



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

DPQJ-1  
COUNTY  
EXHIBIT # 1

File ID: 20-0076

DPQJ-1

Meeting Date: 12/3/2019

**PLACEMENT:** Departmental - Quasi-Judicial

**TITLE:**

**REQUEST APPROVAL OF THE SECOND AMENDMENT TO THE PARKWOOD PUD ZONING AGREEMENT**

**EXECUTIVE SUMMARY:**

The Parkwood Property Owners Association has requested an amendment to the PUD Zoning Agreement to reduce the setbacks on certain lots that back up to wetlands.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Peter Walden  
Title: Principal Planner

**REQUESTED BY:** Parkwood POA, Inc.

**PRESET:**

**PROCEDURES:** Quasi-Judicial

FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN COUNTY, FL  
Date 12/3/19 Time \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT  
By MKV D.C.

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Parkwood subdivision received development approval in 1984. The development site incorporates several isolated wetlands. At that time, the 1982 Comprehensive Plan did not require setbacks to isolated wetlands.

The Parkwood site plan protected the isolated wetlands on site but extended a 25-foot buffer onto the single-family lots that backed up to them. Applying buffers to wetlands or upland habitat on lots in communities is no longer permitted and has proven problematic wherever this practice has been instituted.

On September 24, 2019, the BOCC directed staff to draft an amendment to the Parkwood PUD Zoning Agreement that would eliminate the zoning setback to wetlands within the Parkwood PUD.

The proposed Second Amendment to the Parkwood PUD amends Exhibit "F" Conditions and Requirements, Section 6 to specifically address the 32 lots affected by the wetland buffer condition.

**ISSUES:**

There are no issues related to this application.

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### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board receive and file the agenda item as exhibit one.

Move that the Board approve the Second Amendment to the Parkwood PUD Zoning Agreement.

#### **ALTERNATIVE RECOMMENDATIONS**

Provide staff direction.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

Staff time.

| Funding Source | County Funds | Non-County Funds |
|----------------|--------------|------------------|
|                |              |                  |
|                |              |                  |
|                |              |                  |
| Subtotal       |              |                  |
| Project Total  |              |                  |

#### **ALTERNATIVE RECOMMENDATIONS**

None

### **DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☒ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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**PARKWOOD**  
**SECOND AMENDMENT TO THE PLANNED UNIT**  
**DEVELOPMENT ZONING AGREEMENT**

THIS AGREEMENT, made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between PARKWOOD PROPERTY OWNER'S ASSOCIATION, INC., a Florida not-for-profit corporation, (hereinafter the "Association") and MARTIN COUNTY, a political subdivision of the State of Florida (hereinafter the "County").

WITNESSETH:

WHEREAS, after appropriate notice, public hearing and approval, Gombas Development, Inc., a Florida Corporation, and Martin County, on or about the 14<sup>th</sup> day of February 1984, entered into a Planned Unit Development Zoning Agreement for the development of a project in Martin County, Florida known as "Parkwood PUD", which agreement is recorded in official records Book 597, beginning at Page 2471 of the Public Records of Martin County, Florida, which Agreement, as amended from time to time, is hereinafter referred to as the "PARKWOOD PUD AGREEMENT"; and

WHEREAS, the developer of Parkwood PUD subsequently created the Association to fulfill continuing responsibilities for matters of common interest within Parkwood, including some of those conditions identified in the PARKWOOD PUD AGREEMENT; and

WHEREAS, the Association wishes to amend one of the conditions of the PARKWOOD PUD AGREEMENT.

NOW, THEREFORE, it is agreed between the parties that:

1. Condition 6 of Exhibit "F", Conditions and Requirements of the PARKWOOD PUD AGREEMENT is amended to read as follows:

6. All buildings and structures shall conform with the following height, site area and setback requirements:

All lots shall be single family lots.

Site Area: 6,000 square feet or larger.

Height: 2 stories or 25 feet.

Setbacks: Side: 0 and 10 feet.  
Zero lot lines must be contiguous to zero lot lines and 10 foot setbacks contiguous to 10 foot setbacks.

Rear: 15 feet.

Front: 20 feet.

Frontage: 60 foot minimum at building line front.

2. This amendment is consistent with the Martin County Comprehensive Plan.

3. All the terms and conditions of the PARKWOOD P.U.D. AGREEMENT which are not specifically amended or revised by this Amendment shall remain in full force and effect as stated therein.

4. This Second Amendment to the PARKWOOD PUD AGREEMENT hereby supersedes any development order requirements in conflict with revised Condition 6.

IN WITNESS THEREOF, the parties have caused this Amendment to be made and entered into the day and year first written. The date of this Amendment shall be the date on which this amendment was approved by the Board of County Commissioners.

Witness:

PARKWOOD OF PALM CITY  
PROPERTY OWNER'S ASSOCIATION, INC.,  
a not-for-profit corporation

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Witness:

Print Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by \_\_\_\_\_ as \_\_\_\_\_ of the PARKWOOD PROPERTY OWNER'S ASSOCIATION, INC., a not-for-profit corporation. \_\_\_\_\_ is personally known to me or has produced \_\_\_\_\_ as identification.

(NOTARIAL SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_

Attest:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
Carolyn Timmann,  
Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM AND CORRECTNESS:

By: \_\_\_\_\_  
Krista A. Storey  
Senior Assistant County Attorney



September 11, 2019

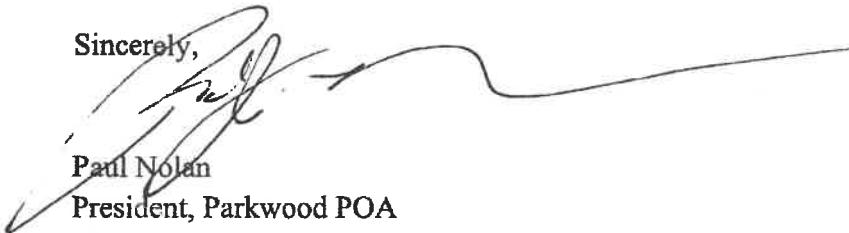
Re: Wetland PUD Agreement

Dear Ms. VanVonno,

Please allow this letter to serve as an agreement that we, Parkwood POA will work with Martin County to resolve our setback issue. It is also our understanding that we will have no financial responsibility for these changes.

Please send over the written agreement when ready and we will sign it. Thank you again for helping us settle this matter, and if you have any questions, please feel free to call me.

Sincerely,



Paul Nolan  
President, Parkwood POA  
772-341-2761.



May 4, 2019

Re: Wetland Committee Chair, Ellen Dickson

Dear Commissioner Smith,

Again, thank you for taking the time to help Parkwood with our wetlands issue. We sincerely appreciate it.

I have appointed Ellen Dickson as chair of our wetlands committee due to her knowledge of the area, as well as her dedication to maintaining a positive relationship with Martin County. Ellen has my permission to represent Parkwood as we advocate for change with the wetland buffer to setback, etc.

Please let me know if you have any questions, or concerns.

Sincerely,



Paul Nolan  
President, Parkwood POA  
772-341-2761.

Parkwood POA, Inc. - PO Box 1639 - Hobe Sound, FL 33475

Phone: 1-772-286-9109

DAQS-1

COUNTY  
EXHIBIT # 2

**Peter W. Walden**  
**Principal Planner**  
**Martin County Growth Management Department**  
pwalden@martin.fl.us Office 772-219-4923  
2401 SE Monterey Road Stuart, FL 34996

***Experience***

**Principal Planner**, Martin County, FL

2018- present

- Project Coordinator- development application and land development regulation review
- Project Coordinator for all County projects for development review.
- Manage and process all zoning variances.
- Provide assistance with permitting and zoning applications.
- Draft Land Development Regulation amendments.

**Senior Planner**, Martin County, FL.

2015- 2018

- **Development Review:** Project coordinator for development and zoning applications.
- Provide review of development applications for consistency with the Comprehensive Growth Management Plan and the Land Development Regulations.

**Development Compliance Planner**, City of Palm Beach Gardens, Palm Beach Gardens, FL.

2014- 2015

- **Development Review:** Review development and permit applications for compliance with land development code. Monitor development construction for compliance with development orders and environmental compliance. Provide related documents; draft time extensions, build out determinations, administrative amendments.

**Zoning Compliance**, Village of North Palm Beach, NPB, FL.

2012- 2014

- **Plan Review:** Member of the DRC, participate in all development review, focus on zoning regulations and land development policy and compliance. Review building permits for code compliance. Prepare and present projects to the Planning Commission, and maintain all corresponding files.

**Sales Associate**, The Home Depot, Jupiter, FL

2010-2012

- Worked as a Sales Associate while attending FAU.

**Landscape Design Manager**, Ginn Company, Celebration, FL.

2004-2008

- Part of a development team responsible for managing the construction and maintenance of Resort Communities.
- Projects included: golf courses, land development and earthwork, utilities and irrigation, streetscapes, mitigation projects and wetland construction, parks, Clubhouses, and PGA Tour events in the southeast and the Bahamas.
- Worked with project managers and consultants on development compliance with SFWMD, DEP, Army Corp of Engineers, and local municipalities.

**Education & Certifications**

**Florida Atlantic University**, Boca Raton, FL (GPA 3.8)

**B.P.M. Bachelor of Public Management** (Administration), minor in Geography, May 2012

**Course work in:** Urban Planning, GIS, Emergency Management, Program Evaluation, Transportation

**Indian River State College**, Stuart, FL (GPA: 3.75)

**A.A, Environmental Science**, May 2010

**Government Internship**, Town of Jupiter, FL. May-August 2011 Planning and Zoning, Business Development

*Member of the American Planning Association*

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