

2. **Petition 120SUB-05 DB**

Dynan Group, Inc., agent for Edix Investments, Inc. Design plat review for 16 lots on 4.8 acres more-or-less. Zoned: RSF-3, 5.8 units/acre single-family residential district. Located in the vicinity of Southeast 9th Avenue and Southeast 11th Street (State Road 331/Williston Road), east side.

Mr. Gene Francis was recognized. Mr. Francis presented the board with a revised comment sheet from the Public Works Department. He noted that the comments involved a drainage basin and the petitioner had discussed the matter with Public Works. He presented a map of the site and described it and the surrounding area in detail. He presented aerial and ground photos of the site.

Mr. Jerry Muldowny, agent for the petitioner, was recognized. Mr. Muldowny noted that he was requesting approval for the design plat, and would have final development plans later. He noted that there was some of impervious surface and underground piping left from the previous development on the site, and that would be removed. He described the proposed design plat in detail, including drainage that came from a nearby school.

Acting Chair Boyes noted that the applicant was using an existing facility for drainage. He asked if he was also taking responsibility for maintenance of that facility.

Mr. Muldowny indicated that the petitioner would take responsibility for the part that was on his property. He pointed out that the existing system ran into the public right-of-way. He pointed out an area of easement were there would be public roads, so the facility could be maintained, however, the plan was to use existing piping and outfall structure.

Mr. Frankenberger noted that the information presented to the board from the Public Works Department stated that, "It is therefore a condition for final approval that the petitioner obtain authorization from the private system owner to allow for the desired discharge. The City will not be responsible for maintenance or replacement for the private system."

Mr. Muldowny stated that the system ran in the public right-of-way and the condition would require a meeting with the Public Works Department.

Acting Chair Boyes noted that the public right-of-way was a state road, which would be controlled by the Florida Department of Transportation. (FDOT).

Mr. Muldowny explained that there were two stormwater systems and one was a state system. He presented a drawing of the site and described how the system functioned. He noted that the matter would have to be worked out with the Public Works Department and the School Board, which sold the property to the petitioner.

Acting Chair Boyes asked if Mr. Muldowny had any concerns about the recommendations and conditions from staff.

Mr. Muldowny indicated that he did not. He explained that some of the comments had already been addressed on the plan. He noted that one comment from the Public Works Department stated, "...the easements will be required to access to the northeast pretreatment basin adjacent to the property." He pointed out that none of the water from the site would go to the northeast basin.

Acting Chair Boyes cited a concern about the complicated manner in which drainage was being handled. He noted that the School Board was discharging water to the petitioner's property. He asked who was responsible for maintaining the School Board's discharged water once it entered the petitioner's property.

Mr. Francis noted that the applicant's engineer did meet with the Public Works Department, and it was his understanding that Public Works was satisfied with the explanation presented. He indicated that if the situation could not be dealt with it would have to be redesigned. He noted that there were other modifications that needed to be reviewed with before the plan went to the City Commission.

Mr. Muldowny noted that the water from the School Board's property only passed through the petitioner's property.

Acting Chair Boyes asked who would be responsible for clean up if the piping system became obstructed.

Mr. Muldowny explained that the City requested an easement so they could maintain the stormwater facility.

Acting Chair Boyes suggested that the petition needed to be clarified before it went further.

Mr. Francis stated that the Public Works Department was concerned enough about the situation that they initially disapproved it. He noted that after discussion, Public Works approved the petition with the stipulation that the situation be clarified.

Acting Chair Boyes called for public comment on the petition.

Mr. Walter Willard spoke to the petition. He requested clarification on the flow of stormwater from the site.

Mr. Francis discussed the drainage plan.

Mr. Frankenberger asked if any approval of the plan by the board would be conditioned upon the storm water drainage issues being resolved.

Mr. Francis explained that the design plat would go to the City Commission, and then would go back to the Public Works Department to work out all of the construction details. He noted that Public Works would not approve the plan until all problems and details had been resolved.

Acting Chair Boyes suggested that a condition be added to the motion that required the applicant to resolve all drainage easement and maintenance agreements.

<u>Motion By:</u> Mr. Frankenberger	<u>Seconded By:</u> Ms. Collopy
<u>Moved To:</u> Approve Petition 120SUB-05 DB with staff conditions and a condition that all drainage easements and maintenance agreements be confirmed.	<u>Upon Vote:</u> Motion Carried 4 – 0 Yeas: Frankenberger, Ingram, Boyes, Collopy









