

## Cassel, Kenneth

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**From:** Suzanne Dombrowski <SDombrowski@chenmoore.com>  
**Sent:** Wednesday, October 28, 2020 9:15 AM  
**To:** Cassel, Kenneth  
**Subject:** RE: Publix Site Plan - Drainage Outfall  
**Attachments:** RE: Publix Site Plan - Drainage Outfall

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ken,

Attached is the last correspondence I had with Bob and Ryan's email is the second in that chain.

From Bob:

*I think the condition we provided below will satisfy the City's need and is reflective of actual responsibilities and authority.*

When he says "condition we provided below" I thought this was referring to Ryan's email in which they requested the following:

*We recommend adding the general SID condition per Bob's email ("The applicant shall provide evidence of approval by SID of the necessary stormwater system to serve the Plaza, prior to issuance of building permits for vertical construction." ) to the Westlake Site Plan Approval.*

In our letter, I added what Ryan had requested and what I was under the impression Bob had confirmed. Condition #2 from our letter is copied below for reference.

*Positive outfall from this site is directed to Town Center Parkway. The applicant shall provide evidence of approval by SID of the necessary stormwater system to serve the Plaza, prior to issuance of building permits for vertical construction.*

Prior to this email I had discussions over the phone with Simmons and White to relay these draft conditions and they informed me that their client was aware that a condition of this nature would be issued and did not have any objections.

I would like to add my understanding of the City's responsibilities when it comes to a site plan level review. Per the Comprehensive Plan, the site is required to have legal positive outfall. This site application has demonstrated an acceptable method of positive outfall. There was no review of the details for the drainage characteristics throughout the site, because that would come at the land development stage. However, what was presented did not satisfy the "legal" part of the "legal positive outfall" requirement – it was routed through an adjacent property, owned by a different entity. To satisfy the "legal" aspect of this requirement I would rely on the City Attorney to ensure that the off site area is appropriately characterized – whether it be approval from the adjacent property owner, a platted easement, easement my instrument, etc.

Please feel free to call if you would like to discuss further.

Thanks,

**CHEN MOORE AND ASSOCIATES**

**Suzanne Dombrowski, P.E., ENV SP**

Senior Engineer & West Palm Beach Office Manager

O: +1 561.746.6900, Ext. 1035 | C: +1 954.650.7996

**From:** Cassel, Kenneth <ken.cassel@inframark.com>

**Sent:** Wednesday, October 28, 2020 8:16 AM

**To:** Suzanne Dombrowski <SDombrowski@chenmoore.com>

**Subject:** RE: Publix Site Plan - Drainage Outfall

CAUTION:External email.

Suzanne,

After receiving a letter (attached) from SID's attorney yesterday regarding the conditions you listed on the site plan approval I need to know the following.

1. Did you reach back out to SID's engineer or SID's Attorney regarding the comments listed below in the e-mail from Bob Diffenderfer?
2. Do you have any idea as to what the form of the document acceptable to the City Attorney looks like or what is required in the form?

Please provide your response to these questions by the end of today.

Thanks



*Ken Cassel, City Manager*

4001 Seminole Pratt Whitney Road  
Westlake, FL 33470

O . 561.530.5880

Dir. 561.227.2272

[Kcassel@westlakegov.com](mailto:Kcassel@westlakegov.com)

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**From:** Suzanne Dombrowski <[SDombrowski@chenmoore.com](mailto:SDombrowski@chenmoore.com)>

**Sent:** Thursday, October 22, 2020 11:52 AM

**To:** Cassel, Kenneth <[ken.cassel@inframark.com](mailto:ken.cassel@inframark.com)>; Robert Diffenderfer <[rdiffenderfer@llw-law.com](mailto:rdiffenderfer@llw-law.com)>

**Cc:** Pam Booker <[PBooker@westlakegov.com](mailto:PBooker@westlakegov.com)>; 'Ryan Wheeler' <[ryan@cwiasoc.com](mailto:ryan@cwiasoc.com)>; Seth Behn <[2](mailto:sbehn@llw-</a></p></div><div data-bbox=)

[law.com](#)>; Jennifer Cook <[jcook@chenmoore.com](mailto:jcook@chenmoore.com)>; David Cowan <[dcowan@chenmoore.com](mailto:dcowan@chenmoore.com)>

**Subject:** RE: Publix Site Plan - Drainage Outfall

Good Afternoon All,

I wanted to follow up on this item. We need to get our approval out with the appropriate conditions today. If we don't hear anything further, we will plan on issuing the conditions as drafted in my email below.

Thanks,

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**Cc:** Pam Booker <[PBooker@westlakegov.com](mailto:PBooker@westlakegov.com)>; 'Ryan Wheeler' <[ryan@cwiasoc.com](mailto:ryan@cwiasoc.com)>; Seth Behn <[sbehn@llw-law.com](mailto:sbehn@llw-law.com)>

**Subject:** RE: Publix Site Plan - Drainage Outfall

CAUTION:External email.

ALL:

This needs to be settled and not impact the approval of the Publix plat or site plans etc.

The City cannot afford any delays of mis steps with this one.

Thanks



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**From:** Robert Diffenderfer <[rdiffenderfer@llw-law.com](mailto:rdiffenderfer@llw-law.com)>  
**Sent:** Wednesday, October 14, 2020 11:36 AM  
**To:** 'Suzanne Dombrowski' <[SDombrowski@chenmoore.com](mailto:SDombrowski@chenmoore.com)>  
**Cc:** Cassel, Kenneth <[ken.cassel@inframark.com](mailto:ken.cassel@inframark.com)>; Pam Booker <[PBooker@westlakegov.com](mailto:PBooker@westlakegov.com)>; 'Ryan Wheeler' <[ryan@cwiasoc.com](mailto:ryan@cwiasoc.com)>; Seth Behn <[sbehn@llw-law.com](mailto:sbehn@llw-law.com)>  
**Subject:** RE: Publix Site Plan - Drainage Outfall

Suzanne,

Your comments have been referred to me for response. SID has not yet issued specific conditions regarding drainage for the Publix plaza, and will do so when the drainage permit application is submitted to the District. At this time the District has only reviewed and approved the plat.

Your proposed comments, to the extent that they attempt to assert the how (“...in a form acceptable to the City Attorney”) and the where (“Positive outfall from the site is directed to Town Center Parkway.”) of the stormwater system are not appropriate. As was made clear at the joint meeting last Wednesday, SID is the governmental entity with the exclusive authority to make those determinations, as SID is the permitting and operating entity for the stormwater system.

I would suggest that your first two comments be eliminated and instead offer something to the effect of: “The applicant shall provide evidence of approval by SID of the necessary stormwater system to serve the Plaza, prior to issuance of building permits for vertical construction.”

The District will make the determination regarding how the drainage system shall be accomplished.

**From:** Suzanne Dombrowski [<mailto:SDombrowski@chenmoore.com>]  
**Sent:** Tuesday, October 13, 2020 1:15 PM  
**To:** Ryan Wheeler <[Ryan@cwiasoc.com](mailto:Ryan@cwiasoc.com)>  
**Cc:** Kenneth Cassel <[kcassel@westlakegov.com](mailto:kcassel@westlakegov.com)>; Pam Booker <[pbooker@westlakegov.com](mailto:pbooker@westlakegov.com)>; Seth Behn <[sbehn@llw-law.com](mailto:sbehn@llw-law.com)>; David Cowan <[dcowan@chenmoore.com](mailto:dcowan@chenmoore.com)>; Jennifer Cook <[jcook@chenmoore.com](mailto:jcook@chenmoore.com)>  
**Subject:** Publix Site Plan - Drainage Outfall

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**External Email**

---

Good Afternoon Ryan,

Per our discussion, the City is working on the approvals for the Publix Site Plan. The drainage for the site is directed to an area outside of the platted boundaries. During our review process we commented on this and the applicant responded:

**RESPONSE:** Please note that the Applicant acknowledges that a separate recorded dedication will be required for the off-site dry retention. Please note that this will be done by separate instrument, as a plat is not proposed for the property located to the west at this time.

The City will need to include a condition of approval of the site plan that it is dependent on the construction of Town Center Parkway as well as the dedication above. I understand that SID already issued some conditions. Can you please send those for our reference? Our draft City conditions are:

- Off site dry retention will be dedicated by separate instrument in a form acceptable to the City Attorney. This shall be done prior to issuance of a Land Development Permit by the City.
- Positive outfall from this site is directed to Town Center Parkway. Prior to issuance of a Land Development Permit by the City, applicant shall provide approval from SID that drainage system is constructed, is ready for use and can accept the drainage connection proposed in this application.
- Entry and exit points onto Town Center Parkway are approved for the configuration of Town Center Parkway that was presented in this application. If the Town Center Parkway configuration is altered during the Land Development Permit process, applicant will be required to modify the site plan for consistency. Further details about phasing of the work in this application as it relates to the Town Center Parkway construction will be reviewed at the time of Land Development permits.



**CHEN MOORE AND ASSOCIATES**

Suzanne Dombrowski, P.E., ENV SP

**WEST PALM BEACH BRANCH  
MANAGER /**

**SENIOR ENGINEER**

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West Palm Beach, FL 33401

[sdombrowski@chenmoore.com](mailto:sdombrowski@chenmoore.com)

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chenmoore.com



Civil Engineering | Landscape Architecture | Transportation | Planning

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**Cassel, Kenneth**

*Attachment of OCT 28 E-mail*

**From:** Robert Diffenderfer <rdiffenderfer@llw-law.com>  
**Sent:** Thursday, October 22, 2020 4:25 PM  
**To:** 'Ryan Wheeler'; Cassel, Kenneth; Suzanne Dombrowski  
**Cc:** Pam Booker; Seth Behn; Jennifer Cook; David Cowan  
**Subject:** RE: Publix Site Plan - Drainage Outfall

CAUTION: External email.

I think the condition we provided below will satisfy the City's need and is reflective of actual responsibilities and authority.

**Robert P. Diffenderfer** | Shareholder  
515 North Flagler Drive, Suite 1500 | West Palm Beach, Florida 33401  
[rdiffenderfer@llw-law.com](mailto:rdiffenderfer@llw-law.com) | 561.640.0820  
[vCard](#) | [Website](#) | [Bio](#) | [join us online](#)



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**From:** Ryan Wheeler [mailto:ryan@cwiasoc.com]  
**Sent:** Thursday, October 22, 2020 3:54 PM  
**To:** Cassel, Kenneth <ken.cassel@inframark.com>; Suzanne Dombrowski <SDombrowski@chenmoore.com>; Robert Diffenderfer <rdiffenderfer@llw-law.com>  
**Cc:** Pam Booker <PBooker@westlakegov.com>; Seth Behn <sbehn@llw-law.com>; Jennifer Cook <jcook@chenmoore.com>; David Cowan <dcowan@chenmoore.com>  
**Subject:** RE: Publix Site Plan - Drainage Outfall

External Email

The conditions you listed in your email (or something similar) will be added to the SID Permit. As Bob stated, these requirements will need to be met before issuance of the 1<sup>st</sup> building permit for vertical construction. The applicant shall provide the City a copy of the SID permit with such project conditions. Subsequently, SID will provide the City with a letter verifying that the permit conditions have been met before the City should release any building permits for the site.

We recommend adding the general SID condition per Bob's email ("The applicant shall provide evidence of approval by SID of the necessary stormwater system to serve the Plaza, prior to issuance of building permits for vertical construction." ) to the Westlake Site Plan Approval.

**Ryan D. Wheeler, P.E., LEED AP**  
**Caulfield & Wheeler, Inc.**  
**7900 Glades Road**  
**Suite 100**  
**Boca Raton, FL 33434**



(P) 561-392-1991  
(F) 561-750-1452

**From:** Cassel, Kenneth <[ken.cassel@inframark.com](mailto:ken.cassel@inframark.com)>  
**Sent:** Thursday, October 22, 2020 12:01 PM  
**To:** Suzanne Dombrowski <[SDombrowski@chenmoore.com](mailto:SDombrowski@chenmoore.com)>; Robert Diffenderfer <[rdiffenderfer@llw-law.com](mailto:rdiffenderfer@llw-law.com)>  
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ALL:

If you are not good with the conditions listed below you need to get with Suzanne and provide additional input and information so the conditions reflect the reality.

As I understand it there is additional information regarding surrounding properties etc. That will address the questions. Get it solved!

Thanks



*Ken Cassel, City Manager*  
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**CHEN MOORE AND ASSOCIATES**

Suzanne Dombrowski, P.E., ENV SP

**WEST PALM BEACH BRANCH  
MANAGER /**

**SENIOR ENGINEER**

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