

ATTACHMENT C

STATEMENT OF COMPLIANCE WITH CRITERIA FOR INCREASED HEIGHT PURSUANT TO SECTION 12-109(B)(2) OF THE TOWN LAND DEVELOPMENT CODE

(1) The proposed new construction provides superior architectural design, placement and orientation of buildings and attainment of Florida Green Building Council (FLGC) certification or LEED certification of individual buildings and/or other similar state, national or city-recognized programs;

RESPONSE: The proposed new construction for which additional height is requested will be designed to be eligible for certification by the Florida Green Building Council.

(2) The proposed development's landscaping is provided in a manner which maximizes tree canopy, emphasizes native vegetation, improves the aesthetic appearance of A1A and provides opportunities for storm water infiltration;

RESPONSE: The proposed development landscaping exceeds the required tree canopy, native vegetation requirement, incorporates flowering and specimen sized trees for aesthetic value, and provides opportunities for storm water infiltration by the incorporation of native soils and salt/inundation tolerant vegetation. 95 trees are required for Parcel A, 162 are being provided; 140 trees are required for Parcel B, 157 are being provided; and 50% native vegetation is required for both parcels, while 75% native vegetation is being provided. 30% of the proposed trees are proposed to be planted at 16' in height, which is above the minimum tree height of 12' at time of install. There are also large specimen trees provided throughout the development, one (1) at each vehicular entry from A1A into either parcel, and one (1) within the interior landscape areas of each parcel.

(3) The development parcel (defined to include all portions of the property included in a pending site plan and having unified ownership) comprises a minimum of 10 acres;

RESPONSE: The development parcel as set forth in the pending site plan application comprises 11.768 acres.

(4) For buildings within a development parcel which exceed the existing zoning district height limits, the side yards shall be six inches per foot of building height plus a minimum of 10% greater; provided, however, that for high-rise buildings which include a podium and tower, the side yards will be measured separately relative to the measured height of the podium and the measured height of the tower.

RESPONSE: The proposed side yards for the high-rise building on Parcel B meet the above standard as follows:

North Side Yard

Podium side yard provided is 25'-0" which is 66.6 percent greater than the required side yard of 15'-0"

Tower side yard provided (excluding balconies) is 107'-7" which is 22.95 percent greater than the required side yard of 87'-6"

South Side Yard

Podium side yard provided is 25'-0" which is 66.6 percent greater than the required side yard of 15'-0"

Tower side yard provided (excluding balconies) is 107'-10" feet which is 23.23 percent greater than the required side yard of 87'-6".

(5) The project density is a minimum of 20% less than the permitted density pursuant to the Town Land Use Plan;

RESPONSE: Based upon the current zoning of the development parcel, 188 units are permitted pursuant to the Town Land Use Plan. The project density proposed is 121 units which is 35.63% percent less than the permitted density pursuant to the Town Land Use Plan.

(6) The site plan includes the preservation and/or restoration of the coastal dune in an area comprising not less than 20% of the development parcel (defined to include all portions of the property included in a pending site plan and having unified ownership);

RESPONSE: The site plan includes a 125,309.7 sf coastal dune preservation area which constitutes 24.44 percent of the development parcel.

(7) The site plan includes an access easement for beach maintenance and/or renourishment for use by the Town and Town residents responsible for beach maintenance;

RESPONSE: The site plan includes an access easement for beach maintenance and/or renourishment along the north property line of the development parcel. The Applicant/Owner will provide an easement to the Town and Town residents to utilize this access easement for the stated purpose.

(9) The developer agrees to construct and/or partially fund a capital improvement that is not generally required for development of the proposed project, but is a capital improvement that is planned pursuant to adopted goals, objectives and policies of the Town Comprehensive Plan; provided, further, any payments due pursuant to this criteria will be made in 2 installments, half prior to issuance of the first building permit for a principle building within the development parcel and the balance prior to the issuance of the first certificate of occupancy for a principle building within the development parcel.

RESPONSE: The Town Comprehensive Plan includes Objective 9.8 and related policies as follows:

Objective 9.8 Burying Overhead Utilities Evaluate the feasibility of burying the Town's overhead utilities.to

Policies Policy 9.8.1 Initiate a study to identify the costs for burying the Town's overhead utilities and consider a joint project with the water distribution system improvements. Said study to evaluate funding options and alternatives

Policy 9.8.2 Town Commission to initiate formal discussions with Florida Power and Light on burying the overhead electric power line to identify the financial cost to the Town.

Policy 9.8.3 Town Commission to take formal action relative burying the overhead utilities and if approved, provide funding and phasing in the Capital Improvement Program.

The developer will be burying the overhead utilities adjacent to the development parcel and in addition, and in furtherance of Objective 9.8, is offering to contribute \$2 million to the Town to partially fund the burying of overhead utilities throughout the Town.

Section 12-109(B)(2)c. In no event will any building exceed a measured height of 175 feet exclusive of decorative features such as cupolas, railings, mechanical area, elevator overruns, elevator vestibule, private recreation areas (e.g. roof top pools and cabanas), provided that all such permitted roof top features do not: (i) excluding elevator overruns, exceed 15 feet of additional height, (ii) contain any other living area, (iii) include any signs, or (iv) excluding private recreation areas, cover more than 20 percent of the roof area.

RESPONSE: As reflected on Sheet A3-01 and A3-02, the building for which increased height is requested does not exceed a measured height of 175 feet and the permitted roof top features meet the applicable standards.