



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

HIGHLANDS RESERVE OF PALM CITY HOMEOWNERS ASSOCIATION, INC.

3RD AMENDMENT TO THE PUD ZONING AGREEMENT

Applicant:	Highlands Reserve HOA
Property Owner:	Right-of-Way, FDOT and Martin County
Agent for the Applicant:	Ross Earle Bonan & Ensor, P.A.
County Project Coordinator:	Peter Walden, Principal Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	S155-012
Application Type and Number:	DEV2019040004
Report Number:	2019_0807_S155-012_Staff_Report_Final
Application Received:	04/03/2019
Transmitted:	04/03/2019
Staff Report Issued:	04/26/2019
Revised Report:	08/07/2019

B. Project description and analysis

The Highlands Reserve Homeowner's Association requests approval of the 3rd amendment to the Highlands Reserve PUD Zoning Agreement. The amendment seeks to terminate the Right-of-way (ROW) Maintenance Agreement for Highlands Reserve dated August 1, 2006 and recorded in Official Records Book 2190, beginning at page 192, of the public records of Martin County.

The Highlands Reserve PUD Agreement, under Special Condition "F" number 18, required the Association to perpetually maintain the landscaping, irrigation, and lighting along SW High Meadow Avenue near the Highlands Reserve community and the entrance to Palm City off Interstate 95's exit.

The final landscaping, irrigation, and lighting was provided with the development as part of the Final Site Plan approval process. The Right-of-way Maintenance Agreement was executed to formalize the condition of the PUD Agreement and set forth the maintenance responsibilities of the Highlands Reserve PUD Homeowners Association (now known as the Highlands Reserve of Palm City Homeowners' Association, Inc.), or Highlands Reserve HOA.

The Highlands Reserve HOA has been maintaining the right-of-way since the completion of the substantial completion of the project in 2007. Since the corridor landscaping and lighting is enhanced to create the only gateway from Interstate I-95 to Palm City, the Highlands Reserve HOA has requested the maintenance responsibility be conveyed to Martin County. The Highlands Reserve HOA has agreed to

continue to serve the landscaping and streetlighting with water and electrical service in perpetuity.

Upon the County's acceptance of the maintenance of the landscaping and irrigation and the maintenance and operation of the streetlights, the Right-of-way Maintenance Agreement is no longer necessary and can be terminated. Special Condition "F" number 18 of the Highlands Reserve PUD Agreement has been amended accordingly.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Peter Walden	219-4923	Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Peter Walden	219-4923	Comply
H	Urban Design	Santiago Abasolo	288-5485	N/A
H	Community Redevelopment	Santiago Abasolo	288-5485	N/A
I	Property Management	Colleen Holmes	288-5793	N/A
J	Environmental	Shawn Mccarthy	288-5508	N/A
J	Landscaping	Karen Sjoholm	288-5909	N/A
K	Transportation	Lukas Lambert	221-2300	N/A
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Lisa Wichser	223-7945	Comply
N	Addressing	Emily Kohler	288-5692	N/A
N	Electronic File Submission	Emily Kohler	288-5692	N/A
O	Water and Wastewater	James Christ	320-3034	N/A
O	Wellfields	James Christ	320-3034	N/A
P	Fire Prevention	Doug Killane	288-5633	N/A
P	Emergency Management	Dan Wouters	219-4942	N/A
Q	ADA	Judy Lamb	221-1396	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Kimberly Everman	219-1200	N/A
S	County Attorney	Krista Storey	288-5923	Ongoing
T	Adequate Public Facilities	Peter Walden	219-4923	Comply

D. Review Board action

This application is for an amendment to a Planned Unit Development Zoning Agreement (PUD) and meets the threshold requirements for processing as a major development. As such, a review of this application is required by County staff and final action by the Board of County Commissioners (BCC) at a public meeting.

Pursuant to Section 10.1.F, Land Development Regulations, Martin County, Fla., it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

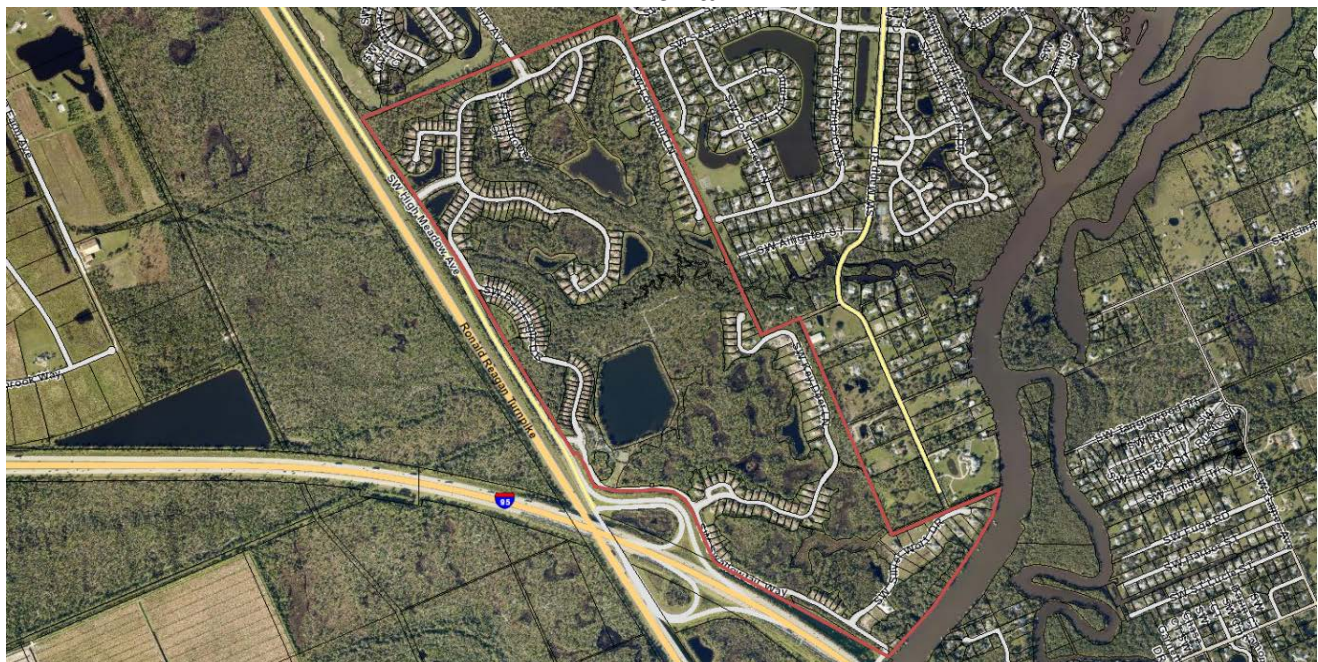
E. Location and site information

Parcel number(s) and address: 45-38-41-001-000-00002-0
Existing Zoning: PUD, Planned Unit Development
Future land use: Estate Density 1UPA
Census tract: Not Applicable
Commission district: 5

Location Map



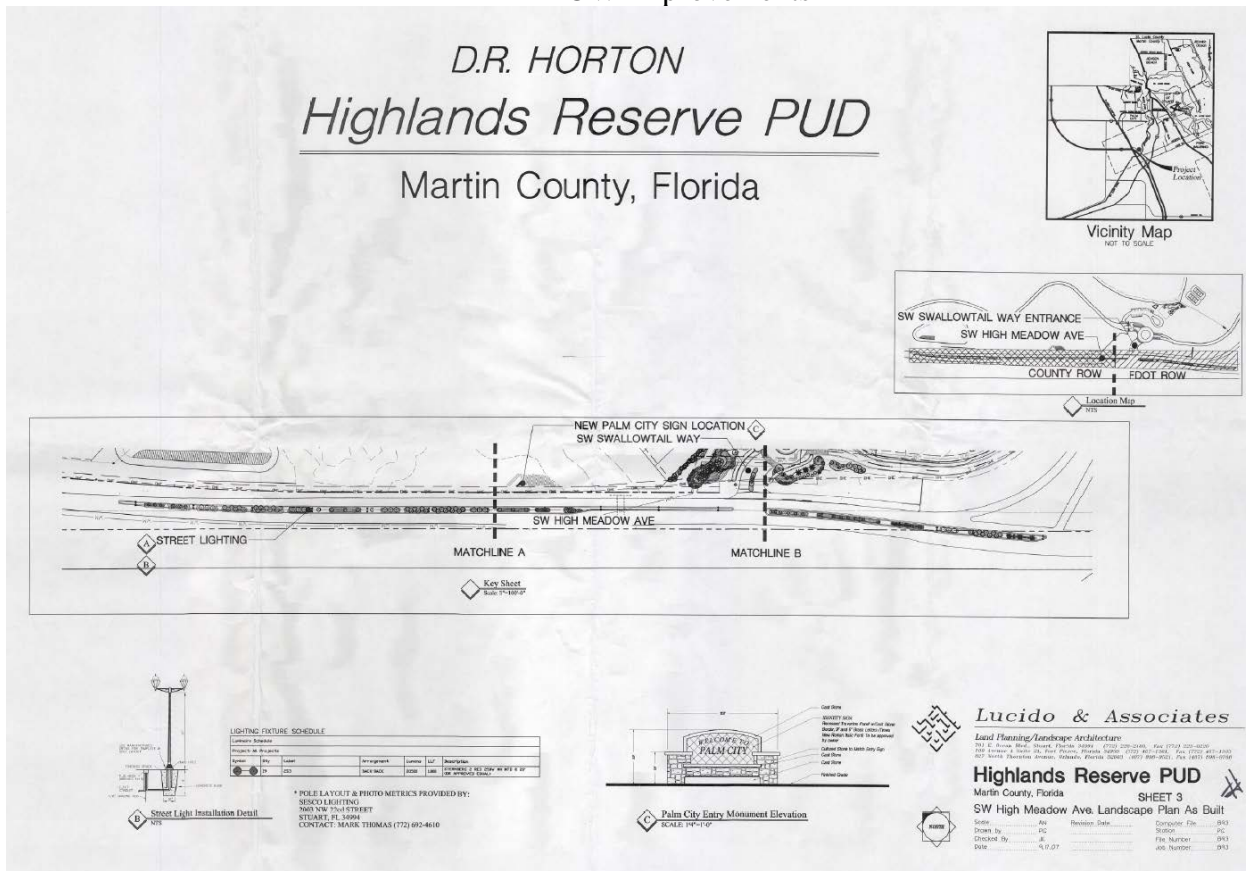
Aerial



Proposed Development Overlay



ROW Improvements



F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Policy 4.1E.6. PUD

A planned unit development is a unified development that is (1) planned, approved and controlled according to provisions of a binding written document negotiated between the developer and the County as a special PUD zoning district and (2) approved at a public hearing. The purpose of PUD districts is to introduce flexibility into the strict zoning and development regulations in a manner that is mutually beneficial to the County and the development. It is also to encourage enlightened and imaginative approaches to community planning. Benefits to the developer may include incentives to encourage affordable housing (consistent with the Housing Element); transfer of density from wetlands (consistent with the Conservation and Open Space Element, Chapter 9); flexibility in density distribution; flexibility and variety in land use, structure type and project design; and greater intensity than would be achievable under straight zoning. In exchange, the County may acquire such benefits as preservation zones, buffers, density transition zones and recreation facilities in excess of the County's minimum standards. Specific PUD district regulations are negotiated voluntarily by the developer and the County, and neither is guaranteed maximum benefits by right.

Findings of Compliance:

Staff has reviewed this application and finds that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, zoning or procedural requirements issues associated with this application.

H. Determination of compliance with the urban design and community redevelopment requirements - Community Development Department

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

I. Determination of compliance with the property management requirements - Engineering Department

N/A

No dedication of additional right of way is required or proposed by the Applicant pursuant to the Roadway Classifications set forth in Section 4.843.B, Land Development Regulations, Martin County, Fla., (2010) which includes Table 4.19.1 that lists the minimum right of way requirements. Therefore, the Applicant is not required to submit due diligence materials for review by the Martin County Real Property Division.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

Environmental

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

Landscape

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

K. Determination of compliance with transportation requirements - Engineering Department

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

L. Determination of compliance with county surveyor - Engineering Department

N/A

The applicant has indicated that there are no proposed changes to the approved project boundary as part of the current application. Therefore, the County Surveyor was not required to review this application for consistency with the Martin County Codes for survey requirements contained in Article 4 of the Land Development Regulations. MARTIN COUNTY, FLA., LDR §10.1.F

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

Electronic File Submittal

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

O. Determination of compliance with utilities requirements - Utilities Department

Water and Wastewater Service

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

Wellfield and Groundwater Protection

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

Fire Prevention

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

R. Determination of compliance with Martin County Health Department and Martin County School Board

N/A

There is no site plan associated with this application therefore; a review by development review staff was not required.

S. Determination of compliance with legal requirements - County Attorney's Office

Review Ongoing

T. Determination of compliance with the adequate public facilities requirements - responsible departments

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. (2016). Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more;
- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site development.

U. Post-approval requirements

Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Item #1:

Post Approval Requirements List: After approval the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. The applicant will return the Post Approval Requirements List along with the required documents in a packet with the documents arranged in the order shown on the list.

Item #2:

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

Item #3:

Recording Costs: The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

Item #4:

Original and one (1) copy of the executed approved PUD zoning agreement.

V. Local, State, and Federal Permits

All the applicable Local, State and Federal Permits have been issued.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$3,8500.00	\$3,850.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Mandatory impact fees:	TBD		
Non-mandatory impact fees:	TBD		

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

X. General application information

Applicant: Highlands Reserve of Palm City Homeowners Association, Inc.
SW High Meadows Avenue
Palm City, FL 34990

Agent: Ross Earle Bonan & Ensor, P.A.
David B. Earle
789 SW Federal Highway, Suite 101
Stuart, FL 34994

Y. Acronyms

ADA Americans with Disability Act
AHJ Authority Having Jurisdiction
ARDP Active Residential Development Preference
BCC Board of County Commissioners
CGMP Comprehensive Growth Management Plan
CIE Capital Improvements Element
CIP Capital Improvements Plan
FACBC Florida Accessibility Code for Building Construction
FDEP Florida Department of Environmental Protection
FDOT Florida Department of Transportation
LDR Land Development Regulations
LPA Local Planning Agency
MCC Martin County Code
MCHD Martin County Health Department
NFPA National Fire Protection Association
SFWMD South Florida Water Management District

W/WWSA Water/Waste Water Service Agreement

Z. Attachments