

Prepared By:
Community Development Department
City of Palm Coast
160 Lake Avenue, Suite 135
Palm Coast, FL 32164

Reserved for Recording Information:

Return To:
City Clerk
City of Palm Coast
160 Lake Avenue, Suite 225
Palm Coast, FL 32164

CITY OF PALM COAST
SUBDIVISION PRELIMINARY PLAT
DEVELOPMENT ORDER APPROVAL
SEMINOLE TRACE

On June 20, 2024, the City of Palm Coast issued this Development Order relating to and touching and concerning the following described property:

Part of Government Section 29, 30, 31 and 32, Township 12 South, Range 31 East, Flagler County,
Florida

(The afore described property description has been provided to the City of Palm Coast by the owner of the afore described property.)

FINDINGS OF FACT

Property Owner: BYRND OG PCP, LLC
180 BROOKHAVEN CT S
PALM COAST, FL 32164

KL SEMINOLE TRACE, LLC
105 NE 1st STREET
DELRAY BEACH, FL 33444

Project Name: SEMINOLE TRACE
Project No.: 2023070019
Application Type: SUBDIVISION PRELIMINARY PLAT
Application No. 5580

Requested Development Approval:

Preliminary Plat Approval for Single Family Residential Lots

Parcel Nos: 31-12-31-0000-01070-0030, portion of 32-12-0650-000B0-0020, portion of 30-12-31-0000-01020-0040- and a portion of 29-12-31-0000-01010-0021

Acreage: 180.47 +/-

Zoning: Single-Family Residential (SFR-1) and Preservation

Proposed Number of Lots/Units: 386

CONCLUSIONS OF LAW

The Development Approval sought is consistent with the *City of Palm Coast Comprehensive Plan* and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances as set forth in the Code of Ordinances of the City of Palm Coast.

The Owners have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the afore described property.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for Development Approval is **GRANTED**.
- (2) All development of the property shall fully comply with all of the codes and ordinances in effect in the City of Palm Coast at the time of issuance of a development order and/or development permit, including but not limited to, all impact fee ordinances.
- (3) Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

(4) The conditions upon this development approval and the commitment made as to this development approval, which have been accepted by and agreed to by the Owner of the property is as follows (the following comments by staff must be addressed with the Final Plat):

Reviewing Department Comments

OASB - FLAGLER COUNTY SCHOOL BOARD

Marked INFORMATION By: DAMARIS RAMIREZ - (386)986-3750 - DRAMIREZ@PALMCOASTGOV.COM

1. Owner shall coordinate with Flagler County School Board in accordance with the Intralocal Agreement to address school concurrency and finalize mitigation agreement, as applicable, for this project prior to issuance a Development Order or final plat approval.
2. A school bus route map may be needed to address bus routes and locations including bike racks where possible.
3. Language regarding bus routes and locations may need to be added to the C&R's to address maintenance and other requirements. For further discussions please contact whitsonw@falglerschools.com.

PLC - PLANNING PROJECT MANAGER (386-986-2655)

Held By: ESTELLE LENS - (386)986-2655 - ELEN@PALMCOASTGOV.COM

Comments for the DO (to be addressed with the final plat)

1. Clarify access to Tract Z with final plat.
2. Tract X on the Plat will have to be relabeled Tract EE (Stormwater Management Facility - Sheet 16) to match the construction plans.
3. Tract EE on the plat (Open Space, Wetland Preservation, Upland Buffer - Sheet 4) will have to be labeled Tract X to match the construction plans.
4. Plat coversheet, dedication and notes comments will be reviewed and addressed with the final plat.
5. Fee simple conveyance of the existing 40' Drainage Easement along Seminole Woods Boulevard is required for future road widening. No structures are to be constructed within the easement area and this area cannot be used as part of any required setback.

PLFM - PLANNING FLOODPLAIN (386-986-4789)

Marked INFORMATION By: CARMELO MORALES - (386)986-4758 - CMORALES@PALMCOASTGOV.COM

Please provide a copy of the LOMA once review by FEMA has been completed.

It appears there are multiple lots either inside the Zone A or in close proximity. These lots will need to be entirely removed from the floodplain prior to Final Plat or building permits being issued.

PLENV - PLANNING ENVIRONMENTAL (386-986-2320)

Held By: DYLAN RODRIGUEZ - - DRODRIGUEZ@PALMCOASTGOV.COM

1.0 INFORMATIONAL - The environmental assessment stated Gopher Tortoises were located on site. A survey and subsequent relocation of any Gopher Tortoise burrows within 25 feet of construction will be required, once this is complete an after-action report will be required to be submitted before issuance per 10.04.04 of the Land Development Code (LDC).

(5) This Development Order touches and concerns the afore described property and the conditions, commitments and provisions of this Development Order shall perpetually

burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or in part by action of the City of Palm Coast by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(6) The terms and provisions of this Order are not severable and in the event any portion of this Development Order shall be found to be invalid or illegal then the entire Development Order shall be null and void.

(7) The Development Order shall remain valid for a period of twelve (12) months from the date of issuance. If construction has not commenced or is not continuing in good faith to conclusion during this valid period, this Development Order will expire. The Development Order may be extended, upon request, during the period of three (3) months before the expiration of the valid period. Staff may approve an extension not to exceed (12) months. A maximum of three (3) extensions may be granted.

(8) No construction of any TYPE shall commence until a mandatory pre-construction meeting has been conducted with City Staff.

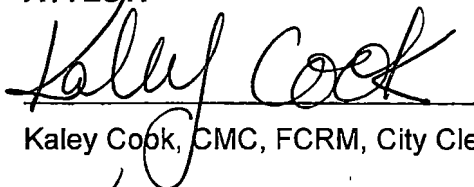
(9) Utility fees and applicable agreements shall be executed prior to construction.

(10) All required federal, state, county, and/or local permits shall be acquired prior to construction.

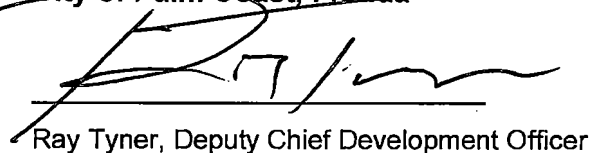
Done and Ordered on the date first written above.

As approved and authorized for execution by the
the City of Palm Coast, through administrative review.

ATTEST:


Kaley Cook, CMC, FCRM, City Clerk

City of Palm Coast, Florida


Ray Tyner, Deputy Chief Development Officer

✓ Sign and Record

Development Order Affidavit

OWNER'S CONSENT AND COVENANT:

Project Name: SEMINOLE TRACE

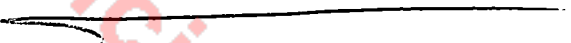
Project No.: 2023070019

Application Name: SUBDIVISION PRELIMINARY PLAT

Application No.: 5580

COMES NOW, BYRND OG PCP, LLC , the Owner on behalf of itself and its successors, assigns and transferees of any nature, whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, and conditions, and commitments set forth in this Development Order. Affiant states that he/she accepts the findings, as outlined in this Development Order, and further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing the said Development order for SEMINOLE TRACE:

BYRND OG PCP, LLC

180 BROOKHAVEN CT S
PALM COAST, FL 32164

 Authorized Signer
ACKNOWLEDGEMENTSTATE OF
COUNTY OF

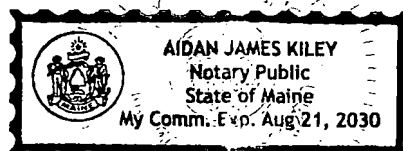
The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 26 day of June, 2024, by Jeff of BYRND OG PCP, LLC who is personally known to me or has produced F2 Drivers Lic (type of identification) as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 26 day ofJune, 2024.

 NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC

(SEAL)



Development Order Affidavit**OWNER'S CONSENT AND COVENANT:**

Project Name: SEMINOLE TRACE

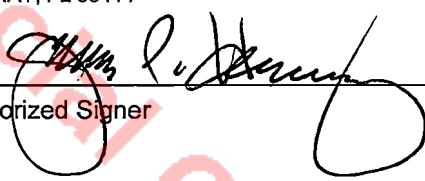
Project No.: 2023070019

Application Name: SUBDIVISION PRELIMINARY PLAT

Application No.: 5580

COMES NOW, KL SEMINOLE TRACE, LLC , the Owner on behalf of itself and its successors, assigns and transferees of any nature, whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, and conditions, and commitments set forth in this Development Order. Affiant states that he/she accepts the findings, as outlined in this Development Order, and further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing the said Development order for SEMINOLE TRACE:

KL SEMINOLE TRACE, LLC

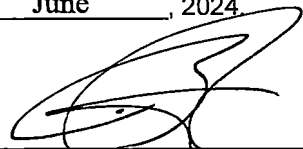
105 NE 1st STREET
DELRAY, FL 33444

 Authorized Signer
ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 25th day of June, 2024, by James P. Harvey of KL SEMINOLE TRACE, LLC who is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of

June, 2024.



NOTARY PUBLIC

NOTARY PUBLIC SIGNATURE

(SEAL)

