

Return to:
City Clerk's Office
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

**Minor Modification
To The
TOWN CENTER AT PALM COAST
PLANNED UNIT DEVELOPMENT AGREEMENT**

WHEREAS, the Palm Coast Arts Foundation has received a grant to construct outdoor event space and a temporary headquarters/fundraising center on the leased property owned by the City of Palm Coast; and

WHEREAS, the City has a lease agreement for City-owned property with the Palm Coast Arts Foundation for the purpose stated above and ultimate construction of the Performing Arts Center; and

WHEREAS, the City and Town Center CDD desire to accommodate the temporary structure and provide adequate standards to enable the Palm Coast Arts Foundation through this Public-Private Partnership with the City to accomplish both its short and long-term goals; and

WHEREAS, Section 12.0 of the Town Center PUD Agreement establishes the procedures to amend the Agreement, and permits the City Manager or designee to approve minor modifications;

NOW, THEREFORE, BE IT ENACTED by the City of Palm Coast, Florida:

On March 9th, 2016, the Land Use Administrator has approved the issuance of this Minor Modification relating to and touching and concerning the Town Center at Palm Coast Planned Unit Development Agreement, Ordinance No. 2003-32, PUD 03-06, adopted December 16, 2003, and as modified by the following: (i) Minor Modification dated July 24, 2006 and recorded in Official Records Book 1468, Page 553; (ii) Ordinance No. 2006-17 dated October 3, 2006 and recorded in Official Records Book 1494, Page 998; (iii) Minor Modification dated May 23, 2007 and recorded in Official Records Book 1579, Page 1358; (iv) Minor Modification dated December 21, 2007 and recorded in Official Records Book 1637, Page 580; (v) Minor Modification dated June 13, 2008 and recorded in Official Records Book 1667, Page 238; and (vi) Minor Modification dated April 8, 2010 and recorded in Official Records Book 1764, Page 865, all of the Public Records of Flagler County, Florida.

FINDINGS OF FACT

Applicant: Clinton F. Smith, Vice President, Florida Landmark Communities, LLC.

Project Name: Town Center at Palm Coast Planned Unit Development Agreement, Ordinance No. 2003-32 - PUD 03-06 as recorded in Official Records Book 1025, Pages 1405, et seq., of the Public Records of Flagler County, Florida (the "Town Center PUD").

Requested Approvals:

1. A rewrite of the first paragraph of Section 11.0, Public Land Parcels, as found on page 37, to read as follows:

Property that is owned or controlled by the City or other public entity ("Public Land Parcels") will be maintained by that public entity ("Public Land Parcel Owner"). The Development Order grants the City an option to acquire the sites that are shown as Site A, Site B and Site C on Exhibit "F" hereto in which case they will constitute Public Land Parcels. Construction on Public Land Parcels will be subject to the requirements and standards set forth in the PUD Agreement, *except for temporary structures that serve as fundraising and construction management offices for projects on public land parcels developed through public-private partnerships. These temporary structures shall be limited to five (5) years, unless extended through a minor modification amendment to this agreement. In addition, to the greatest extent possible, the temporary structures shall include adequate landscaping and buffering as well as complying with the following standards:*

- (a) *The development plan shall indicate the location of the temporary fundraising and construction management office*
- (b) *Temporary fundraising and construction management office shall be located on ABS pads or stem wall and shall be skirted and landscaped*
- (c) *Landscaping shall include foundation planting beds a minimum of 4 feet wide, surrounding 100 percent of the building façade or elevations within view of the public right-of-way, with a minimum height of 30 inches at the time of installation.*
- (d) *Pedestrian access shall be provided from the public sidewalk to the office*
- (e) *Water and wastewater facilities shall be provided*
- (f) *Minimum height of the structure shall be 12.5 feet.*
- (g) *The standards and requirements of Chapter 13 of the Land Development Code shall not apply, except that the structure shall be an approved Florida Department of Community Affairs structure.*

(h) The temporary fundraising and construction management office shall be removed upon issuance of a Certificate of Occupancy for a permanent principal structure.

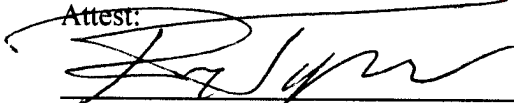
Parking on Public Land Parcels may be reserved as deemed appropriate by the Public Land Parcel Owner but shared parking, as provided for in Section 8.0 (b) above, is encouraged, especially during non-business hours of the Public Land Owner. *On-street parking and off-site parking for Special Events hosted on Public Land Parcels may be approved by the subject property owners and the Town Center CDD in writing to meet the parking requirements found within Section 8.0 of this Agreement.*

The Minor Modification Approval sought is consistent with the Town Center at Palm Coast Development of Regional Impact Development Order and PUD.

Done and Ordered on the date first written above.

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

Attest:



Raymond F. Tyner, Planning Manager
Land Use Administrator

OWNER'S CONSENT AND AGREEMENT

IN WITNESS WHEREOF, the Owner consents and agrees to the terms and conditions of this Minor Modification to the Town Center at Palm Coast Planned Unit Development Agreement and has hereunto set the Owner's hand and seal, the day and year below written.

WITNESSES:

Florida Landmark Communities, LLC.

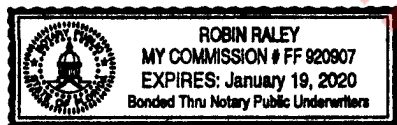
[Signature]
Print Name: Cynthia Geiges

By: [Signature]
Clinton F. Smith, Vice President

[Signature]
Print Name: Marilyn Parker

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 9th day of March, 2016, by Clinton F. Smith, as Vice President of Florida Landmark Communities, LLC., a Florida corporation, who is personally known to me and who executed the foregoing.



[Signature]
Notary Public, State of Florida
My Commission Expires:

