

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
SPECIAL EXCEPTION OTHER
DEVELOPMENT ORDER APPROVAL
JTL GRAND LANDINGS BORROW PIT

On 12/15/2021, the City of Palm Coast issued this Development Order relating to and touching and concerning the following described property:

A PARCEL OF LAND LOCATED IN GOVERNMENT SECTION 17, 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: JTL GRAND LANDINGS DEVELOPMENT LLC
16660 DALLAS PARKWAY SUITE 1600,
DALLAS, TX 75248

Project Name: JTL GRAND LANDINGS BORROW PIT
Project No.: 2021100038
Application Type: SPECIAL EXCEPTION OTHER
Application No. 4910

Requested Development Approval: SPECIAL EXCEPTION TO ALLOW MINING AND SOIL EXCAVATION

Parcel Acreage: 36.23+/-

Parcel No(s): 07-11-31-0650-000A0-0013

Zoning Classification: Industrial (IND) / Proposed for Heavy Industrial (IND-2)

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 afore mentioned 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) 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:
 - a. ***The Development Order shall be signed by the applicant within 30 days from the date of the PLDRB meeting in which the approval occurred. Should the applicant fail to evidence***

the agreement to each and every condition in the Development Order by failing to sign such Development Order, then it shall become null and void. If the applicant requests a special exception in the future, applicant must file a new application in accordance with the Unified Land Development Code.

b. The Special Exception shall remain valid until December 15, 2022, or development commences, whichever occurs first. If the development fails to commence prior to December 15, 2022, the Land Use Administrator may extend the special exception for up to an additional 12-month period of time if the applicant can demonstrate good faith reliance. If good faith reliance is not demonstrated, the special exception will expire and the applicant shall submit for a new Special Exception request.

c. Special Exceptions are only use approvals. However, a development plan, which may include a floor plan, shall be submitted with the application and shall be valid only for the location and area shown. Any further required approvals, such as but not limited to signage, must be obtained pursuant to the Unified Land Development Code.

d. Failure to comply with any of the conditions of approval for the subject property at any time may result in revocation of the Special Exception:

e. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions, the City can refer the issue to Code Enforcement.

f. If the special exception use is discontinued or abandoned for 6 consecutive months, the development order approving the special exception shall expire and shall not be re-established or resumed without obtaining a Special Exception in accordance with the requirements established in the Unified Land Development Code.

g. Any subsequent use in the same location shall be in conformance with the Unified Land Development Code.

h. The Special Exception shall comply with all State requirements.

Additional Conditions:

1. The Adoption by City Council of App. No. 4903 - Rezoning to Heavy Industrial (IND-2) and App. No. 4904 - FLUM Amendment to Industrial.
2. Applicant to meet all setback requirements in LDC Section 4.03.03.B.
3. Applicant to retain existing vegetative buffer along southerly boundary line.

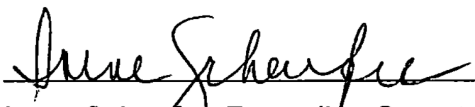
(4) This Development Order touches and concerns the afore described property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or in part 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.

(5) 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.

Done and Ordered on the date first written above.

As approved and authorized for execution by the Planning and Land Development Regulation Board (PLDRB) of the City of Palm Coast, at their regularly scheduled meeting of December 15, 2021.

Attest:


Irene Schaefer, Recording Secretary

City Of Palm Coast, Florida


Sandra Shank, Vice Chairperson

__ Sign and Return

Development Order Affidavit
OWNER'S CONSENT AND COVENANT:

Project Name: JTL GRAND LANDINGS BORROW PIT
 Application Type: SPECIAL EXCEPTION OTHER
 Application No.: 4910

COMES NOW, JTL GRAND LANDINGS DEVELOPMENT 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 JTL GRAND LANDINGS BORROW PIT:

ATTEST:

JTL GRAND LANDINGS DEVELOPMENT, LLC
 16660 DALLAS PARKWAY SUITE 1600,
 DALLAS, TX 75248

 Attesting Corporate Official

 Authorized Signer *David West*

ACKNOWLEDGEMENT

STATE OF Texas
 COUNTY OF Dallas

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 4th day of January, 202~~1~~², by DAVID WEST of JTL GRAND LANDINGS DEVELOPMENT 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 4 day of January, 202~~1~~².

 Notary Public

