

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
DEVELOPMENT ORDER APPROVAL
BELLE TERRE TOWNHOMES
SUBDIVISION MASTER PLAN TIER 2

On May 21, 2025, The City of Palm Coast issued this Development Order relating to and touching and concerning the following described property:

25.48 acres a portion of the following described land:
SEC 34,10,03 BEING TRACT 21 OF PCHI PER DEED POR NW CRNR SEC 3 THENCE ALONG N
LINE SEC 3 NE 732.21' TO POB NW 27.37' NE 3982.58' SE 545.17' SW 2082.75' SE 606.62' SE
2401.22' SW 500' SE 3299.71' SW 2367.23' NW 7253.37' TO POB

(The aforementioned property description obtained from the Flagler County Property Appraiser.)

FINDINGS OF FACT

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

Project Name: BELLE TERRE TOWNHOMES

Application: SUBDIVISION MASTER PLAN TIER 2

Project No.: 2024120137

Application No.: 6084

Requested Development Approval:
Subdivision Master Plan Approval
Parcel Nos: 34-10-30-0000-01010-060 (portion of)
Acreage: 25.48
Zoning: MPD
Proposed Number of Lots/Units: 120

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 aforescribed 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) 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:
 1. The ownership of the on site utilities to be determined at the Preliminary Plat stage.
 2. Developer will continue to work with the school board regarding the location of a school bus stop.
 3. School Concurrency will be determined at the next stage of the subdivision process which will be the submittal of a Preliminary Plat and Construction Plans.
 4. 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 any clearing or development per 10.04.04 of the Land Development Code (LDC).
 5. Townhouse projects containing ANY buildings with four (4) or more units will need to provide PRIVATE trash collection service for the ENTIRE subdivision.
 6. Recreational facilities must be constructed, or under construction prior to issuance of the 25th Townhouse Unit.
 7. List of proposed street names (complete names) will be required with the preliminary plat. (Applicant to coordinate with City staff prior to submitting the Preliminary Plat.)
- (4) This Development Order touches and concerns the aforescribed 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 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 the provision and all other terms and provisions of this Development Order.
- (5) 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.

(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.

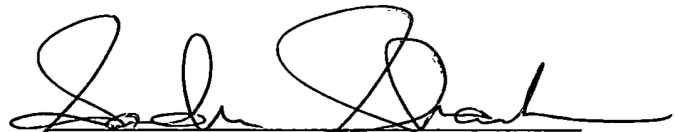
Done and Ordered on the date first written above.

As approved and authorized for execution
by the City of Palm Coast Planning and Land Development Regulation Board on May
21, 2025

Attest:

CITY OF PALM COAST, FLORIDA


Irene Schaefer, Recording Secretary


Sandra Shank, Chairperson

✓ Sign and Record

Official Copy

Development Order Affidavit
OWNER'S CONSENT AND COVENANT:

Project Name: BELLE TERRE TOWNHOMES
Project No.: 2024120137
Application Type: Subdivision Master Plan Tier 2
Application No.: 6084

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 BELLE TERRE TOWNHOMES:

BYRND OG PCP LLC
180 BROOKHAVEN COURT
PALM COAST, FL 32164

Authorized Signer

ACKNOWLEDGEMENT

STATE OF Maine
COUNTY OF York

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 27th day of May, 2025, by Taffrey Douglas of BYRND OG PCP LLC who is personally known to me or has produced Driver's license (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 27th day of May, 2025.

Notary Public

