

Resolution No. 2014 – 26 conditions of approval with strikethrough for deleted conditions and underline for amended/new conditions.

1. The project ~~will~~shall be developed consistent with the use limitations presented below:

PROPOSED USE	NUMBER OF ACRES*	USE	SIZE LIMITATIONS
Conservation	3.55	Preserve Area	Not less than 3.23 acres*
Open Space	6.62	Open Space	Not less than 6.60 acres*
Commercial	22.92	Retail/Commercial	Not more than 210,000 square feet
Residential	20.48	Townhouse Dwelling Units	Not more than 230 townhouse dwellings

\* Acres adjusted for consistency with previous approvals, Isla Verde at Wellington as recorded in Plat Book 100 Pages 132 through 138 and to reflect the 1.06 acre transfer.

LAND USE TYPE*	INTENSITY/DENSITY LIMITATIONS
Conservation	Minimum 3.56 Acres (6.64 %) Preserve Area
Open Space	Minimum 6.62 Acres (12.37 %) Lakes and Tract L3
Commercial	Maximum 210,000 Sq. Ft. Retail/Commercial** 22.91 Acres (42.77 %)
Residential	Maximum 350 multi-family rental units 20.48 Acres (38.22 %)

\* This project shall contain a minimum of four (4) land use types.

\*\*The commercial portion may also contain restaurant, personal service, professional office and medical office uses.

2. ~~The commercial portion of the MUPD may contain restaurant, personal service, professional office and medical office uses, in addition to retail and commercial uses.~~  
**(RELOCATED TO CONDITION 1\*\* ABOVE)**

- 3.2. The Isla Verde project shall be constructed in substantial compliance with the master plan, included as Exhibit "~~B~~"<sup>2</sup>. Any amendment to the master plan shall be subject to the requirement of Policy 1.3.25 of the Land Use Element of the Comprehensive Plan<sup>†</sup>, which requires substantive changes be considered an amendment to the comprehensive plan, subject to review by the Village and the state land planning agency in accordance with Section 163.3184 of the Florida Statutes. A final master plan consistent with any Council approved changes and conditions of approval imposed by Council shall be submitted to the Development Review Committee (DRC) for final processing.

#### **General Requirements**

4. ~~The Future Land Use Map shall be amended within 60 days after adoption of the compliance agreement to clearly identify Isla Verde parcel as subject to the specific requirements of Ordinance 2003-17. (NOT REQUIRED)~~

<sup>†</sup> This policy requires a proposed substantive change to the master plan to be considered an amendment to the comprehensive plan, subject to review by the Village, Treasure Coast Regional Planning Council and DCA.  
**(RELOCATED TO CONDITION 2 ABOVE)**

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- 1 | ~~5.3.~~ Any business operating more than 18 hours per day shall be located at least 200 feet
- 2 | from a dwelling unit, measured from the closest building points of each affected structure.
- 3 | ~~6.4.~~ Garbage and recycling pickup for the commercial portion of the MUPD shall not occur
- 4 | between the hours of 9:00 PM and 7:00 AM.
- 5 | ~~7.5.~~ Deliveries for the commercial portion of the MUPD shall not occur between the hours of
- 6 | 10:00 PM and 7:00 AM.
- 7 | ~~8.6.~~ There shall be no idling of delivery or similar vehicles on the commercial portion of the
- 8 | MUPD between the hours of 10:00 PM and 7:00 AM.
- 9 | ~~9.7.~~ Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site,
- 10 | except in designated loading and delivery areas and subject to the requirements affecting
- 11 | idling vehicles.
- 12 | ~~40.8.~~ All delivery and loading areas built to accommodate semi-trucks, tractor trailers, moving
- 13 | vans, etc., shall be screened from view by a combined 30 foot internal
- 14 | (residential/commercial) landscape buffer consisting of a minimum four foot high berm
- 15 | and eight foot high concrete panel wall (overall height minimum 12 feet) with landscaping
- 16 | on both sides in accordance with an Alternative Landscape Plan. The concrete panel wall
- 17 | shall be constructed in a manner consistent with the color, character and architectural
- 18 | style of the principal structure.
- 19 | ~~44.9.~~ All roof-mounted air conditioning and mechanical equipment shall be screened from view
- 20 | on all sides in a manner consistent with the color, character and architectural style of the
- 21 | principal structure.
- 22 | ~~42.10.~~ All ground-mounted air conditioning and mechanical equipment shall be screened from
- 23 | view. The screening shall occur in a manner consistent with the color, character and
- 24 | architectural style of the principal structure and may incorporate landscaping as one
- 25 | element of screening.
- 26 | ~~13.~~ The condominium documents for the project shall be approved by the Village Attorney
- 27 | prior to DRC certification of the final site plan for the residential or commercial portion of
- 28 | the site, whichever occurs first. **(NOT REQUIRED)**
- 29 | ~~44.11.~~ All areas or receptacles for the storage and disposal of trash, garbage, recyclable
- 30 | material, or vegetation, such as dumpsters and trash compactors shall be screened from
- 31 | view and confined to the areas designated on the certified site plan. All
- 32 | dumpster/compactor areas shall be enclosed with walls and automatically closing gates.
- 33 | The property management shall ensure the gates remain closed unless during pick-
- 34 | ups/deliveries or being serviced.
- 35 | ~~45.12.~~ Each dwelling unit shall incorporate a garbage can and recycling storage container
- 36 | storage area to comply with screening requirements that is in front of the unit and
- 37 | screened from view. The storage container and screening (if required) shall be approved
- 38 | by the Wellington Architectural Review Board (ARB). The collection of garbage /
- 39 | recyclable from each unit storage container shall be completed by the residential property
- 40 | management.
- 41 | ~~46.13.~~ The project shall comply with all applicable architectural and signage requirements of
- 42 | the LDRs, including all applicable “big box” standards.
- 43 | 14. Building height of all structures shall not exceed 35 feet. ~~The residential structures shall~~
- 44 | ~~not exceed two stories in height. The portion of buildings within 40 feet of the project~~
- 45 | east and south property lines shall not exceed two-story and a maximum building height
- 46 | of 25 feet as measured to the midpoint of the roof. The two story facade of each
- 47 | multifamily structure shall face the south and east property lines.

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15. The minimum setback for the multi-family residential buildings from each of the overall Isla Verde project's property lines shall be 30 feet. The one-story leasing center/mailroom building shall be setback a minimum of 20 feet from the overall Isla Verde project's south property line and a minimum of 30 feet from each of the other overall Isla Verde project's property lines. The All other one-story buildings (maintenance building, and clubhouse, etc.) within the residential portion shall be setback a minimum of 30 feet from each of the overall Isla Verde project's property lines.

16. Building #5 shall be setback a minimum of 90' from the eastern property line. (Applicant imposed condition per agreement with adjacent property owners)

17. Buildings #27 and #30, which face the central preserve, shall be no more than eight unit buildings that are to be setback a minimum of 20' from the westerly side of the preserve boundary. (Applicant imposed condition per agreement with adjacent property owners)

~~17. The windows on the upper floors of buildings #1, #3, #4, #5, #22, #23 and #26 that face the eastern and southern property lines shall include decorative or functional Bahama shutters as approved by Wellington's ARB. (Applicant imposed condition per agreement with adjacent property owners)~~

18. All roads, utilities, sidewalks and similar improvements shall be private, and shall not be the maintenance responsibility of the Village.

19. Prior to issuance of any building permits, the project shall be platted/re-platted as required by the Village.

~~20. The master plan shall be amended to reflect a revised alignment of the entry road to the residential portion of the project and the north-south vehicle access roadway located immediately in front of the principal commercial structures. The revision shall reflect a full four way stop.~~

#### **Vegetation and Landscaping**

~~21. Prior to site plan approval for the residential or commercial portion of the site, whichever occurs first, the applicant shall submit a vegetation removal permit for removal and relocation onsite of at least 75% of the sabal palm trees currently located on the property. The relocated sabal palms shall be included within the revised landscape plans for the site. (CONDITION COMPLETED)~~

~~22. Prior to initial DRC site plan approval, the applicant shall provide for staff approval the method to be utilized to protect the vegetation and integrity of all preserve areas during construction on either portion of the site. (CONDITION COMPLETED)~~

~~23.21.~~ The preserve areas indicated on the Isla Verde Master Plan shall be maintained, protected and preserved in perpetuity or as otherwise permitted by the Village Council.

~~24.22.~~ The property owner shall maintain the 40 foot Lake Worth Drainage District easement and the 25 foot E-1 Canal Right-of-Way easement that is located along the west side of the property, east of State Road 7 / U.S. 441.

#### **Traffic**

~~25. The proposed mixed use development will comply with the traffic limitations as outlined in Exhibit "D". (CONDITION NOT REQUIRED)~~

23. The State Road 7 median and swale along the project's frontage shall be landscaped and maintained by the project's property owner(s).

~~26.24.~~ Vehicular access to Dillman Road is prohibited.

~~27. As required by Palm Beach County, the applicant shall fund installation of the traffic signal at the project's main entrance, including all necessary median and roadway improvements to accommodate installation of the signal. (CONDITION COMPLETED)~~

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- 1 ~~28. The traffic signal shall be installed and shall be operational within six (6) months after the~~  
2 ~~issuance of any certificates of occupancy for any residential or Commercial structure or~~  
3 ~~by June 30, 2008 whichever comes first.”~~ **( CONDITION COMPLETED)**
- 4 ~~29. Building permits for more than 95,500 square feet retail (the combined equivalent of 346~~  
5 ~~net PM peak hour trips) shall not be issued until the contract is let for an exclusive north~~  
6 ~~approach right turn lane at the at-grade component of the intersection of Southern~~  
7 ~~Boulevard and State Road 7. (Palm Beach County Traffic Division) (CONDITION~~  
8 ~~COMPLETED)~~
- 9 ~~30. Building permits for more than 189,500 square feet of retail (the combined equivalent of~~  
10 ~~565 net PM peak hour trips) shall not be issued until the contract is let for a second north~~  
11 ~~approach turn lane at the intersection of Forest Hill Boulevard and Lyons Road. (Palm~~  
12 ~~Beach County Traffic Division) (CONDITION COMPLETED)~~
- 13 ~~31. A development agreement with Palm Beach County shall be entered into by the~~  
14 ~~developer prior to or concurrent with the issuance of the first site specific development~~  
15 ~~order in order to assure the road improvements in conditions #29 and #30, or the site~~  
16 ~~specific development order must have as a condition the completion of the assured~~  
17 ~~construction and timely posting of performance security. (Palm Beach County Traffic~~  
18 ~~Division) (CONDITION COMPLETED)~~
- 19 ~~32. No building permits shall be issued after December 31, 2007, unless a time extension~~  
20 ~~has been approved by the County Engineer’s Office based upon an approved traffic~~  
21 ~~study which complies with the mandatory Traffic Performance Standards in place at the~~  
22 ~~time of the request. (Palm Beach County Traffic Division) (AMENDED / SEE~~  
23 ~~CONDITION 23 BELOW)~~
- 24
- 25 ~~33. The Property Owner shall fund the cost of signal installation if warranted as determined~~  
26 ~~by the County Engineer and FDOT at the project entrance and State Road 7.~~  
27 ~~Signalization shall be a mast arm structure installation. The cost of signalization shall~~  
28 ~~also include all design costs and any required utility relocation and right of way or~~  
29 ~~easement acquisition. Building Permits for more than 18,000 square feet of retail shall~~  
30 ~~not be issued until the Property Owner provides acceptable surety in the form of a cash~~  
31 ~~bond or escrow agreement to the Palm Beach County Traffic Division in an amount as~~  
32 ~~determined by the Director of the Palm Beach County Traffic Division. (Palm Beach~~  
33 ~~County Traffic Division) (CONDITION COMPLETED)~~
- 34 ~~34. In order to be relieved from this requirement and to have the surety posted for the traffic~~  
35 ~~signal at the project entrance and State Road 7 returned, the Property Owner shall~~  
36 ~~provide written notice to the Palm Beach County Traffic Division stating that the final~~  
37 ~~certificate of occupancy has been issued for this development and requesting that a~~  
38 ~~signal warrant study be conducted at the project entrance and State Road 7, OR the~~  
39 ~~Property Owner shall provide written documentation to the Traffic Division that the~~  
40 ~~property has been sold and that a replacement surety has been provided to the Palm~~  
41 ~~Beach County Traffic Division by the new Property Owner. The Palm Beach County~~  
42 ~~Traffic Division shall have 24 months from receipt of this notice to either draw upon the~~  
43 ~~surety to construct the traffic signal or release the surety. (Palm Beach County Traffic~~  
44 ~~Division) (CONDITION COMPLETED)~~
- 45 ~~35. Construct south approach right turn lanes on State Road 7 at both entrances to the~~  
46 ~~development. Additional right-of-way may also be required for the construction of these~~  
47 ~~turn lanes. (Palm Beach County Traffic Division) (CONDITION COMPLETED)~~

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36. ~~Construct south approach and north approach left turn lanes at the project's north entrance on State Road 7. This is not an existing median opening, and although the south approach turn lane will not directly benefit this project, it will be required in order to provide a full median opening at this location. (Palm Beach County Traffic Division) (CONDITION COMPLETED)~~

#### **Additional Conditions**

37. ~~Amend Conditions 10, 28, 29, 30 and 33 as contained in this staff report and in the draft resolution dated July 5, 2007 (as adopted in Resolution No. 2007-86).~~

25. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no building permits for the site shall be issued after December 31, 2018. A time extension for this condition may be approved based on a Traffic Study which complies with the Mandatory Traffic Performance Standards in place at the time of the request.

26. The developer shall make a proportionate share payment of \$406,269, which represents the Property Owner's residential proportionate share of the improvements to the interchange at State Road 80 and State Road 7. The payment must be made before the first building permit is issued for the Multi-family apartments. This payment shall be made to Palm Beach County and is required for compliance with the Countywide Traffic Performance Standards.

~~38.27. The residential portion and related infrastructure are hereby designated as Phase 2-of the MUPD.~~

~~39.28. At least fifty (50) percent of the proposed laurel/live oak trees in the internal residential/commercial buffer shall be a minimum of eighteen (18) feet high and located alternatively on both sides of the concrete panel wall.~~

~~40. The residential portion of the property shall be seeded or sprigged to provide uniform grass coverage within sixty (60) days of the first commercial certificate of occupancy.~~

~~41.29. The grass areas within undeveloped portion of the project Grass shall be maintained at a maximum twelve (12) inches in height.~~

~~42.30. The perimeter of the residential portion and internal connections to the commercial vehicular areas shall be secured by a temporary six (6) foot high chain link fence with top rail. The temporary six (6) foot high chain link fence shall be removed prior to issuance of any Certificate of Occupancy for any building within the residential portion of the project.~~

#### **New Conditions - Master Plan Amendment (Petition Number 2002-024 MPA1):**

~~43. This site shall be re-platted prior to the permit for the parking and detention area.~~

~~44.31. A recorded cross access agreement between this site (commercial portion) and the parcel to the north shall be provided at the time of re-plat.~~

~~45.32. A minimum eight foot high wall with a berm and landscaping per Condition 10 above shall be provided required on the northwest residential property line prior to the certificate of completion for the parking and detention area.~~

~~46. Prior to the first building permit for the residential units, an updated letter of compliance from the Palm Beach County Traffic Division is required. (CONDITION COMPLETED)~~

~~47. All the previous conditions of approval not amended by this request shall remain in effect.~~

33. All residential buildings without an attached garage shall have reserved parking space for each unit.

34. A covered school bus shelter (minimum 12' X 26') with a minimum of four (4) benches, bicycle racks for a minimum of 14 bicycles, trash-can and continuous pedestrian sidewalk

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1 route to the residential buildings shall be provided on the residential portion of the project  
2 in a location and manner acceptable to the Palm Beach County School Board and  
3 Wellington. The bus shelter shall be constructed with consistent colors, materials and roof  
4 treatment as the commercial and residential buildings and maintained by the owner(s) of  
5 the residential portion.

6 35. The eight (8) foot high opaque concrete wall along the north and east perimeter buffers  
7 and six (6) foot high opaque concrete wall along the south perimeter buffers shall be  
8 completed prior to the issuance of any Certificate of Occupancy for any residential  
9 building within residential portion of the project. The LDR required minimum landscaping  
10 shall be installed on both sides of the wall within the north, south and east perimeter  
11 buffers.

12 36. The main entrance to the residential portion, mail room, and school bus shelter shall be  
13 completed prior to the issuance of any Certificate of Occupancy for any residential  
14 building. The clubhouse and trash compactor shall be completed when the adjacent  
15 buildings (Building 29 for clubhouse and Buildings 11-13 for trash compactor) Certificate  
16 of Occupancy are issuance and/or prior to the issuance of Certificate of Occupancy for  
17 Buildings 14 – 28. A temporary 10 yard trash dumpster shall be in the residential portion  
18 of the project for residential occupancies trash prior to the issuance of any Certificate of  
19 Occupancy for any residential building.

20 37. The common areas, landscaping, site amenities, etc., shall be completed prior to the  
21 issuance of the Certificate of Occupancy for the adjacent building.

22 38. The landscape buffer along the east and south property lines shall meet the following  
23 standards at installation:

24 a) All landscaping and irrigation shall be installed and maintained on the subject  
25 property.

26 b) All landscaping shall be spaced evenly from the center of the required landscape  
27 buffer, unless expressly stated otherwise in the following conditions.

28 c) No drainage shall occur onto adjacent properties as a result of the required  
29 landscaping or berms.

30 d) Landscape material and installation shall meet the Village LDR specifications.  
31 (Applicant imposed condition per agreement with adjacent property owners)

32 39. The landscape buffer along the east property line shall include the following:

33 a) A minimum 2-3 foot berm topped with an 8 foot high finished opaque concrete wall,  
34 with top of wall an even height, painted a muted earth tone color (as approved by  
35 Wellington's ARB) on the exterior side. The wall shall be setback a minimum of 10 feet  
36 from the property line and include 24-foot high shade trees (at a minimum) planted 40-  
37 feet on center altering on each side of the wall (the intent being that when combined,  
38 on a plan view, both sides of the wall identify the trees staggered 20-feet on center).

39 b) Three (3) rows of tiered landscape material planted on the exterior side of the required  
40 wall.

41 c) One (1) row of understory, planted on the interior side of the required wall.  
42 (Applicant imposed condition per agreement with adjacent property owners)

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- 1 40. The open areas between buildings #26 and #27 along the east property line shall be  
2 supplemented to include 24' shade trees (at a minimum) or groups of palms at installation  
3 to provide additional screening of the multifamily buildings located directly to the north.  
4 (Applicant imposed condition per agreement with adjacent property owners)
- 5 41. The landscape buffer along the south property line shall include the following:
  - 6 a) A minimum 2-3 foot berm and topped with a 6 foot high finished opaque concrete wall,  
7 with top of wall an even height, painted a muted earth tone color (as approved by  
8 Wellington's ARB) on the exterior side shall be installed to the western edge of the  
9 leasing building at the main entry. The wall shall be setback a minimum of 10 feet from  
10 the property line and include 24-foot high shade trees (at a minimum) planted 40-feet  
11 on center altering on each side of the wall (the intent being that when combined, on a  
12 plan view, both sides of the wall identify the trees staggered 20-feet on center).
  - 13 b) Three (3) rows of tiered landscape material, planted on the exterior side of the  
14 required wall.
  - 15 c) One (1) row of understory, planted on the interior side of the required wall.  
16 (Applicant imposed condition per agreement with adjacent property owners)
- 17 42. Prior to the issuance of the first certificate of occupancy, existing native vegetation in the  
18 central preserve area adjacent to the east property line shall be supplemented within 25  
19 feet of the entire boundary of the preserve area to create an opaque barrier a minimum of  
20 24 feet in height from adjacent properties. (Applicant imposed condition per agreement  
21 with adjacent property owners)
- 22 43. The central preserve wetland and the southeastern preserve along the eastern property  
23 line shall include an 8 foot high finished opaque concrete wall painted a muted earth tone  
24 color (as approved by Wellington's ARB) on the exterior side with screening vegetation  
25 provided on the exterior side to the greatest extent possible. (Applicant imposed condition  
26 per agreement with adjacent property owners)
- 27 44. Pole and building mounted lighting shall be shielded and directed down and away from  
28 the south and east property lines. (Applicant imposed condition per agreement with  
29 adjacent property owners)