

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen, Acting Town Administrator / 797-1030
Prepared By: Phillip R. Holste, CFM, Program Manager / 797-1041

SUBJECT: Resolution

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING WETLAND CREATION AT WESTRIDGE PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR STAFF DESIGNEE TO NEGOTIATE A WETLAND MITIGATION AGREEMENT.

REPORT IN BRIEF: In 2005, Matrix University LLC and its consultant, Miller Legg & Associates, approached the Town of Davie about off-site wetland mitigation for the plat known as Rodeo Village. Matrix University LLC needs to mitigate approximately 3.5 acres of wetlands off-site, Westridge Park, located at 2900 Nob Hill Road, was identified as a potential location for wetland creation. The western portion of Westridge Park (Exhibit A) was specifically identified for placement of the wetland. Miller Legg & Associates has developed a conceptual site plan (Exhibit B) for the wetland creation based upon feedback from the Town of Davie, Broward County Department of Environmental Protection (DEP) and South Florida Water Management District (SFWMD). Town staff has reviewed the conceptual site plan and its comments are provided as Exhibit C. Staff forwarded its comments to Miller Legg which subsequently responded to the comments in a memo provided as Exhibit D.

Upon approval, the Town Administrator or staff designee will negotiate a wetland mitigation agreement with Matrix University LLC. At a later date, this agreement will be presented to the Town Council for its review and approval. Thereafter, the proposed wetland site plan will be sent to DEP and SFWMD for their review and approval.

PREVIOUS ACTIONS: None

CONCURRENCES: Not Applicable

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s):

Resolution; Exhibit A: Site Location Map; Exhibit B: Wetland Mitigation Plan; Exhibit C: Staff Memo; Exhibit D: Miller Legg Response to Staff Memo

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING WETLAND CREATION AT WESTRIDGE PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR STAFF DESIGNEE TO NEGOTIATE A WETLAND MITIGATION AGREEMENT.

WHEREAS, Rodeo Village is a proposed development containing 47 townhouses and 1 single family home on approximately 7 acres in the Town of Davie; and

WHEREAS, Matrix University LLC, the developer of Rodeo Village, needs to mitigate approximately 3.5 acres of wetlands off-site; and

WHEREAS, the Town of Davie desires to retain wetlands within its municipal boundaries; and

WHEREAS, the Town of Davie desires to create wetlands on selected park and open space sites; and

WHEREAS, the Town of Davie has identified Westridge Park as a location for wetland mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby approves the creation of wetlands at Westridge Park.

SECTION 2. The Town Council of the Town of Davie authorizes the Town Administrator or staff designee to negotiate an agreement between the Town of Davie and Matrix University LLC for wetland creation and mitigation.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

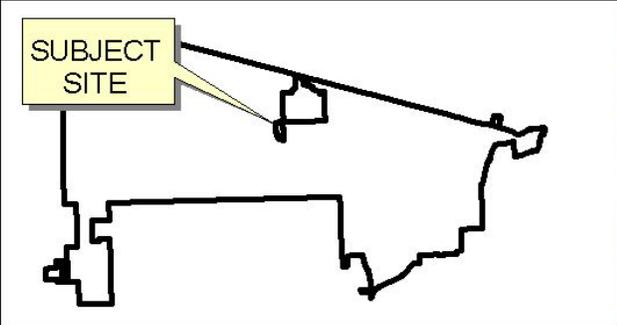
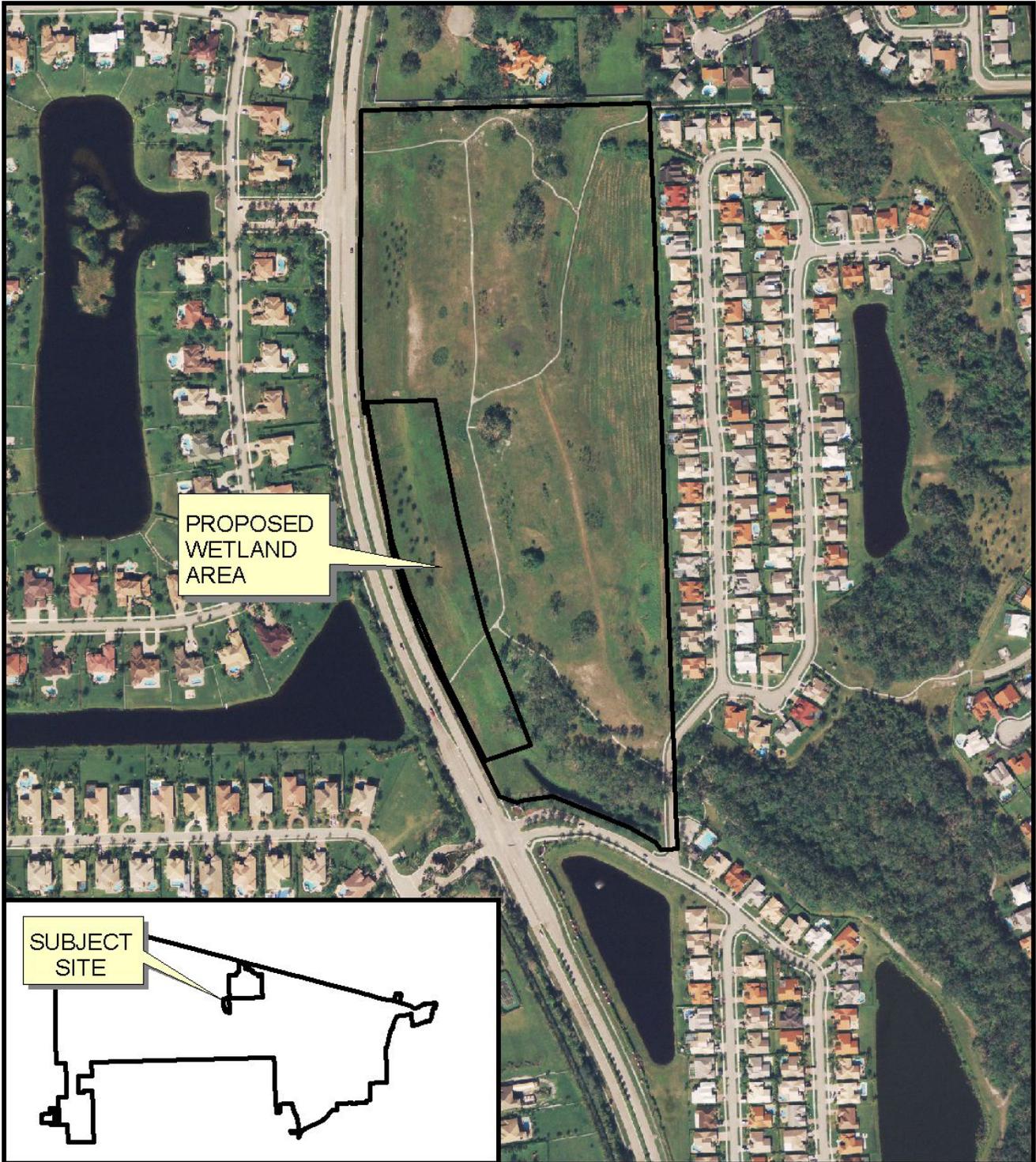
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

EXHIBIT A



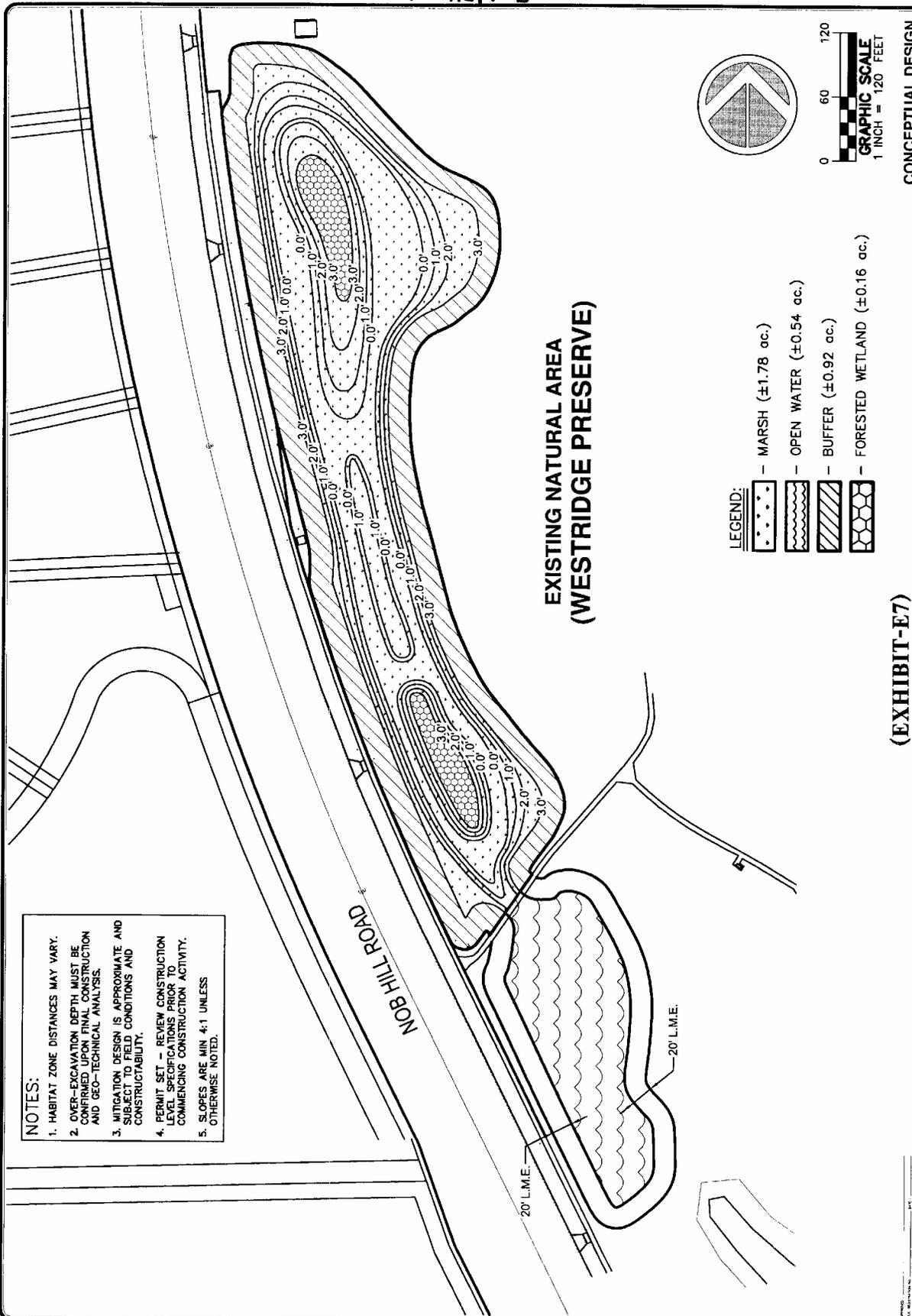
**WESTRIDGE
PARK**



SF 1:4800
1" = 400 FEET



EXHIBIT B



- NOTES:**
- HABITAT ZONE DISTANCES MAY VARY.
 - OVER-EXCAVATION DEPTH MUST BE CONFIRMED UPON FINAL CONSTRUCTION AND GEO-TECHNICAL ANALYSIS.
 - MITIGATION DESIGN IS APPROXIMATE AND SUBJECT TO FIELD CONDITIONS AND CONSTRUCTABILITY.
 - PERMIT SET - REVIEW CONSTRUCTION LEVEL SPECIFICATIONS PRIOR TO COMMENCING CONSTRUCTION ACTIVITY.
 - SLOPES ARE MIN 4:1 UNLESS OTHERWISE NOTED.

EXISTING NATURAL AREA (WESTRIDGE PRESERVE)

- LEGEND:**
- MARSH (±1.78 ac.)
 - OPEN WATER (±0.54 ac.)
 - BUFFER (±0.92 ac.)
 - FORESTED WETLAND (±0.16 ac.)

CONCEPTUAL DESIGN

DATE	DESCRIPTION
04-01-19	CD-1

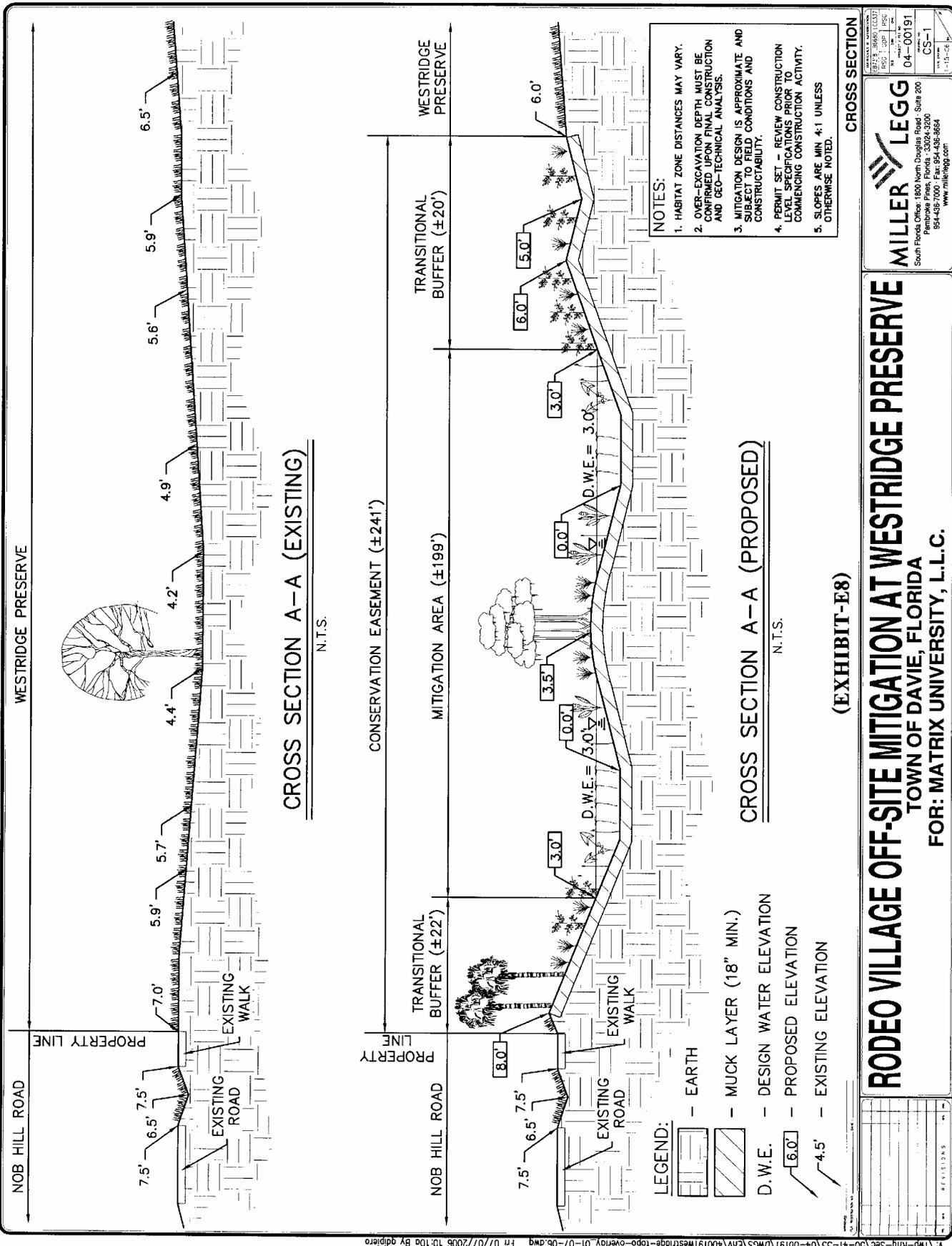
MILLER LEGG
 South Florida Office: 1800 North Douglas Road, Suite 200
 Pembroke Pines, Florida 33024-5200
 954-436-8688
 www.millerglegg.com

RODEO VILLAGE OFF-SITE MITIGATION AT WESTRIDGE PRESERVE

TOWN OF DAVIE, FLORIDA
 FOR: MATRIX UNIVERSITY, L.L.C.

(EXHIBIT-E7)

NO.	DATE	REVISIONS



NOB HILL ROAD

WESTRIDGE PRESERVE

CROSS SECTION A-A (EXISTING)

N.T.S.

CONSERVATION EASEMENT (±241')

TRANSITIONAL BUFFER (±22')

MITIGATION AREA (±199')

WESTRIDGE PRESERVE

CROSS SECTION A-A (PROPOSED)

N.T.S.

(EXHIBIT-E8)

LEGEND:

- EARTH
- MUCK LAYER (18" MIN.)
- D.W.E. — DESIGN WATER ELEVATION
- PROPOSED ELEVATION
- EXISTING ELEVATION

NOTES:

1. HABITAT ZONE DISTANCES MAY VARY.
2. OVER-EXCAVATION DEPTH MUST BE CONFIRMED UPON FINAL CONSTRUCTION AND GEO-TECHNICAL ANALYSIS.
3. MITIGATION DESIGN IS APPROXIMATE AND SUBJECT TO FIELD CONDITIONS AND CONSTRUCTABILITY.
4. PERMIT SET — REVIEW CONSTRUCTION LEVEL SPECIFICATIONS PRIOR TO COMMENCING CONSTRUCTION ACTIVITY.
5. SLOPES ARE MIN 4:1 UNLESS OTHERWISE NOTED.

CROSS SECTION

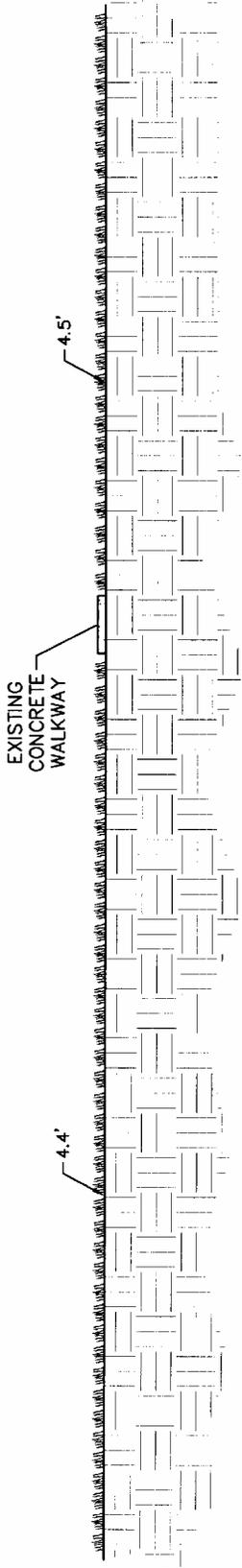
DATE	04-01-19
PROJECT	04-00191
SCALE	CS-1
DATE	11-15-16

MILLER LEGG
 South Florida Office: 1800 North Douglas Road, Suite 200
 Pembroke Pines, Florida 33024-3200
 954-446-8884
 www.millerlegg.com

RODEO VILLAGE OFF-SITE MITIGATION AT WESTRIDGE PRESERVE
 TOWN OF DAVIE, FLORIDA
 FOR: MATRIX UNIVERSITY, L.L.C.

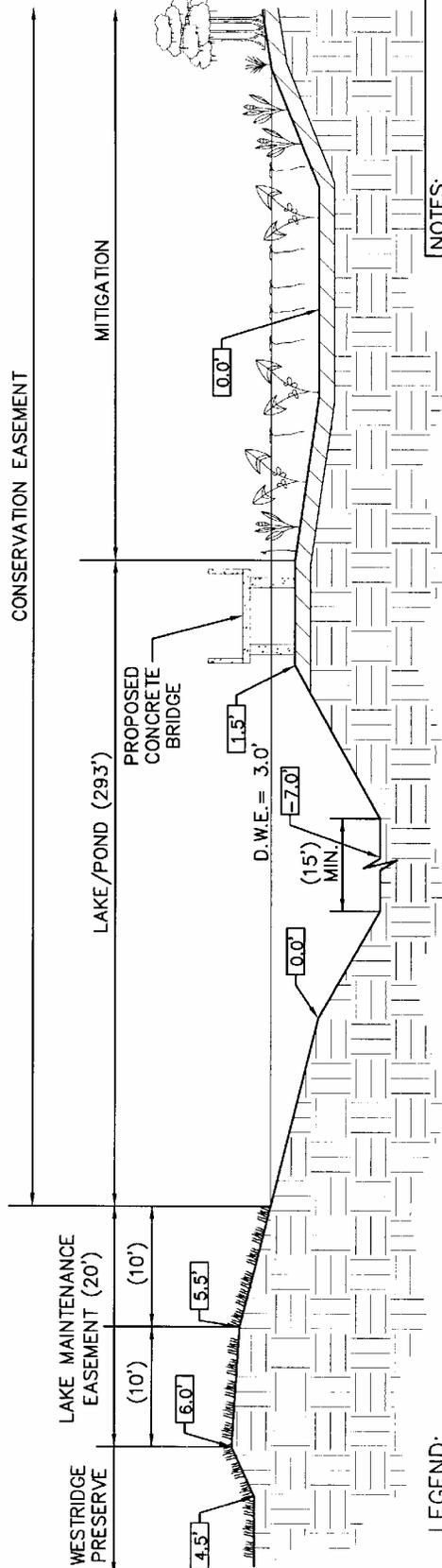
NO.	DATE	REVISIONS

WESTRIDGE PRESERVE



CROSS SECTION B-B (EXISTING)

N.T.S.



LEGEND:

- EARTH
- MUCK LAYER (18" MIN.)
- D.W.E. - DESIGN WATER ELEVATION
- PROPOSED ELEVATION
- EXISTING ELEVATION

CROSS SECTION B-B (PROPOSED)

N.T.S.

- NOTES:
1. HABITAT ZONE DISTANCES MAY VARY.
 2. OVER-EXCAVATION DEPTH MUST BE CONFIRMED UPON FINAL CONSTRUCTION AND GEO-TECHNICAL ANALYSIS.
 3. MITIGATION DESIGN IS APPROXIMATE AND SUBJECT TO FIELD CONDITIONS AND CONSTRUCTABILITY.
 4. PERMIT SET - REVIEW CONSTRUCTION LEVEL SPECIFICATIONS PRIOR TO COMMENCING CONSTRUCTION ACTIVITY.
 5. SLOPES ARE MIN 4:1 UNLESS OTHERWISE NOTED.

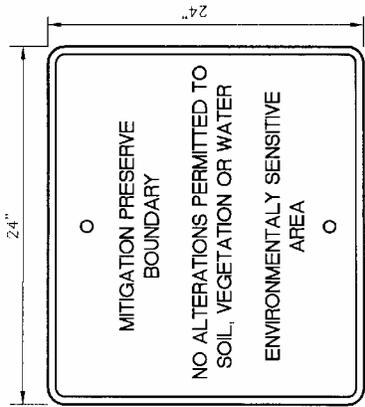
CROSS SECTION

MILLER LEGG
 South Florida Office: 1800 North Douglas Road - Suite 200
 Pembroke Pines, Florida - 33024-3300
 954-438-7000 - Fax: 954-438-8684
 www.millerlegg.com

DATE: 04-00191
 SHEET: 04-00191
 PROJECT: CS-1

RODEO VILLAGE OFF-SITE MITIGATION AT WESTRIDGE PRESERVE
 TOWN OF DAVIE, FLORIDA
 FOR: MATRIX UNIVERSITY, L.L.C.

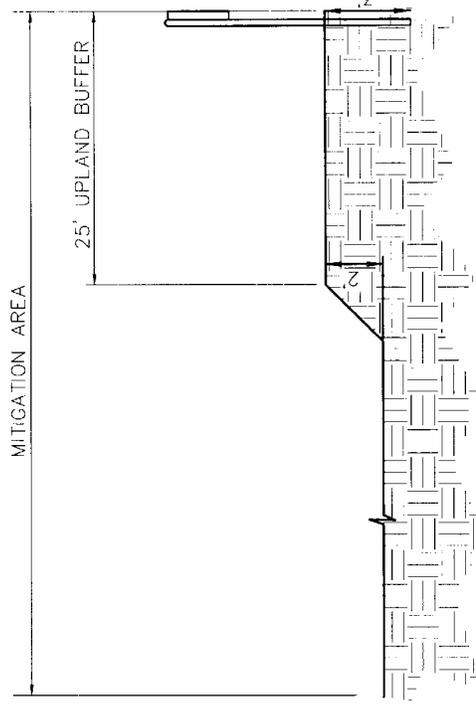
NO.	DESCRIPTION	DATE



MITIGATION SIGN
DETAIL

TEXT: ARIAL
 FONT: ARIAL
 HEIGHT: 1" MIN.
 COLOR: BLACK
 FACE: WHITE
 COLOR: WHITE
 BORDER: 1/4"
 WIDTH: 1/4"
 COLOR: BLACK

MATERIAL: ALUMINUM



MITIGATION SIGN
LOCATION

EXACT QUANTITY AND
 LOCATIONS TO BE DETERMINED

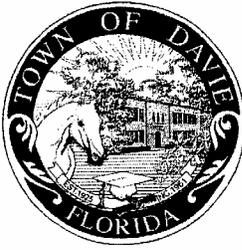
EXHIBIT E-17

RODEO VILLAGE
 TOWN OF DAVIE, FLORIDA
 FOR: MATRIX UNIVERSITY L.L.C.

OFFSITE MITIGATION SIGN

MILLER LEGG
 South Florida Office: 1800 North Douglas Road - Suite 200
 Pembroke Pines, Florida - 33264-3220
 954-440-8884
 www.millerlegg.com

STATE OF FLORIDA
 DEP. OF TRANSPORTATION
 04-00045
 MS-1
 4-2-05



ADMINISTRATION DEPARTMENT

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1034 • FAX: 954.797.2061 • WWW.DAVIE-FL.GOV

Memorandum

TO: Ken Cohen, Acting Town Administrator

FROM: Phillip R. Holste, CFM, Program Manager *PRH*
Marcie Nolan, AICP, Deputy Planning and Zoning Manager *mn*
Tim Lee, ISA, Urban Forester *TL*

SUBJECT: Proposed Westridge West Wetland Mitigation

DATE: July 3, 2006

Administration and Planning staff met recently to review the proposed Rodeo Village wetland mitigation at Westridge. This review considered the proposed site plan and the long-term viability of the proposed wetland. The following comments and recommendations are based upon this meeting.

Comments:

1. The proposed mitigation site does not currently demonstrate wetland characteristics.

A good indicator of a proposed wetland's success is the site's condition prior to wetland creation. The proposed site is not seasonally wet. The site also has little wetland plant species. Based on these characteristics, the site's location appears less likely to support a wetland.

2. The proposed mitigation site plan potentially impacts the ridge.

Westridge holds a treasure of historical American Indian artifacts. The proposed plan could encroach on the ridge and potentially disturb this historical site. Therefore, steps need to be taken to ensure that no impact occurs. If any impact could occur, the site plan should be modified accordingly. These steps are detailed in the recommendations section of this memo.

3. The proposed planting plan is not sufficient to ensure long-term survivorship.

As seen recently at the Berman mitigation site, the first three years of wetland mitigation are the most important to establish the wetland. The proposed planting sizes are smaller or similar to those seen at Berman. The proposed planting plan does not provide the necessary plant sizes to make success likely. Aesthetically, the site will not be pleasing as these plants will not be of sufficient size. Any proposed planting plan would need to be modified to include larger plant sizes.

4. The Town does not have a wetland expert on-staff or available through a consulting agreement to oversee the long-term viability of a wetland.

The Town needs to hire a consulting firm to provide wetland expertise. Current staff does not have the expertise to oversee a wetland mitigation project from beginning to end. Based on recent events at the Berman mitigation site, the Town cannot depend on government agencies to ensure the success of its wetlands. The consultant's assistance will help to ensure the long-term viability of Town wetlands.

In addition, the Town needs to designate one to two staff members to provide oversight of any Town-owned wetlands. These staff members would serve as liaisons with the Town's consulting firm and local government agencies.

Recommendations:

1. Town staff has concerns about wetland mitigation at Westridge Park as addressed in the Comments section. The proposed wetland mitigation would have a better chance of success in an environment that is larger in wetland acreage.
2. If the Town decides to pursue wetland mitigation at Westridge, the following steps should be taken:
 - a. The Town needs to hire a consultant to review all proposed wetland mitigation plans. The cost of this consultant shall be borne by the developer as part of the overall mitigation agreement.
 - b. The proposed site plan needs to be modified to ensure that no impact occurs to the ridge.
 - c. Rodeo Village must perform a Level I archaeological survey of the proposed mitigation area. In addition, an archaeologist must be on-site during site excavation. The survey's completion would alleviate any concerns about disturbing the artifacts located around the mitigation area.
 - d. The proposed planting plan must be modified to include planting sizes larger than 7 gallons.

- e. The wetland mitigation agreement between Rodeo Village and the Town must provide sufficient funds for long-term maintenance of the site. This site has a public location along the Nob Hill Road corridor. Therefore, the Town will need to ensure that the site is pleasing to residents.
- f. The Town should hold a community meeting with the surrounding residents to provide feedback on the project site.
- g. The wetland mitigation site should be completely fenced to prevent access. This action needs to be taken as ATV access to the Berman mitigation site has been an issue.



July 24, 2006

Mr. Philip Holste, CFM
GIS Project Leader
Town of Davie
6591 Orange Drive,
Davie, FL 33314-3399

**Re: Rodeo Village Mitigation – Response to Town Comments
ML Project No: 04-00191**

Dear Phillip:

This letter is to provide technical responses to the Town of Davie Comments regarding the Rodeo Village Project Mitigation contained in your July 13, 2006 e-mail.

We have been working diligently on the wetland technical design and obtaining agency approvals from the South Florida Water Management District (SFWMD) and the Broward County Environmental Protection Department (EPD) for approximately 18 months. Specifically, we have been working on the Westridge Park site for approximately a year since the Town (Mike Orfanedes) approached us. Both agencies have very rigorous reviews and after working closely with them throughout the year, the only outstanding item for their final approval is an 'Agreement' with the Town as the 'Owner' of the mitigation site.

Please find the Town comments repeated below followed by our response.

1. **Comment:** The proposed mitigation site does not currently demonstrate wetland characteristics. A good indicator of a proposed wetland's success is the site's condition prior to wetland creation. The proposed site is not seasonally wet. The site also has little wetland plant species. Based on these characteristics, the site's location appears less likely to support a wetland.

Response: The Westridge site is currently upland. Both the SFWMD and the Broward County EPD have reviewed the proposed mitigation plan and determined that the Westridge site can appropriately offset the wetland impacts associated with the Rodeo Village site, based upon the current mitigation design. As shown on the plan, the mitigation areas elevation will be lowered to approximately 1.5 ft. below Central Broward's water control elevation. This methodology has proved successful on numerous wetland mitigation sites. Lowering the elevation helps ensure that adequate wetland hydrology is maintained.

IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.

South Florida Office: 1800 N Douglas Road • Suite 200 • Pembroke Pines, Florida • 33024-3200
(954) 436-7000 • Fax: (954) 436-8664
www.millerlegg.com

2. **Comment:** The proposed mitigation site plan potentially impacts the ridge. Westridge holds a treasure of historical American Indian artifacts. The proposed plan could encroach on the ridge and potentially disturb this historical site. Therefore, steps need to be taken to ensure that no impact occurs. If any impact could occur, the site plan should be modified accordingly. These steps are detailed in the recommendations section of this memo.

Response: As discussed during our field meeting with Town staff, the Town could require an archaeologist be on-site during earthwork to ensure that any artifacts uncovered are appropriately collected and preserved.

3. **Comment:** The proposed planting plan is not sufficient to ensure long-term survivorship. As seen recently at the Berman mitigation site, the first three years of wetland mitigation are the most important to establish the wetland. The proposed planting sizes are smaller or similar to those seen at Berman. The proposed planting plan does not provide the necessary plant sizes to make success likely. Aesthetically, the site will not be pleasing as these plants will not be of sufficient size. Any proposed planting plan would need to be modified to include larger plant sizes.

Response: As discussed with Town staff, the planting program can be modified to include larger plant sizes.

4. **Comment:** The Town does not have a wetland expert on-staff or available through a consulting agreement to oversee the long-term viability of a wetland. The Town needs to hire a consulting firm to provide wetland expertise. Current staff does not have the expertise to oversee a wetland mitigation project from beginning to end. Based on recent events at the Berman mitigation site, the Town cannot depend on government agencies to ensure the success of its wetlands. The consultant's assistance will help to ensure the long-term viability of Town wetlands.

Response: Payment for a biologist could be addressed via the interest funds generated via the long-term trust fund or through language within the agreement between the Town and Rodeo Village.

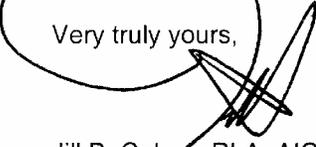
5. **Comment:** The recommendations section states that the proposed wetland mitigation would have a better chance of success in an environment that is larger in wetland acreage. This section also includes items that need to be addressed in the potential mitigation agreement.

Response: Concerning the wetland size, this issue was evaluated by SFWMD and Broward County EPD. Both agencies have stated the Westridge site is appropriate mitigation for the wetland impacts associated with the Rodeo Village site. The Westridge Preserve was sized based upon the minimum needed to

offset the wetland impacts at Rodeo Village. The site could be enlarged by the Town in the future, under a separate project, if desired.

We are confident that between the agency reviews and the 'Agreement' reached addressing the Town's concerns above that this project will be a success, and we look forward to working with you towards this very positive end. Should you have any questions regarding any of these comments, please do not hesitate to contact me at (954) 436-7000, Ext. 255 or jcohen@millerlegg.com.

Very truly yours,



Jill B. Cohen, RLA, AICP
Associate, Planning

JC/gclj/js

Cc. Marcelo Tenenbaum, Management Consulting
Daniel Serrano, Impreco. Corp.
John D. Voigt, Doumar, Allsworth, et al
Mark Clark, Miller Legg

V:\Twp-Rng-Sec\50-41-33\04-00191\DOCS\CORRES\LETTERS\PhillipHolste_0724.doc