and survivability.

4. Panoramic photographic locations will be established to provide supplemental data for the annual monitoring reports. Photographic stations and the location of the monitoring transects are shown on the monitoring plan.
5. One (1) staff gauge will be placed within the onsite wetland preserve area as depicted in the monitoring plan. The staff gauge will be recorded monthly on approximately the same day each month, and the monthly readings will be included in the annual monitoring reports.
6. Incidental observations of fish and wildlife will be recorded on each monitoring event.
7. Quantitative monitoring will be completed quarterly and annually for five years. A total of five (5) reports plus the time zero report will be submitted to the FDEP, and a total of twenty (20) reports plus the time zero report will be submitted to BCRED.
8. Measurable success criteria shall include 80% survivorship of installed material and 80% coverage by native wetland plant species within the first two years of the monitoring period. In addition,  $\leq 2\%$  coverage by nuisance/exotic species will be maintained within the wetland preserve area. If the required survival rate and/or percent coverage is not achieved in the first two (2) years, then corrective action will be taken to achieve these requirements. Additional material will be planted within the mitigation using the same species type(s), spacing, and sizes as those permitted. Nuisance/exotic species will be maintained within the area and cannot exceed 2% coverage within the wetland preserve area. Maintenance will be performed as needed to ensure that this requirement is achieved.
9. Maintenance will be conducted on a quarterly or "as needed" basis, depending on the needs of the wetland area as determined through the ongoing monitoring effort. Species to be eradicated include cattail, primrose willow, melaleuca, Brazilian pepper, torpedo grass, Australian pine, shoe-button ardisia, earleaf acacia, schefflera and any other exotic/nuisance species as listed by Florida Exotic Pest Plant Council (EPPC). Trash and unnatural debris will be removed as needed.
10. Upon completion of the five (5) year monitoring and maintenance program, the managing entity will be responsible for the ongoing and perpetual maintenance of the wetland mitigation area.

12/14/2022

**Bergeron US 27 Property - Updated Construction Estimate for On-Site Mitigation Area**

<b>Description</b>	<b>Quantity</b>	<b>UoM</b>	<b>Unit Rate</b>	<b>Total</b>
Survey	40	HRS	\$75.00	\$3,000.00
Clearing & Grubbing	3.1	Acres	\$3,000.00	\$9,300.00
Excavation	16800	CY	\$2.00	\$33,600.00
Embankment (In-Place)	3500	CY	\$3.00	\$10,500.00
Planting	1	LS	\$50,377.20	<u>\$50,377.20</u>
				\$106,777.20
			Maintenace	\$18,000.00
			Monitoring	\$20,000.00
			<b>Total</b>	<b>\$144,777.20</b>
			<b>Total +10% contingency</b>	<b>\$159,254.92</b>



**Exhibit “L”**  
**Florida Department of Transportation**  
**Pre-Application Letter**



# Florida Department of Transportation

RON DESANTIS  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450  
May 1, 2023

JARED W. PERDUE, P.E.  
SECRETARY

THIS PRE-APPLICATION LETTER IS VALID UNTIL – May 1, 2024  
**THIS LETTER IS NOT A PERMIT APPROVAL**

William Barbaro P.E.  
Carnahan Proctor and Cross Inc.  
814 S. Military Trail Deerfield Beach, FL 33076

Dear William Barbaro P.E.:

RE: Pre-application Review for **Category E Driveway**, Pre-application Meeting Date: **October 20, 2022**  
Broward County - Town of Southwest Ranches; SR 25; Sec. # 86060000; MP: 6.5; Access Class - 2;  
Posted Speed - 60; SIS - SIS Corridor; FDOT Ref. Project:

**Request: Right-in/right-out driveway on US 27, located approximately 2,800 feet north of Stirling Road.**

**SITE SPECIFIC INFORMATION**  
Project Name & Address: **Bergeron US 27 Business Center – Lat: 26.05184 Lon: -80.43325**  
Property Owner: **Bergeron US 27 LLC**; Parcel Size: **56 Acres**  
Development Size: **165,500 SF Business Park, 543,800 SF General Light Industrial**

**REQUEST APPROVED**

This decision is based on your presentation of the facts, site plan and survey - please see the conditions and comments below. You may choose to review this concept further with the District Access Management Review Committee (AMRC).

**Conditions:**

- **A minimum driveway length of 140 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided.**
  - **If a gate is proposed, a minimum driveway length of 100 feet to the call box and/or gate house, and a turnaround area before the gate are required.**
  - **A right turn lane is required and shall meet the minimum requirements in the Florida Design Manual (FDM) and shall provide space for a buffered bicycle lane.**
  - **Main Driveway: Provide a southbound acceleration lane along SR 25/US-27, south of the median opening. Provide queueing analysis at the proposed main driveway.**
  - **Stirling Road: Restrict Stirling Road access to a channelized right-in-only.**
  - **Griffin Road: Provide a widened inbound area to accommodate expected heavy vehicles, the turning path will have to be verified at the time of permit. AutoTURN analysis is required.**
- Traffic Impact Study shall be submitted to the Department (Traffic Operations and Planning Office) at the time of permit, including all the above-mentioned conditions.**

**Comments:**

- All driveways not approved in this letter must be fully removed and the area restored.
- A Drainage Permit is required for any stormwater impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
- The applicant shall donate property to the Department if right-of-way dedication is required to implement the improvements.
- Dimensions between driveways are measured from the near edge of pavement to near edge of pavement and for median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway System and to note required improvements, if any. This letter shall be submitted with any further reviews and for permitting. The Department's personnel shall review permit plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Note, this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department. For right-of-way dedication requirements go to: <https://osp.fdot.gov>; click on Statewide Permit News; Scroll down to District 4; Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

Please contact the Access Management Manager - Tel. # 954-777-4363 or e-mail: [D4AccessManagement@dot.state.fl.us](mailto:D4AccessManagement@dot.state.fl.us) with any questions regarding the Pre-Approval Letter.

Sincerely,

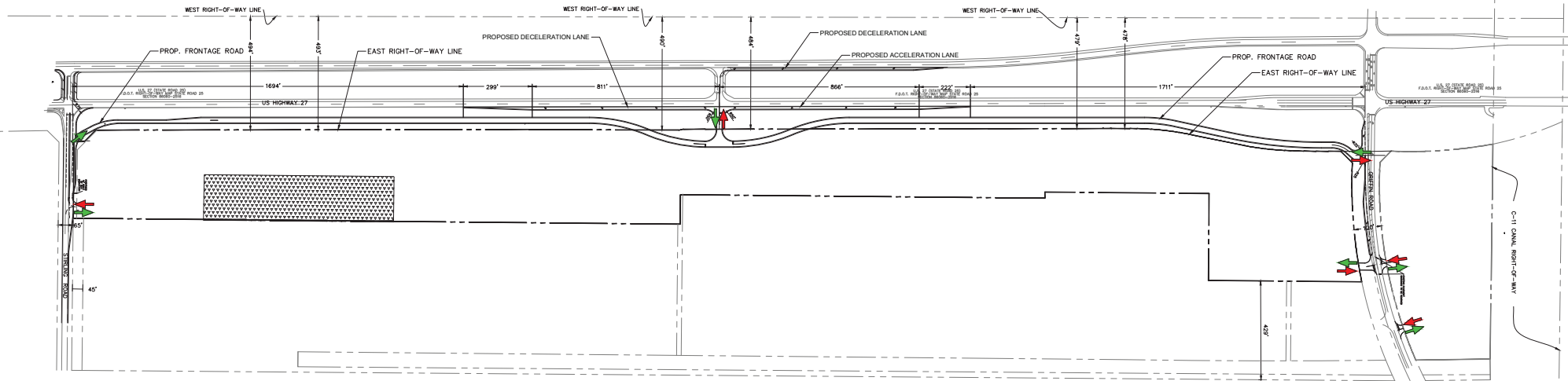
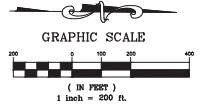
Carina Harvey  
District Access Management Manager

cc: Anthony Beecher

File: S:\Transportation Operations\Traffic Operations\Access Management\1. Pre-Apps and Variance\Pre-application Letter Template.docx

[www.dot.state.fl.us](http://www.dot.state.fl.us)

**Exhibit “M”**  
**Master Circulation and Access Plan**



**NOTES:**  
1. ADDITIONAL FRONTAGE ROAD DRIVEWAY ACCESS POINTS TO BE CONFIRMED UPON REVIEW AND ACCEPTANCE OF PROPOSED SITE PLAN.

LEGEND	
WETLAND MITIGATION AREA	
R/W LINE	
PROJECT BOUNDARY	
PROPOSED INGRESS	
PROPOSED EGRESS	

# **Agenda Item 7B**

## Wall Height Ordinance

**ORDINANCE NO. 2024 - XXX**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10, "DEFINITION OF TERMS," SECTION 010-030, "TERMS DEFINED" AND ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" PERTAINING TO FENCE AND WALL HEIGHT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the ULDC requires that the height of a fence or wall include the height of any berm upon which erected; and

**WHEREAS**, the Town Council wishes to include the height of retaining walls in the height of a fence or wall upon which erected, and to clarify the definition of height for structures other than buildings; and

**WHEREAS**, the Comprehensive Plan Advisory Board considered the proposed amendments on February 7, 2024 and recommended adoption.

**WHEREAS**, after holding a duly noticed public hearing on \_\_\_\_\_, the Local Planning Agency found the proposed amendments to be consistent with the adopted Town of Southwest Ranches Comprehensive Plan.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

**Section 2.** Article 010, "Definition of Terms," Section 010-030, "Terms Defined," is hereby amended as follows:

*Grade, established or grade, finished.* The term "established grade" or "finished grade" means the elevation of land above mean sea level (~~NVGD 1929~~ NAVD 88), in its final, graded condition.

\* \* \*

*Height.*

- 1) For all buildings and roofed structures, ~~except as provided below~~, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs, ~~and to the highest point of any nonroofed structure~~, provided that any portion of the finished grade exceeding ~~ten (10)~~ 8.5 feet ~~NVGD~~ NAVD 88 shall be included in the height calculation.
- 2) For ~~s~~Signs, ~~as height is defined within~~ article 70, "Sign Regulations."
- 3) For fences, freestanding walls, retaining walls, all other structures, and berms, ~~other than buildings and signs~~, height shall be the vertical distance from the lowest finished grade below abutting the structure or berm to the highest point of the structure or berm; provided that:
  - a. The height calculation of structures and berms placed within any required yard abutting a street or canal on a berm shall be measured from the include the height of the berm. finished grade at the right-of-way line of the street or canal.
  - b. Where a street or canal is not contained within a right-of-way or easement, height shall be measured from the elevation of the edge of street pavement or top of canal bank, as applicable.
  - c. The height of structures and berms placed within any required yard abutting an interior plot line shall be measured from the finished grade at the plot line between properties. Berms height shall be the vertical distance from the height of the crown of the adjacent street to the top of the berm.
  - d. The height of any structure placed on a berm or retaining wall shall include the height of the berm or retaining wall.

**Section 3.** Article 045, "Agricultural and Rural Districts," Section 045-030, "General Provisions" is hereby amended as follows:

Ordinance No. 2024-\_\_\_\_

New text is underlined and deleted text is ~~stricken~~

(A) *Fences, walls and hedges.* Fences and walls, not including entrance features, shall be permitted to a maximum height of eight (8) feet ~~above the established grade~~ within any required yard, and in any location on a residential or agricultural plot; provided that a fence enclosing a tennis court or other customary enclosure may be higher if located outside of a required yard. Fences on farms shall be governed by F.S. ch. 588.

**Section 4 Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

**Section 5: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 7: Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

**PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2024 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2024, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Breitkreuz \_\_\_\_\_  
Kuczenski \_\_\_\_\_  
Allbritton \_\_\_\_\_  
Hartmann \_\_\_\_\_  
Jablonski \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

Ordinance No. 2024-\_\_\_\_

New text is underlined and deleted text is ~~stricken~~



---

Debra Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

---

Keith Poliakoff, J.D., Town Attorney

Ordinance No. 2024-\_\_\_\_  
New text is underlined and deleted text is ~~stricken~~

# **Agenda Item 7C**

## Dark Skies Ordinance

## **ARTICLE 95. OUTDOOR LIGHTING STANDARDS**

### **Sec. 095-010. Purpose, intent and applicability.**

The purpose and intent of this article is to create lighting standards that preserve the rural character of the town and promote the health, safety and welfare of the residents by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this article shall apply to all permanent outdoor lighting from an artificial light source.

(Ord. No. 2005-005, § 4(095-010), 4-14-2005)

### **Sec. 095-020. Definitions.**

In addition to terms defined in article 10, "Definition of Terms," the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In the absence of a specific technical definition, words and phrases shall have those definitions and meanings as provided by the Illuminating Engineering Society of North America.

*Area light* means light that produces more than eighteen hundred (1,800) lumens.

*Athletic field lighting* means any lighting greater than 35 feet in height, utilized to illuminate sports facilities.

*Cutoff, full*, means a lighting fixture that emits zero (0) percent of its light above ninety (90) degrees and ten (10) percent above eighty (80) degrees from horizontal.

*Floodlight* means any light that produces no more than eighteen hundred (1,800) lumens in a broad beam designed to saturate or illuminate a given area with light. Generally, floodlights produce from one thousand (1,000) to eighteen hundred (1,800) lumens. Floodlights are directional fixtures.

*Glare* means the sensation produced by lighting that results in annoyance, discomfort or a reduction of visual performance and visibility, and includes direct and reflected glare. All directional fixtures and any fixture with an output of more than eighteen hundred (1,800) lumens that is visible, either directly or by reflection, from adjacent properties or streets shall be considered to cause glare.

*Outdoor lighting* means lighting located outside of an enclosed building, or otherwise installed in a manner that lights any area other than the inside of an enclosed building.

*Residential and agricultural recreational lighting* mean fixtures of a type or intensity designed or used to light sports courts or equestrian riding areas.

*Spotlight* means any lighting assembly designed to direct the output of a contained lamp in a specific, narrow and focused beam, with a reflector located external to the lamp. Spotlights are directional fixtures.

*Stadium lighting*. See "Athletic field lighting."

*Temporary lighting* means portable lights used for a special purpose, on a temporary and rare or infrequent basis, limited to motor vehicle lights during the normal operation of the vehicles, emergency services lights and handheld flashlights and spotlights.

*Uplighting* means light projected above the horizontal plane formed by the top of a fixture.

(Ord. No. 2005-005, § 4(095-020), 4-14-2005)

---

### **Sec. 095-030. Prohibited outdoor lighting.**

The following types of lighting are prohibited:

- (A) Uplighting, unless limited to eighteen hundred (1,800) lumens and either shielded by an architectural overhang or landscape element, or used to illuminate the flag of the United States of America.
- (B) Area lights other than those with full cutoff fixtures.
- (C) Lighting that results in glare onto adjacent properties or streets; provided that fixtures activated only when motion is detected within the property upon which they are located may cause glare if the fixture shuts off within five (5) minutes of being activated, is not aimed at any residential window, and is not consistently activated by human activity or animal activity after 11:00 p.m.
- (D) Athletic field lighting.
- (E) Street lights within residential zoning districts, except as determined necessary by the town council to protect the public health, safety and welfare based upon consideration of traffic volumes and roadway conditions.

(Ord. No. 2005-005, § 4(095-030), 4-14-2005)

### **Sec. 095-040. Compliance with standards required.**

All applications for a development permit, submitted after the effective date of the ordinance from which this ULDC is derived, shall comply with the following standards:

- (A) The overspill of light originating from any plot, regardless of zoning, onto any other plot or street located within a residential zoning district in the town shall not exceed one-tenth (0.1) horizontal footcandle measured at grade level at the property line.
- (B) All vehicular use areas, other than those that are accessory to a single-family residence, shall be lighted in compliance with the minimum standards established by the Illuminating Engineering Society of North America. For purposes of this provision, "vehicular use area" does not include streets.
- (C) Vegetation screens shall not be employed as the primary means for controlling glare. Glare control shall be achieved primarily through the use of cutoff fixtures, shields and baffles, and the appropriate application of fixture mounting height, lighting intensity, placement and angle.
- (D) Electrical feeds for all pole mounted fixtures installed after the effective date of the ordinance from which this ULDC is derived, shall run underground, not overhead.
- (E) Open air parking lighting shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn.

(Ord. No. 2005-005, § 4(095-040), 4-14-2005)

### **Sec. 095-050. Nonconforming outdoor lighting.**

Any legally installed outdoor lighting that does not conform to all of the provisions of this article shall come into compliance within (5) years of the effective date of the ordinance from which this ULDC is derived, except that approval of any application for a development permit that seeks to increase the existing total square footage of structures on a residential plot by fifty (50) percent or more shall require that all lighting on site be brought into compliance with these regulations.

---

(Ord. No. 2005-005, § 4(095-050), 4-14-2005)

**Sec. 095-060. Outdoor lighting permits.**

- (A) All outdoor lighting on nonresidential plots and all applications for residential recreational lighting on residential plots shall require approval of a town development order prior to installation. The application for a development order shall be accompanied by a photometric plan, prepared by a licensed engineer, in sufficient detail to demonstrate compliance with these regulations, including mounting heights, fixture specifications, and isofootcandle plots for individual fixture installations or a ten by ten (10x10) foot luminance grid for multiple fixture installations. All photometric plans shall overlay a site plan showing all structures, vehicular use areas and walkways. The plan shall also show all existing and proposed trees within twenty-five (25) feet of any existing or proposed light fixture within the area that is the subject of the photometric plan.
- (B) Prior to final inspection and the subsequent issuance of a final approval of any development permit for the construction of outdoor lighting, a letter of compliance from a registered professional engineer shall be provided to the town stating that the installation has been field checked and meets the requirements of these regulations.
- (C) The town reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this article, and if appropriate, to require remedial action at no expense to the town.

(Ord. No. 2005-005, § 4(095-050), 4-14-2005)

**Sec. 095-070. Maintenance.**

Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this article.

(Ord. No. 2005-005, § 4(095-060), 4-14-2005)