

Prepared by and Return to
Michael D. Chiumento III, Esq.
Chiumento Law, PLLC
145 City Place, Suite 301
Palm Coast, FL 32164
Attn: Caroline McNeil

**Minor Modification to the
TOWN CENTER
DRI DEVELOPMENT ORDER**

Approved – May 2, 2022

On May 2, 2022, the City Manager has approved the issuance of this Minor Modification relating to and touching and concerning the Town Center DRI Development Agreement.

FINDINGS OF FACT

Applicant:	Florida Landmark Communities and Palm Coast Holdings Inc., the “Declarant”
Project Name:	Town Center DRI
Requested Approval:	Convert 205,000 square feet of Non-Retail Commercial to 250 residential units as permitted by Section 4 and Section 10 of the DRI DO with Section 3(b): Present Entitlements being added as more specifically shown in Exhibit “A” .

The Minor Modification Approval sought is consistent with the Town Center Development of Regional Impact Development Order, and Planned Unit Development Agreement.

Done and Ordered on the date first written above.

Minor Modification to the
TOWN CENTER- DRI DEVELOPMENT ORDER

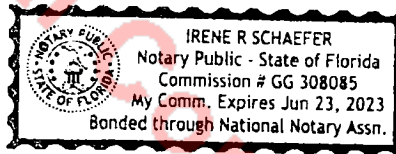
As approved and authorized for execution by the City of Palm Coast

Attest:


Denise Bevan, City Manager

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization this 2nd day of May, 2022 by Denise Bevan as, City
Manager of the City of Palm Coast, FL who produced JNS ~~as identification or~~
who is personally known to me.


NOTARY PUBLIC



Minor Modification to the
TOWN CENTER- DRI DEVELOPMENT ORDER

OWNER'S CONSENT AND AGREEMENT

IN WITNESS WHEREOF, the Owner consents and agrees to the terms and conditions of this Development Order and has hereunto set the Owner's hand and seal, the day and year below written.

WITNESSES:

[Signature]

Florida Landmark Communities Inc., a
Florida corporation

By: [Signature]
Patrick Cutshall, Manager and CFO of
Florida Landmark Communities, Inc. a
Florida corporation,

[Signature]

WITNESSES:

[Signature]

Palm Coast Holdings, Inc., a Florida
corporation

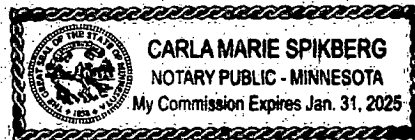
By: [Signature]
Patrick Cutshall, Manager and CFO of
Palm Coast Holdings, Inc., a Florida
corporation

[Signature]

STATE OF Minnesota
COUNTY OF St. Louis

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 3rd day of May, 2022 by Patrick Cutshall as, Manager and CFO of both Florida Landmark Communities, Inc., a Florida Corporation, and Palm Coast Holdings, Inc. a Florida corporation who produced _____ as identification or who is personally known to me.

[Signature]
NOTARY PUBLIC



**Minor Modification to the
TOWN CENTER- DRI DEVELOPMENT ORDER**

EXHIBIT "A"

**Section 3(b): Present Entitlements
2022 CONVERSION**

Land Use	Approved	Sold	Remaining
Residential	2,750 Units	2,599 Units	151 Units
Office	1,400,000 sq. ft.	487,780 sq. ft.	912,220 sq. ft.
Retail/Commercial	2,000,000 sq. ft.	858,786 sq. ft.	1,141,214, sq. ft.
Non-Retail Commercial	1,195,000 sq. ft.	136,589 sq. ft.	1,058,411 sq. ft.
Institutional	625,000 sq. ft.	240,000 sq. ft.	385,000 sq. ft.
Movie Theater	2,400 Seats	2,400 Seats	0 Seats
Lodging	480 Rooms	125 Rooms	355 Rooms
Assisted Living	485 Rooms	202 Rooms	283 Rooms

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By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

April 28, 2022

Ray Tyner & Jose Papa
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

Dear Mr. Tyner & Mr. Papa:

As you know, I represent Florida Landmark Communities, Inc. and Palm Coast Holdings, Inc., the Declarant of the Town Center at Palm Coast DRI and PUD Development Agreement. In 2018, the City adopted the first Amendment to Town Center at Palm Coast Park Development of Regional Impact Development Order (the "DRI DO"). As amended, pursuant to Section 4, Land Use Conversion Table, of the DRI DO, the Declarant may convert entitlements. As it relates to this letter, the Declarant exercises its rights under this Section and converts Commercial and Retail entitlements to Residential. Specifically, the Declarant elects to increase the number of Single-Family Residential units by 250 units by simultaneously reducing the maximum square feet of Non-Retail Commercial by 205,000 square feet. Such reduction will amend the table in Section 3(b), Permitted Entitlements to be consistent with the table, (**Exhibit "A"**).

This conversion (the "2022 Conversion") has no substantial adverse effect or impact on public infrastructure or the community. Obviously, traffic generation is basis of the conversion formula so no additional traffic trips will be placed upon the affected roadway system. In addition, there is no significant change to City Utilities including but not limited to the public water and sewer. Assuming you agree with this conversion and Level of Service standards are met, we ask that the City Manager sign Minor Modification (**Exhibit "B"**) approving this conversion and Approved/Remaining entitlements is vested as provided in Section 10 of the DRI DO.

We respectfully request that we finalize this conversion by May 13, 2022.

Sincerely,

Michael D. Chiumento III
Attorney
MDC/cm