



Legislation Details (With Text)

File #: 19-0476
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 8/27/2019 **Final action:** 8/27/2019
Title: REQUEST FOR THE THIRD AMENDMENT TO THE HIGHLANDS RESERVE PUD ZONING AGREEMENT

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2019_0807_Staff_Report.pdf, 2. 2019-08-08 HIGHLANDS RESERVE PUD - 3rd Amendment.pdf, 3. 2019_0329_S155-012_App.pdf, 4. Highlands ROW agreement.pdf, 5. 2019_0807_S155-012_Sign posting.pdf

Date	Ver.	Action By	Action	Result
8/27/2019	1	Board of County Commissioners	denied	
8/27/2019	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

REQUEST FOR THE THIRD AMENDMENT TO THE HIGHLANDS RESERVE PUD ZONING AGREEMENT

EXECUTIVE SUMMARY:

Highlands Reserve of Palm City Homeowner's Association, Inc. has requested a third amendment to the PUD Zoning Agreement to revise Special Condition 18.D regarding responsibility for the ongoing maintenance of the landscaping, irrigation, and lighting located along High Meadow Avenue.

DEPARTMENT: Growth Management

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

REQUESTED BY: David B. Earle, Esq., Ross Earle Bonan & Ensor, P.A.

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

The Highlands Reserve of Palm City Homeowner's Association, Inc. (Association) requests approval of the Third Amendment to the Highlands Reserve PUD Zoning Agreement. Currently Special Condition 18.D, requires the Association to maintain in perpetuity the landscaping, irrigation, and

lighting along High Meadow Avenue near the Highlands Reserve community and the entrance to Palm City off Interstate 95's exit. Pursuant to the proposed Third Amendment, the Association has requested that the maintenance responsibility be conveyed to Martin County. In consideration for the County assuming maintenance responsibility, the Association has offered to continue to provide the water and electrical services necessary for the County to operate and maintain the landscaping, irrigation, and lighting. The proposed Third Amendment would also terminate the existing Right-of-way 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 landscaping, irrigation, and lighting along High Meadow Avenue 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 maintenance responsibilities of the Association. The Highlands Reserve HOA has been maintaining the right-of-way since the substantial completion of the project in 2007.

The following supporting documents are attached to this Agenda Item:

Staff Report

3rd Amendment to the Highlands PUD Agreement

Application Materials with Disclosure of Interest and Legal Description

Right of Way Maintenance Agreement

Sign Posting Affidavit

ISSUES:

The annual cost of the water and electrical service to the Association has been estimated by staff to be approximately \$4000. The estimated annual cost for the County to maintain and operate the landscaping and irrigation system is \$5,600, and the estimated annual cost for the County to maintain and operate the streetlights is \$2,200.

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, 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 that is based on a correct application of the law and competent substantial evidence in the record.

RECOMMENDED ACTION:

RECOMMENDATION

- A. Move that the Board receive and file the Agenda Item and the staff report as exhibit one.
- B. Move that the Board approve the Third Amendment to the to the Highlands Reserve PUD Zoning Agreement.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
3301-2202-04600-541	\$2200	
3301-2211-03400-541	\$5600	
Subtotal	\$7800	
Project Total	\$7800	

ALTERNATIVE RECOMMENDATIONS

Same as above

DOCUMENT(S) REQUIRING ACTION:

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

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