

**CITY OF PALM COAST'S NOTICE OF FILING  
RELATING TO VILLAGE AT PALM COAST PHASE II**

**COMES NOW** the CITY OF PALM COAST, FLORIDA, by and through its Executive Assistant Nancy Kocher and hereby files the original of the following document; to wit: the PUD has been executed by James V. Canfield, and dated September 9, 2004. The purpose of this filing is to provide due and public notice of the action within and contents of the subject document.


**DATED** this 24<sup>th</sup> day of September 2004.

  
\_\_\_\_\_  
Nancy Kocher, Executive Assistant

STATE OF FLORIDA )

COUNTY OF FLAGLER )

*SWORN TO AND SUBSCRIBED* before me this 24<sup>th</sup> day of September 2004, Nancy Kocher, who is personally known to me.

  
\_\_\_\_\_  
Clare M. Hoeni  
Notary Public; State of Florida

(Affix Notarial Seal)

Printed Name

**MODIFIED ATTACHMENT "B"****THE VILLAGE AT PALM COAST PHASE II  
PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT (1ST MODIFICATION)****1. INTRODUCTION.**

This is a modified PUD agreement for a rezoning from the R-3 zoning classification to the PUD zoning classification permitting the development of a 406 unit single family and multi-family residential project to be known as The Village at Palm Coast Phase II, on the 78.97 acre property generally located between Palm Harbor Parkway and the Intra-Coastal Waterway (ICW) and described in Exhibit "A" (the "Subject Property"), which is referenced as Attachment "A" in Ordinance No. 2002-23. The Subject Property is owned by Longview Village Development Company, 13 Eisenhower Place, Palm Coast, Florida and is under contract to be purchased by Centex Destination Properties, 445 Douglas Ave Ste 1805 Altamonte Springs, FL 32714. (the "Owner" and "Applicant").

All building codes, zoning ordinances and other land development regulations of the City of Palm Coast, including, without limitation, any concurrency management requirements and the Comprehensive Plan and/or any similar plans adopted by the City of Palm Coast, as may be amended from time to time, shall be applicable to this development unless otherwise stated herein. In the event of a conflict between this development order and PUD agreement and the building codes, zoning ordinances and other land development regulations for the City of Palm Coast, this development order and PUD agreement shall control.

**2. GENERAL PROJECT DESCRIPTION****a. Approved and Existing**

Phase I of the project as described on Exhibit "B" has been approved for development by special exception by the Palm Coast City Council on February 15, 2000. The final plat for Phase I, including 132 single family residential lots, was approved by the Palm Coast City Council on October 16, 2001.

**b. Proposed Development**

Phase II of the project will take place on the Subject Property. The development plan for Phase II is generally outlined below and depicted on the PUD Master Plan. The Applicant intends to develop Phase II with a mix of permitted uses including single family estate lots, townhomes, garden style condominiums, and a mixed use Village Center. The Village Center is intended to include a clubhouse, recreational facilities, and meeting facilities open to residents of Phases I and II.

**3. DEVELOPMENT PLAN.****a. Plan Overview.**

- i. The accompanying PUD Master Plan (revised Exhibit "C") depicts the general layout of the project. The exact location of structures, lot lines, roadways, internal landscape buffers, drainage facilities and other improvements shown on the PUD Master Plan may be modified by the Development Review Committee (DRC) during review of the site development plans and plat(s), as detailed in Section 3(a)(ii), below.
- ii. (DRC) is hereby authorized to issue a development order for final site plans within the Village at Palm Coast Phase II PUD, without further review of the Planning and Land Development Regulation Board (PLDRB) or the City Council. This represents a modification of the City's standard site plan approval process, which might otherwise require PLDRB or City Council review depending upon future phasing. The PUD Master Plan contains a level of detail satisfactory to consolidate these two review processes. In the single-family estate lot area, where further platting is required pursuant to paragraph 4 below, review by the City Council is required in accordance with the Land Development Regulations (LDR).
- iii. Adjustments to the PUD Master Plan are anticipated to occur during the site plan and plat review processes. Revisions which meet the intent and purpose of the Comprehensive Plan and the LDR shall be approved by the DRC, as long as the substantial integrity of the ~~original~~ PUD Master Plan and the ~~development~~ standards contained herein are maintained. Any modification to the PUD Master Plan that increases the total number of dwelling units, reduces the total amount of open space, or decreases the size of any perimeter buffer within the PUD shall require the approval of the City Council following the review and recommendation of the Planning and Land Development Regulation Board.
- iv. The PUD may be developed in multiple phases. The Applicant shall submit a preliminary plat or site development plan within one year of this PUD modification for at least the first phase of the PUD. All infrastructure necessary to support each phase of the PUD shall be constructed with that phase as a condition of site plan approval by DRC. Adequate emergency vehicle access and turn-arounds shall be provided at all times. The final preliminary plat or site development plan for this PUD shall be submitted within 10 years of approval of this PUD modification by the City Council.

**b. Zoning and Future Land Use Map (FLUM) Category.**

The Subject Property has a Future Land Use Map ("FLUM") designation of High Density Residential, which allows a maximum density of 8-10 units per acre. The proposed PUD rezoning is consistent with the FLUM designation and will result in a lower density.

**c. Uses Permitted.**

- i. The PUD shall be developed with single and multi-family residential units, and related uses, in the general configuration and intensity indicated on the attached PUD Master Plan and described below.
- (1) Townhomes - These units may include one and two level residential units in the area generally depicted as such on the PUD Master Plan. Revised Exhibit "C" depicts 126 Townhomes grouped as follows: 11 two-story buildings with 10 units each and 2 two-story buildings with 8 units each. Supplemental performance standards for these units shall be as set forth below. The townhomes shall be developed as condominium units. Townhomes will have either a one-car garage or a two-car garage. Site plans shall be approved by the DRC for these units in accordance with paragraph 3(a) above.
  - (2) Garden Style Condominiums - These are one-level residential units grouped in three and four story buildings with a maximum of 30 condominium dwelling units per building as generally depicted on the PUD Master Plan. Revised Exhibit "C" depicts 260 Garden Style Condominiums grouped as follows: 7 four-story buildings with 28 units each along the ICW, 2 four-story buildings with 20 units each, and 2 three-story buildings with 12 units each. Supplemental performance standards for these units shall be as set forth below. Site plans shall be approved by the DRC for these units in accordance with paragraph 3(a) above.
  - (3) Single Family Residential Estate Homes - Shall be constructed in the area generally depicted as such on the PUD Master Plan. Revised Exhibit "C" depicts 20 single family lots. Supplemental performance standards for these units shall be as set forth below.
  - (4) Village Center - The Village Center is intended to include a fitness center and a clubhouse with pool. Restrooms and a maintenance facility shall also be permitted in this area. The Village Center shall be located in the area generally depicted as such on the PUD Master Plan. Supplemental performance standards for these buildings shall be as set forth below.
  - (5) Waterfront Promenade and Amenities - The property near the eastern boundary of Phase II adjacent to the Intracoastal Waterway which is identified on the PUD Master Plan as Preservation Area (also referred to herein as the "Waterfront Promenade" area) shall be maintained as natural open space and developed, in a limited way, with pedestrian walkways and waterfront amenities for the use of the residents of the project. Seawall and dock facilities may be constructed in this area and in the single family lots adjacent to Cotton Cove by the Applicant, or its successors or assigns, subject to site plan approval by the DRC. Docks may be leased or sold by the Applicant, but only to residents of the project.
  - (7) Temporary Sales Trailers - Up to two (2) temporary sales trailers may be located within the project, subject to review and approval by the Development Services Director, or their designee. Neither

trailer may be located along the right-of-way of Palm Harbor Parkway. Supplemental performance standards for these units shall be as set forth below. These sales trailers shall be removed, as directed by the Development Services Director.

**d. Density.**

The PUD shall contain no more than 406 residential units, which represents a maximum overall gross density of 5.14 dwelling units per acre. This density shall be allocated among the various residential development areas as generally depicted on the PUD Master Plan. The actual number of units within each of these development areas may be increased or decreased by up to 20 units, so long as the total number of units within the development does not exceed 406.

**e. Open Space.**

The accompanying PUD Master Plan (revised Exhibit "C") depicts 51 acres of open space, which is 65 percent of the total land area. At minimum, open space area for the PUD shall be 60 percent. For purposes of calculating open space, the Waterfront Promenade area, stormwater retention areas, buffers, yard areas, landscaped areas, walking paths, sidewalks, wetlands, recreational facilities, upland buffers and any other areas defined as open space under the Land Development Regulations shall be considered open space.

**f. Building Setbacks/Separation/Height/Lot Size/Living Area.**

**i. Single Family Estate Lots:**

Rear: 25 feet  
Front: 25 feet  
Side: 10 feet

Maximum Building Height: 35 feet

Minimum Lot Size: 10,000 sq. ft.

Minimum Lot Width (measured at front setback line): 80 ft.

Maximum Building Lot Coverage: 30 percent

**ii. Townhomes:**

Front: 15 feet from back of curb\*

Side Corner: 10 feet from back of curb

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet

Minimum Living Area: 1,000 sq. ft.

Maximum Living Area: 2,000 sq. ft.

\*Driveways shall be at least 18 feet in length from the edge of the curb to the garage door in order to accommodate driveway parking.

iii. Garden Style Condominiums:

Front: 30 feet from back of curb (along collector road)

Side: 15 feet from back of curb

Setback from Paved Areas (Parking lots): 10 feet

Minimum Building Separation: 20 feet

Minimum Living Area: 1,000 sq. ft.

Maximum Living Area: 2,100 sq. ft.

Maximum Number of Buildings: 11

Maximum Units per Building: 30

Maximum Building Height: 35 feet, unless more than 75 feet from project perimeter boundary, then 50 feet

iv. Village Center:

Front: 10 feet, from back of curb

Minimum Building Separation: 10 feet

Maximum Building Height: 45 feet

Maximum Building Footprint:

Private Club and Fitness Center: 8,000 sq. ft.

g. Access and transportation.

- i. The project has two entrances from Palm Harbor Parkway, a dedicated public roadway. All internal streets and roadways will be privately owned and will be dedicated to and/or maintained by the Village at Palm Coast Homeowners Association. A manned guard gate may be provided at the

main (North) entrance to the project, and an electronically operated automatic gate is planned at the South entrance to manage and control vehicular access to the project. A traffic signal is scheduled to be constructed by the City at the North entrance, and a contribution to the cost of construction has been made by the Applicant as outlined in paragraph 5 below. The City shall have no obligation to install the signal at any particular time.

- ii. Pedestrian access is intended to be provided via a sidewalk and pathway network constructed along the internal street system and/or within the internal landscape buffers and open space areas throughout the development. This feature shall be designed and depicted more specifically on future site plans and/or preliminary and final plats as approved by the DRC. The Applicant has made a contribution of **\$52,341.25** to the City's Sidewalk Improvement Trust Fund for the construction of a sidewalk on the West side of Palm Harbor Parkway adjacent to the project.
- iii. Access for the provision of utility services and emergency vehicles shall be provided to franchised utility providers and the City of Palm Coast via plat dedication and/or by means of granting an easement as a condition of site plan approval.
- iv. The project is subject to the City's concurrency requirements. Payment has been made by the Applicant to the City of Palm Coast in the amount of **\$13,063.66** for the project's proportionate share of a traffic signal to be installed at the North entrance to the project. An additional **\$16,216.34** has been paid by the Applicant to the City. Any required traffic studies shall be performed at the time of site plan review or subdivision plat review.

**h. Parking.**

- i. Village Square: To be provided at one space per 200 square feet of gross floor area.
- ii. Waterfront Promenade Access Areas: The Applicant may provide parking in the areas designated for access to the Waterfront Promenade area, in an amount to be determined by the Applicant based on the needs of the residents as determined by the Applicant.
- iii. Garden Style Condominiums: 1.5 spaces per unit.

**i. Perimeter and internal buffers.**

- i. Palm Harbor Parkway: A 60-foot landscape preservation buffer will be provided along the Palm Harbor Parkway frontage as depicted on the PUD



Master Plan. Pedestrian access by way of a multi-use trail is an allowed use within the buffer as long as the visual buffer characteristics are not diminished. Within this landscape buffer, trees shall be preserved to the maximum extent feasible as determined by the DRC. Supplemental plantings may be necessary in areas lacking or void of natural vegetation, as specified below.

- ii. South Buffer: A twenty-five (25) foot buffer shall be provided on the South side of the project perimeter as depicted on the PUD Master Plan. Pedestrian access by way of a multi-use trail is an allowed use within the buffer as long as the visual buffer characteristics are not diminished. Within this landscape buffer, trees shall be preserved to the maximum extent feasible as determined by the DRC and additional trees or landscaping shall be planted as required to meet the requirements of the Land Development Regulations. Supplemental plantings may be necessary in areas lacking or void of natural vegetation, as specified below.
- iii. Cotton Cove Waterway Buffer: Because the area abutting Cotton Cove Waterway has single family platted lots, the standards contain in Part "j. Natural environment and other landscaping standards" of this agreement are applicable and no specific buffering requirements applicable.
- iv. Intracoastal Waterway (ICW) Buffer: An approximately 150 foot wide natural area buffer shall be provided adjacent to the Intracoastal Waterway as depicted on the PUD Master Plan. This area may be underbrushed and all non-hardwood trees may be removed. Applicant may clear an area with a maximum width of 80' between the pool complex and the ICW to enhance the aesthetic appearance of the amenity and to provide a water view from the pool complex. Removal of any hardwood trees within this area (with 6" or larger caliper measured at DBH) shall be mitigated on a caliper inch per caliper inch basis. Existing trees within this area may be relocated if deemed feasible by the applicant. Mitigation shall not be required for relocated trees. Pedestrian access shall be provided as generally depicted on the PUD Master Plan in order to provide access to this area for pedestrian use and access to water-related activities and facilities to be provided along the Intracoastal Waterway. These facilities, which may include seawalls, docks, boardwalks and other water related amenities, shall be separately permitted and developed by the Applicant in accordance with the site plan review requirements of the City of Palm Coast and any other requirements of any regulatory agencies with jurisdiction over such development. Selective pruning and land clearing within this area shall be permitted in connection with these uses and may include additional landscaping.
- v. Supplemental Buffer Landscaping on Palm Harbor Parkway and South Buffer: Areas that are void or lacking a natural visual buffer will be supplemented as necessary with similar native type trees and shrubs



(primarily evergreen). Canopy trees shall be 3" cal. (DBH) and placed every 50 linear feet. Middlestory trees shall be no less than 8' tall and spaced 6 trees per 100 linear feet. Lower plant massings will consist of a staggered spacing of no less than 30" tall shrubs spaced every 3 linear feet or 6'-8' tall shrubs spaced every 6 linear feet. Trees and shrubs will comply with sizes and standards conforming to the American Standard for Nursery Stock.

- vi. Internal Buffers: Buffers other than the perimeter buffers described above shall be provided between different uses and along the entranceway of the development as generally depicted on the attached PUD Master Plan. These buffers vary in width and will function to soften the edges between the various land uses. Items such as supplemental landscaping, garden walls, ornamental fences, existing trees and other buffer enhancing elements may be used. These buffers may be subject to adjustment as outlined herein.

**j. Natural environment and other landscaping standards.**

The Village at Palm Coast consists of a wonderful forested canopy of live oaks, palms, pine trees and other native maritime plant materials. Efforts to preserve and enhance this unique image will be achieved through reasonable plan adjustments (as outlined below) and through supplemental landscaping that will blend with the natural look yet carefully accentuate the residential areas, entrances, Village Center and other common spaces.

All reasonable efforts shall be made to preserve existing native trees and vegetation on the site. Roadways, buildings and lot lines may be relocated from their general locations shown on the PUD Master Plan in an effort to avoid protected or historic trees. The PUD will maintain an average overall tree coverage of 5 canopy trees per acre (or approximately 20% overall total tree canopy coverage) through the preservation of existing trees and the addition of supplemental trees. Supplemental trees will include species matching the index listing of existing trees. Preservation of protected and historic trees immediately adjacent to site construction areas will be temporarily barricaded in accordance with local regulations prior to commencement of any work. Replacement of any protected and/or historic trees not approved for removal will be in accordance with local regulations. Further, tree preservation and replacement for each of the areas to be developed under separate site plans shall be in accordance with the requirements of the Land Development Regulations to be approved by the DRC during site planning approval.

As stated above, the PUD will maintain an average overall tree coverage of 5 canopy trees per acre (or approximately 20% overall total tree canopy coverage) through the preservation of existing trees and the addition of supplemental trees. Replacement canopy trees will be no less than 3" cal. (DBH). Middlestory trees shall be a minimum of 8' tall. Single-family estate lots will

maintain a minimum of one canopy tree (existing or supplemental) and one middlestory tree (existing or supplemental) per 3000 square feet of lot. Townhomes will maintain a minimum of one and one-half canopy trees (existing or supplemental) and one middlestory tree (existing or supplemental) per unit. Garden style condominiums will maintain a minimum of one canopy tree (existing or supplemental) and one middlestory tree (existing or supplemental) per three units. As site conditions allow, the minimum trees required for residential units will be evenly placed around all sides of the buildings.

General landscaping around parking lots, roadways, entrances, residential buildings, Village Center and other common areas will be landscaped with ornamental and native plant materials and in accordance with the Land Development Regulations of the City. These areas will be landscaped to include pockets of preserved trees, enhanced street frontage landscaping, garden courtyards, foundation and other types of landscaping to reflect outdoor spaces and to blend with the natural vegetation. All ornamental landscape beds and lawn areas will have supplemental irrigation. Flexibility of the PUD plan allows for further refinement of site development, landscaping and preservation of existing vegetation. Refinements to the plan and development of future phases will be reviewed by the City's Landscape Architect as required by the DRC for site plan approval.

**k. Wetland impact.**

The site contains an approximately 2.1 acre wetland as depicted on the PUD Master Plan. Minor impacts to this wetland (.6 acres) and the surrounding upland buffer area within 25' of the wetland are hereby approved as depicted on the PUD Master Plan. Mitigation for these minor impacts shall be provided by preservation of the remaining wetland area through dedication of a conservation easement (at the City's option) and preservation of the 150' wide natural area along the Intracoastal Waterway and the 60' wooded area along Palm Harbor Parkway as required by Paragraph 3(k) above. Elevated walkways and/or nature interpretative trails shall be allowed in this area. The Developer shall obtain approvals from all other regulatory agencies having jurisdiction over these wetland impacts prior to construction of this phase of the PUD and may be required to do additional mitigation through one of these other regulatory agencies.

**l. Signs/Entry Features.**

The entry signage at the North entrance has already been constructed. Applicant may replace the existing manned guard gate at the north entrance with an automated gate and may also provide an automated gate at the south entrance.

The Applicant plans to construct columns and water features in order to provide an aesthetically pleasing view and environment at the entrance to the project for the benefit of the residents of the project and the people of the City of

Palm Coast. To the extent that any of these elements are not contemplated or specifically permitted under the current Land Development Regulations, they shall be permitted and approved by virtue of the approval of this Agreement by the City Council. The area planned to contain these entrance features shall be deeded or dedicated by plat or separate instrument to the Homeowners Association.

Additional signage shall be permitted at the South entrance. Signage attributable to each of the development areas may be permitted in accordance with the City's sign regulations as if each of the development areas were stand-alone projects. Sign approval for those separate areas shall occur at the time of plat or site plan approval by the DRC. Other internal traffic and directional signage shall be provided as required by the LDR.

**m. Lighting.**

Decorative pole mounted lighting fixtures no more than 30' high shall be provided throughout the PUD. Additional landscape lighting may include low level lighting and occasional accent lighting. The locations of such fixtures shall be further described at the time of DRC site plan or plat approval.

**n. Architecture.**

The development shall be required to meet the City's standard architectural regulations as established by Ordinance No. 2000-45 and as are currently applied to the Palm Coast Parkway Corridor area.

**4. SUBDIVISION/SITE PLAN.**

The single-family residential estate lot area shall be subdivided (platted) in accordance with the requirements of the Land Development Regulations. Site plan approval shall be required as outlined in paragraph 3(a) above for the Village Center, Waterfront Promenade, Townhomes, Garden Style Condominiums, and Entry Feature areas.

**5. SERVICES.**

**a. Utilities.**

The City of Palm Coast has available resources to supply potable water and provide central sanitary sewage treatment. Line extensions or connections to existing facilities within the right of way for Palm Harbor Parkway and via Phase I of the Village at Palm Coast will be made in accordance with all applicable local and State permit requirements.

**b. Fire Protection.**

Fire protection requirements for the site will be met through a system of fire hydrants installed on the site by the Applicant in accordance with City standards. The locations of fire hydrants will be shown on all site plans or plats. The water requirements for the fire system will be served by Florida Water Services Corporation.

**c. Solid Waste.**

Solid waste services will be picked up by the licensed residential franchisee in the area. Recycled materials will be collected according to the format established by the franchisee.

**d. Telephone/Electricity/Cable TV.**

All utility lines will be installed underground on the site. BellSouth will supply telephone service and Florida Power and Light will supply electricity. A fiberoptic telecommunications network ~~will~~ may be installed within the project by the Applicant for the use of the residents.

**e. Stormwater/Drainage.**

The project will provide a surface water and stormwater retention system approved by the St. John River Water Management District and meeting the requirements of the LDR.

**f. Police Protection.**

The Flagler County Sheriff's Department, or its successor in providing law enforcement services to the residents of the City, shall be the entity responsible for law enforcement in this development and shall be provided with full accessibility. This does not ~~preclude~~ the applicant from providing additional, private security.

**6. CONDOMINIUM/HOMEOWNERS' ASSOCIATION**

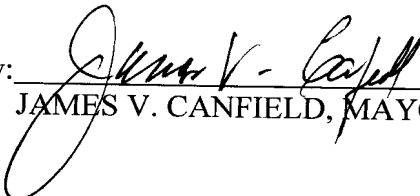
Common elements within the development will be maintained by a combination of condominium and homeowners associations. The Village at Palm Coast Homeowners Association, Inc. has been formed to maintain the common elements within Phase I of the Village of Palm Coast. That homeowners association will be expanded to include the single family estate home portion of Phase II. The remainder of the project to be developed as condominiums shall be made up of either a single or multiple related condominium associations. Phase I is governed by a Declaration of Restrictive Covenants and Easements recorded at book 0781 page 1905 of the public records of Flagler County, Florida. Similar covenants will be utilized to govern the condominium and single family portions of Phase II, all of which shall be administered by the collective homeowner and condominium associations.

**7. AMENDING THIS AGREEMENT.**

Modifications to this development order and PUD agreement, other than those which are considered to be "minor modification" by the Development Services Director, shall require the approval of the City Council following the recommendation of the PLDRB. Public notification procedures required for the rezoning shall not be required for minor modifications to this development order and PUD agreement. Minor modifications may be approved by the DRC.

CITY COUNCIL  
CITY OF PALM COAST

Date: 9-9-04

By:   
JAMES V. CANFIELD, MAYOR

ATTEST:

By:   
CLARE HOENI, CITY CLERK

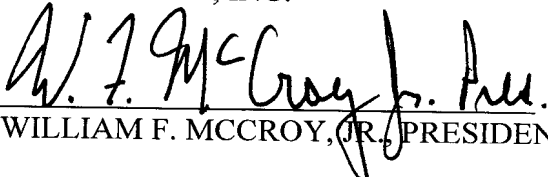
Date: 9-9-04

**OWNER'S/APPLICANT'S CONSENT AND COVENANT**

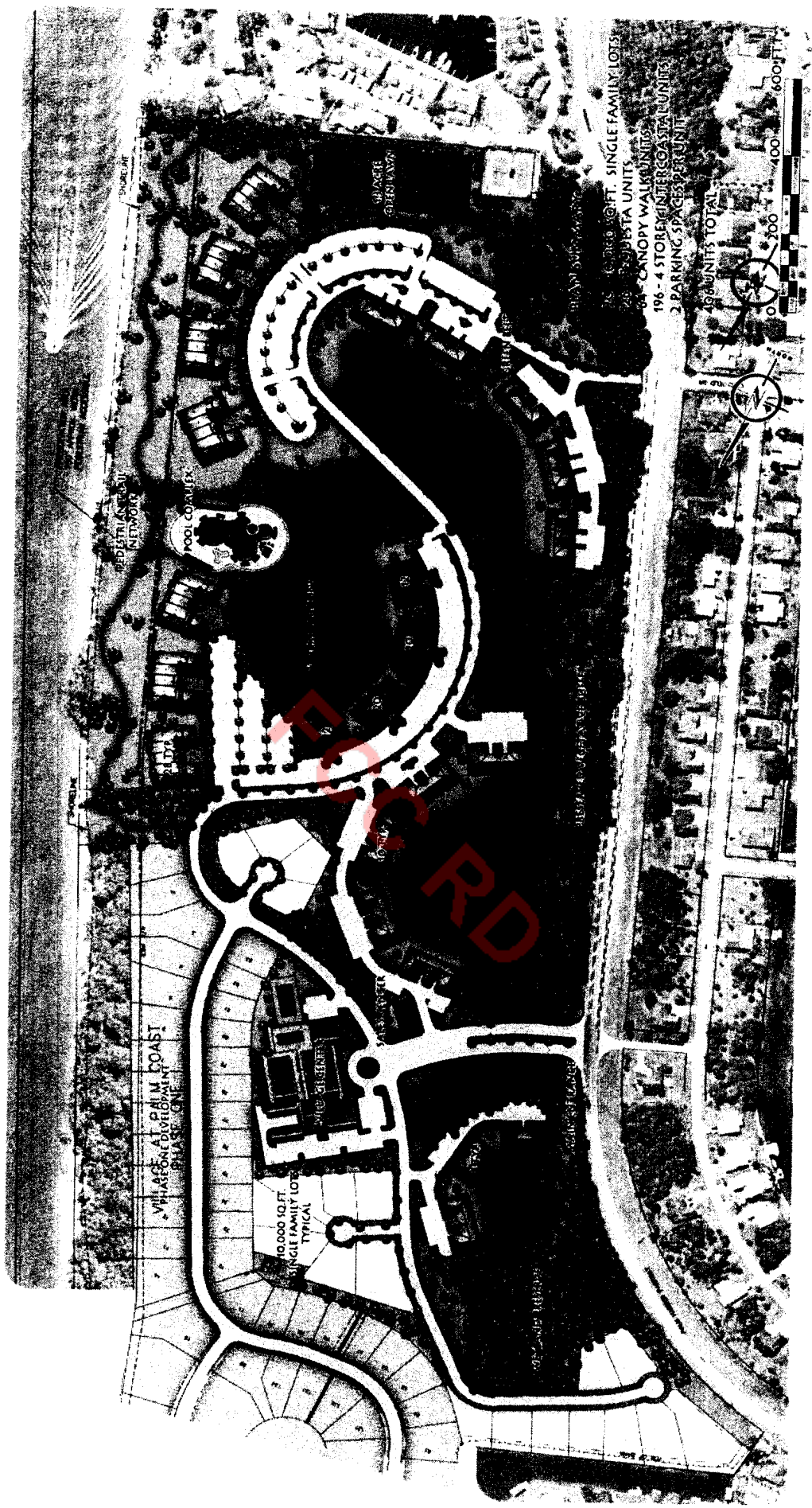
COMES NOW, the Owner Longview Village Development Company, Inc., on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to and agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order and PUD Agreement.

LONGVIEW VILLAGE DEVELOPMENT  
COMPANY, INC.

Date: July 30, 2004

By:   
WILLIAM F. MCCROY, JR., PRESIDENT





DESIGNED BY  
CENTEX DESTINATION PROPERTIES  
REVISED BY  
June 2 2004

Village at Palm Coast Phase II      Revised Exhibit "C"