

EXHIBIT "A"  
STAFF'S VERSION ON 10-6-22

**SECTION X. PROJECT DENSITIES AND INTENSITIES**

- (a) The Subject Property was partially developed prior to approval of the PUD in 2007, and these improvements included: the Existing Condominium, the Parking Garage, marina with ship's store and 84 slips, a fishing dock and gazebo along the Intracoastal Waterway, a master stormwater system, and a central roadway with utilities. Additionally, the previous owner of the Harborside Property made a payment of \$200,000 to the City to partially fund a public boat ramp elsewhere in the City to remedy the loss of the boat ramp to the public. Based on these improvements and the fact that the Comprehensive Plan was modified to 15 units/per acre for MPDs in 2010, the Project is entitled to a density of 15 residential units/per acre as allowed in an area designated Mixed Use on the Future Land Use Element (FLUM) with a MPD Agreement.
- (b) Per Policies 1.1.1.3 and 1.1.2.2 of the Comprehensive Plan, the 2007 PUD allowed a 22% increase from 55% to 67% in the maximum Floor Area Ratio for a MPD located within a Mixed Use designation on the FLUM. The increase was justified since the project development was for an icon destination resort that would include enhanced conference and meeting facilities and a variety of recreational and leisure activities. That project was expected to provide tourism and economic development while maintaining public access along the Intracoastal Waterway adjacent to the site. The destination resort was intended to continue the 84-slip marina, allow for 169 resort condominiums (including the 72-unit Existing Condominium), and a 209-unit icon resort condominium hotel with up to 47,000 square feet of accessory hotel uses that could include: ballrooms, restaurant, fitness center, conference meeting space, pools, trails, and harbor master/ship store with fuel service.
- (c) The Owner no longer wants to develop the PUD as previously approved and has applied for a new MPD Agreement which primarily changes the basis of the MPD development limits from FAR (intensity) to residential density. Since a destination icon resort is no longer intended, the owner has agreed to provide the following to justify an increase in density beyond 15 residential units/per acre. If the Owner provides all of the following in the shown time frames, the residential density of the Project shall be increased by 22% to 18.3 residential units/per acre:
- 1) Construct a sit-down restaurant on Lots 1, 2 or 3 that would have a minimum of 4,000 sq. ft. of gross floor area and at least 75 seats for patrons. (Constructed prior to exceeding 15 units/per acre.)
  - 2) Remodel or construct a new ship's store that can include the sit-down restaurant within the same building. (Constructed prior to exceeding 15 units/per acre.)
  - 3) Keep the marina open including fuel sales to the public and at least 25% of wet slips available for non-transient/restaurant use. A slip space to include accommodations for commercial use (i.e. smaller barge for bulkhead repairs).

- 4) If the Owner decides to sell the marina the City shall have the first right of refusal.
- 5) Maintain existing boat ramp to be utilized by public entities for public related activities such as emergency events.
- 6) Maintain a "Clean Marina" designation from the DEP.
- 7) Construct a paved 5' wide sidewalk that would connect from the existing trail located on the west side of the Intracoastal Waterway west adjacent to the drainage canal and running westerly south of the Condominium and then south of the Parking Garage. The existing trail easement along the Intracoastal Waterway would be vacated by the City upon completion of the new trail. (Constructed in the initial phase or commencing construction within 18 months and completion within 24 months of the approval of the MPD Agreement, whichever is earlier.)
- 8) Provide prototype Palm Coast entry way sign or as agreed to by both parties along the Intracoastal Waterway. The sign can be combined with developers sign.