



41           **WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local  
42 Planning Agency, after notice and public hearing on November 8, 2023, recommended  
43 \_\_\_\_\_ of the Lotis Wellington 1 Master Plan Amendment with a \_\_ to \_\_ vote; and  
44

45           **WHEREAS**, the Council has taken the recommendations from the Local Planning  
46 Agency, Wellington staff, and the evidence and testimony presented by the Petitioner and  
47 comments from the public into consideration for the proposed Master Plan Amendment  
48 and Conditional Uses; and  
49

50           **WHEREAS**, Wellington’s Council has made the following findings of fact:  
51

- 52           1. The Master Plan Amendment request is consistent with the Comprehensive  
53 Plan;
- 54           2. The subject request is consistent with the stated purposes and intent of the  
55 Land Development Regulations;  
56
- 57           3. The subject request is consistent with the surrounding land uses and zoning  
58 districts;  
59
- 60           4. Approval of subject request would result in a logical and orderly development  
61 pattern; and  
62
- 63           5. The subject request is consistent with the applicable Multiple Use Planned  
64 Development (MUPD) regulations.  
65  
66

67           **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**  
68 **FLORIDA, THAT:**  
69

70           **SECTION 1.** The Lotis Wellington 1 (Lotis 1) Master Plan is hereby approved for the  
71 property legally described in Exhibit A, subject to the following amended and restated  
72 conditions of approval (Formatting: ~~Strike-through~~ text is to be deleted and underline  
73 text is to be added):  
74

- 75           1. The subject site shall be governed by the conditions of approval within this  
76 resolution and based on the Master Plan (MP) as provided in Exhibit B. All previous  
77 conditions of approval for a portion of the subject project, as referenced in  
78 Ordinance No. 2006-08 and Resolution No. R2006-26, are not valid due to expiration  
79 of the previous Master Plan and Conditional Use approvals. Resolution No. R2006-  
80 26 is no longer valid, in its entirety. This does not affect the Zoning designation of  
81 MUPD, as approved by Ordinance No. 2006-08. (PLANNING)  
82

- 83 2. Development of the site shall be limited to the uses, access, acreage, site design, site  
 84 amenities, and landscape buffers approved on the Master Plan, Regulating Plan, and  
 85 Circulation Plan, ~~and Phasing Plan~~ (Exhibit B). The final plans consistent with any  
 86 Council approved changes and conditions of approval imposed by Council shall be  
 87 submitted for final processing, if applicable. (PLANNING)  
 88
- 89 3. No building permits for the site shall be issued after October 16, 2025 (Per Executive  
 90 Order), unless extended by Palm Beach County Traffic Division through an  
 91 equivalency letter or an updated Traffic Study approval consistent with this master  
 92 plan approval. The County traffic concurrency approval is subject to the Project  
 93 Aggregation Rules as set forth in the Traffic Performance Standards Ordinance. If the  
 94 Lotis 1 and Lotis Wellington 2 projects are ever aggregated on any plans, then the  
 95 traffic impacts on the Village of Wellington (Wellington) roadways and intersections  
 96 must be readdressed for the aggregated project. (TRAFFIC)  
 97
- 98 4. The project shall be developed consistent with the approved master plan based on  
 99 the use limitations below:

USE	INTENSITY/DENSITY LIMITATIONS
Quality Restaurant (Indoor & Outdoor)	23,676 SF (Min.) / <del>41,856</del> <u>42,043</u> SF (Max.)*
Retail	7,200 SF (Min.) / 23,900 SF (Max.)*
Medical Office	20,000 SF (Min.) / <del>40,000</del> <u>50,000</u> SF (Max.)*
Professional Office	12,700 SF (Min.) / 36,700 SF (Max.)*
Multi-family Residential	<del>191</del> <u>378</u> DUs
<del>CLF—Independent Living Facility (ILF)</del>	<del>150</del> <u>150</u> DUs
<del>CLF—Assisted Living Facility (ALF)</del>	<del>110</del> <u>110</u> Beds
<del>Daycare Facility</del>	<del>18,000 SF / 210</del> <u>210</u> children

100 \*Any combination of retail, restaurant, medical and professional office uses shall  
 101 not generate more peak hour directional trips than the trips included in the  
 102 approved traffic study dated March 23, 2020, as indicated below. The allowed SF  
 103 shall not be less than the minimum or more than the maximum SF as indicated for  
 104 each use.

AM Peak Hour		PM Peak Hour	
In	Out	In	Out
206	133	272	275

106 (PLANNING/TRAFFIC)

- 107
- 108 5. The commercial ~~and institutional~~ (Pod ~~A D~~ A only) and residential development (Pod

109 ~~B~~ C) shall be developed concurrently, with a minimum of 40,000 SF of the  
110 commercial ~~and institutional~~ uses within Pods A, ~~B~~ and D ~~are~~ issued building permits  
111 prior to issuance of building permits for the first residential building. Certificate of  
112 Occupancy (CO) and/or Temporary Certificate of Occupancy (TCO), for buildings  
113 within Pods A, B, C, and D shall be issued based on the below limitations:

114  
115 a. 44,000 SF (including restaurant outdoor seating areas) of commercial or  
116 institutional development shall receive a CO/TCO prior to 96 residential units  
117 receiving a CO/TCO.

118  
119 b. 10,500 SF (including restaurant outdoor seating areas) of commercial  
120 development shall receive a CO/TCO prior to 59 residential units receiving a  
121 CO/TCO.

122  
123 c. 10,500 SF (including restaurant outdoor seating areas) of the commercial and/or  
124 institutional development shall receive a CO/TCO prior to the remaining ~~36-223~~  
125 residential units receiving a CO/TCO, ~~up to the maximum of 191 units.~~  
126 (PLANNING)

127  
128 6. The ~~private recreation areas/amenities,~~ clubhouse, along with adjacent amenities,  
129 mailrooms, and school bus shelters, in Pods B and C ~~and F~~ shall be completed prior  
130 to issuance of the first Certificate of Occupancy (CO) for a residential/~~CLF~~-building  
131 within each respective Pod. The private recreation areas and amenities shall be  
132 completed prior to issuance of a CO for an adjacent residential building within each  
133 respective Pod. All remaining private recreation areas and amenities shall be  
134 completed prior to issuance of the final CO within each respective Pod. The trash  
135 compactor shall be completed when the adjacent buildings CO are issued.  
136 (PLANNING)

137  
138 7. The developer/owner is required to provide public land dedication for parks and  
139 recreation facilities as well as civic facilities pursuant to the Land Development  
140 Regulations. The land dedication required for parks and recreation is ~~4.63~~ 5.76 acres  
141 for Pod B and C. The civic land dedication required is ~~0.92~~ 1.16-acre. A total of 6.95  
142 acres of land dedication is required for the 378 residential units within Pod B and C.  
143 Required land dedication ~~may shall~~ be ~~addressed or~~ satisfied per the following:

144 a. A 25% (approximately 1.564 AC) credit ~~of the gross site area~~ will be given towards  
145 the Public Recreation and Civic land dedication requirement for the ~~Greenway~~  
146 and Cypress Preserve areas privately-owned public recreation areas and amenities  
147 provided within the Lotis 1 project.

148  
149 b. The public recreation areas and amenities provided within Pods F-2, F-3, and E  
150 Greenway (2.86 acres) and Cypress Preserve Area (0.60 acre) shall be available to

151 the public by way of a restrictive covenant and access easements in favor of ~~the~~  
152 ~~Village of~~ Wellington. Said documents shall be in place prior to the issuance of  
153 the first vertical building permit. The restrictive covenant and access easements  
154 shall be amended to reflect the public recreation pods as illustrated on the Lotis 1  
155 MP.

156  
157 c. The public Greenway system within Pod F-2 and F-3 shall contain a multi-use  
158 asphalt pathway with shade trees (in addition to other required trees), seating  
159 areas, fitness stations, lighting and shade structures around the 18-acre lake and a  
160 gathering/green space as illustrated on the approved plans.

161  
162 d. The ~~Greenway system and Cypress Preserve Area~~ public recreation areas and  
163 amenities provided within Pods F-2, F-3, and E shall be maintained by the Lotis  
164 Wellington Property Owners' Association (POA). The maintenance requirements  
165 shall be provided with the Declaration of Restrictions and Covenants as required  
166 below in Condition 11.h.

167  
168 e. The remaining approximately 5.386-acre (6.95 AC – 1.564 AC) land area  
169 requirement ~~may shall~~ be met by an in-lieu payment based on a value that is  
170 \$50,000.00 per acre or the certified appraised fair market value per acre,  
171 whichever is greater, as approved administratively by Wellington when the in-lieu  
172 payment is required. ~~appraised land value and Section 8.5.2.E of the Land~~  
173 ~~Development Code, and the total~~ Approximately 4.162-acre of the 5.386-acre  
174 land dedication is vested per prior Resolution No. R2020-48 approval, and the  
175 required in-lieu payment value of the 4.162-acre will be deducted from the  
176 required Wellington Parks and Recreation Facilities Impact Fees determined at  
177 time of building permit issuance for residential uses ~~(including CLF ILF/ALF).~~  
178 Approximately 1.224-acre (5.386 AC – 4.162 AC) is not vested and shall not be  
179 deducted from the required Wellington impact fees, and shall be paid to  
180 Wellington, when impact fees are required at time of issuance of building permits  
181 for the residential units within Pod C. (PLANNING)

182  
183 8. ~~All certified construction costs associated with the Greenway and Cypress Preserve~~  
184 ~~areas improvement and public amenities~~ Construction cost associated with the  
185 public recreation area improvements and amenities provided within Pods F-2, F-3,  
186 and E will also be deducted from the required Wellington Parks and Recreation  
187 Facilities Impact Fees for the residential units within Pod B. The developer shall  
188 provide a certified construction cost (Reviewed/Approved by Wellington's Lotis 1  
189 Development Review Manager) for the improvements and amenities, excluding land  
190 clearing, grubbing, and rough grading; and the removal of non-native, invasive  
191 species, and the preservation of native species within the Pod E 0.37-acre Cypress  
192 Preserve Area. If at such time as the Wellington Parks and Recreation Facilities Impact

193 Fees are due and the public recreation areas/amenities (as required by the approved  
194 master/site plan) have not been constructed, the developer shall post security in  
195 favor of ~~the Village Wellington~~ in the form of a surety bond, letter of credit, or cash  
196 in escrow. The posted security shall then be partially released or distributed back to  
197 the developer, as applicable, at a pro-rata rate of completion of the public amenities  
198 as evidenced by providing an engineer's affidavit of substantial completion. ~~The~~  
199 ~~Village Wellington~~ shall not release or distribute back to the developer any funds  
200 that exceed the posted security amount in the event the certified cost exceeds the  
201 required impact fees. (PLANNING)  
202

203 9. The developer/owner shall post security in one of the forms noted in Condition #8  
204 per a certified construction costs for the public Greenway and Cypress Preserve Area  
205 improvements as illustrated on the project's approved master plan and site plan  
206 prior to issuance of the first building permit for any multi-family building and/or CLF  
207 building. (PLANNING)  
208

209 10. A 10-foot wide asphalt multi-use pathway (8' wide for the north-south section along  
210 Pod ~~C B~~ around the lake in Pod G, shade trees (average 40 ft. on center), seating and  
211 trash bins (average 250 ft. on center), shade structures, and fitness stations (min. 8)  
212 shall be provided for the public Greenway, dog park, and recreation areas in Pod F-  
213 2, F-3 and E, as shown on the approved Lotis 1 Master Plan and Site Plan. The pathway  
214 may have varying widths (8 to 10 ft.) in some locations as determined appropriate by  
215 staff during the site plan review and approval. (PLANNING)  
216

217 11. The Cypress Preserve Area (~~Wetland 1 within Pod E~~) shall be improved with removal  
218 of all non-native and invasive species, preservation of native species, walking paths,  
219 seating and trash bins. The Cypress Preserve shall be designated as conservation by  
220 way of a restrictive covenant easements in favor of ~~the Village of~~ Wellington. The  
221 Lotis Wellington developer/owner shall provide a maintenance and preservation  
222 management plan to Wellington for the protection and maintenance of the preserve  
223 area. Said documents shall be submitted as part of the plat documents or  
224 incorporated in the plat and prior to issuance of the Land Development Permit.  
225 (PLANNING)  
226

227 12. The developer/owner shall submit below items with the Land Development/Plat  
228 application in order to achieve Technical Compliance.  
229

230 a. Soil/geotechnical report for the overall project. The report shall identify the  
231 locations of various types of soils, fill (construction rubble, etc.), and depths.  
232

233 b. Surface water management (SWM) plan and wetland mitigation plan.  
234

- 235 c. South Florida Water Management District (SFWMD) and any other federal or  
236 state permit(s) approving the proposed changes to wetlands and/or surface  
237 water boundaries within the overall project. Documents on approvals and/or  
238 required improvement and mitigation as may be required by any state/federal  
239 departments (USACE/SFWMD) shall be provided.  
240
- 241 d. Plan for wetland protection during construction. Buffer zones shall be provided  
242 around wetland(s) protection during and after construction.  
243
- 244 e. Documentation that all the Florida Department of Environmental Protection  
245 (DEP) mining operation permit(s) is closed out and/or required with site  
246 reclamation requirements satisfied or provide a new environmental resource  
247 license issued by SFWMD that supersedes the DEP permit.  
248
- 249 f. Remediation for the reclaimed mining operation/lake and water quality report.  
250 If remediation is not required, provide an analysis prepared, signed, and sealed  
251 by a Professional Environmental Engineer currently registered in the State of  
252 Florida, demonstrating that remediation is not required.  
253
- 254 g. Documentation that on-site cleanup and storage tank(s) removal has been  
255 completed in compliance with Environmental Protection Agency (EPA)  
256 regulations.  
257
- 258 h. Declaration of Restrictions and Covenants acceptable, which shall provide for the  
259 creation of a single master property owners' association (POA) and the  
260 assessment of members of the master association for the costs of maintaining the  
261 common areas, roads/streets, landscape buffers, Greenway, Cypress Preserve  
262 Area, lake, etc.  
263 (ENGINEERING/PLANNING)  
264
- 265 13. All mining operation within the overall project shall conclude ~~within 30 days of the~~  
266 ~~effective date~~ with approval of this resolution. (PLANNING)  
267
- 268 14. Any proposed wetland mitigation within the overall project shall occur within  
269 Wellington's boundaries if feasible. (PLANNING)  
270
- 271 15. The lake in Pod ~~G-F-1~~ shall be:  
272
- 273 a. A minimum 50-foot setback from the proposed lake top of bank to the property  
274 lines. The top of bank shall be considered the point where the lake slope does not  
275 exceed eight (8) foot horizontal to one (1) foot vertical.  
276

- 277 b. 4:1 (horizontal: vertical) maximum slope to a minimum of two (2) feet below the  
278 control elevation of the proposed lake. From two (2) feet below the control  
279 elevation of the proposed lake to a minimum depth of six (6) feet below the  
280 control elevation of the proposed lake, the maximum slope shall be no steeper  
281 than a 2:1 (horizontal: vertical), or as permitted by SFWMD, whichever is the more  
282 stringent requirement.  
283
- 284 c. Improved with littoral zone/planting, fountains (min. 2), etc., as illustrated on the  
285 approved master, site and land development plans. The ongoing operation,  
286 maintenance, insurance, etc., of the lake/greenway shall be the responsibility of  
287 the Master POA for the project.  
288 (ENGINEERING/PLANNING)  
289
- 290 16. This property/project is required to be re-platted. The plat shall be approved, and  
291 recorded, prior to the issuance of any building permits. (ENGINEERING)  
292
- 293 17. A Land Development Permit, issued by the Village of Wellington Engineering  
294 Department, is required prior to any earthwork or construction taking place. The  
295 Land Development Permit must be closed out before any Temporary Certificates of  
296 Occupancy (TCO) or Certificates of Occupancy (CO) are issued for any buildings or  
297 structures. If the project is phased, a separate Land Development Permit will be  
298 required for each phase of the project. Each phased Land Development Permit must  
299 be closed out before any Temporary Certificates of Occupancy (TCO) or Certificates  
300 of Occupancy (CO) are issued for any buildings or structures within that phase.  
301 (ENGINEERING)  
302
- 303 18. Cross access and access connections s is are required and approved per the following:  
304
- 305 a. Cross access, vehicular and pedestrian, shall be provided to promote inter-  
306 connectivity between adjacent properties to the north with a minimum of two (2)  
307 connections and to the south with a minimum of three (3) connections.  
308
- 309 b. Pedestrian access to the Greenway shall be provided to the property along the  
310 north with a minimum of ~~two (2)~~ four (4) connections, to the property along the  
311 south with a minimum of one (1) connection. Pedestrian access to the ~~Cypress~~  
312 ~~Preserve Area~~ walking path within Pod E shall be provided to the property along  
313 the south with a minimum of one (1) connection.  
314
- 315 c. Minor relocations and/or additions of cross access points on the master plan may  
316 be administratively approved to ensure intent of this condition is met during the  
317 development of this project and ensure connections to surrounding



318 properties/projects. All other cross access changes or reductions shall require  
319 Council approval.

320

321 d. All required pedestrian and vehicular access easements shall be shown on the  
322 plat and be dedicated as required. Amendment to the access easements may be  
323 done by separate instrument.

324

325 e. Parking spaces with an angle between 70 and 90 degrees shall not be allowed  
326 along the centrally located north/south spine drive aisle to minimize impacts on  
327 traffic circulation/flow.

328

329 f. Construction of the north/south drive aisle, as shown on the approved plans, shall  
330 be completed prior to operation of the traffic signal at the primary entry to the  
331 project on State Road 7.

332

333 g. The cross-access connection to the project along the south (Wellington Regional  
334 Medical Center-WRMC) shall be constructed in conjunction with the north/south  
335 spine drive aisle. The north/south drive aisle cross access point connection to the  
336 south will require construction of a new road on the WRMC property, the Lotis  
337 Wellington developer/owner shall provide information on the road construction  
338 planning progress with submittal of the Land Development Permit/Plat  
339 applications and shall use good faith and reasonable efforts to coordinate with  
340 WRMC on construction of the road to ensure completion within one (1) year of  
341 the north/south drive aisle completion.

342

343 h. The cross-access connection to the projects/properties along the north shall be  
344 constructed to the storage facility location prior to operation of the traffic signal,  
345 and prior to issuance of CO for future development of the ~~current vacant Lotis~~  
346 ~~Wellington 2~~ property to the north ~~(Four Four One Partners Inc.)~~.

347

348 i. Access connection(s) to the Greenway shall be constructed to the property along  
349 the north and south prior to issuance of the final CO for the residential buildings  
350 in ~~Phase 3 Pod B (north access) and Pod C (south access)~~, or as required by  
351 Wellington prior to the build-out ~~of the pod with the access connection date for~~  
352 ~~the project, for future development of the current vacant properties/projects to~~  
353 ~~the north (Four Four One Partners Inc.) and south (WRMC)~~.

354

355 j. Access connection to the ~~Cypress Preserve Area~~ walking path within Pod E shall  
356 be constructed prior to issuance of CO for any office building within Pod ~~B-D~~ of  
357 the project, for future development of the current vacant property/project to the  
358 south (WRMC).

359

360 k. Any required improvements, including road, sidewalk/pathways, bridges, piping,  
361 etc., shall be permitted and completed when the cross access and access  
362 connections are required as indicated above.

363 (PLANNING/TRAFFIC/ ENGINEERING)

364

365 19. An enhanced crosswalk system shall be provided for anticipated heavy traffic flow  
366 roadway/intersections at the three (3) locations illustrated on the approved plans to  
367 ensure a safer environment for pedestrians of this project. At minimum, the  
368 enhanced crosswalk system should include paver/stamped concrete crosswalk,  
369 detectable warning, and LED solar powered flashing crosswalk signs and in-  
370 pavement indicator lights that are activated via braille push buttons and/or  
371 automatic activation methods. At minimum, the other crosswalk locations  
372 throughout the site shall be paver/stamped concrete and include detectable  
373 warning. (PLANNING)

374

375 20. The Property Owner shall fund the cost of and construct a signal, if warranted, as  
376 determined by the County Engineer, on State Road 7 at Project's main entrance.  
377 Signalization shall be mast arm structure installation or as approved by the County  
378 Engineer/FDOT. The cost of signalization shall also include all design costs and any  
379 required utility relocation and right of way or easement acquisition.

380

381 a. No building permits shall be issued until the Property Owner provides acceptable  
382 surety to the County Traffic Division in an amount as determined by the Director  
383 of the Traffic Division.

384

385 b. In order to request release of the surety for the traffic signal for the above  
386 intersection, the Property Owner shall provide written notice to the County  
387 Traffic Division stating that the final certificate of occupancy has been issued for  
388 the development and requesting that ~~the~~ a signal warrant study be conducted at  
389 the intersection. The County Traffic Division shall have 24 months from receipt  
390 of this notice to either draw upon the monies to construct the signal or release  
391 the monies. In the event that the property is sold, the surety may be returned  
392 once the County Traffic Division receives written documentation of the sale and  
393 replacement surety has been provided to the County Traffic Division by the new  
394 Property Owner. The surety will also be released if the Property Owner constructs  
395 the signal and the signal has been accepted by the County after final inspection.

396 (TRAFFIC)

397

398 21. The Property Owner shall construct i) a right-turn lane north approach ii) left-turn  
399 lane north approach and iii) left-turn lane south approach on SR-7 at the project  
400 entrance. The south approach left-turn lane shall be a minimum of 500 feet plus 50-

401 foot taper. The existing U-turn lane, south of the project entrance may need to be  
402 closed or modified. All the above shall be as approved by FDOT.

403  
404 a. Permits required from FDOT for the ~~se~~ construction shall be obtained prior to  
405 issuance of any building permit.

406  
407 b. Construction shall be completed prior to the issuance of the first certificate of  
408 occupancy. (TRAFFIC)

409  
410 22. The Property Owner shall construct two (2) ingress lanes and four (4) egress lanes  
411 (dual left and dual right-turn lanes) on the eastbound approach of the project  
412 access driveway on SR 7 to maximum extent feasible to accommodate the  
413 forecasted traffic demands. Construction shall be completed prior to the issuance  
414 of the first certificate of occupancy. (TRAFFIC)

415  
416 23. Developer is responsible for the funding and construction of all on-site and off-site  
417 improvements/upgrades necessary to existing lift stations, water distribution  
418 systems, sanitary systems, and force main systems to support the project densities.  
419 (UTILITIES)

420  
421 24. Developer shall enter into Developer Agreement with ~~the Village of~~ Wellington to  
422 reserve water, sewer and fire system capacity. ~~The Village~~ Wellington cannot  
423 guarantee capacity until the Developer Agreement has been fully executed and  
424 approved by Council and all capacity fees paid in full. (UTILITIES)

425  
426 25. Water, Sewer and Fire Line Capacity fees, based on current rates, shall be paid at the  
427 time the Developer Agreement is executed and before any applications for  
428 construction of water and sewer facilities are made to the Palm Beach County Health  
429 Department. (UTILITIES)

430  
431 26. Lift stations serving the project will be required to be upgraded to meet current  
432 ~~Village of~~ Wellington standards. Specifically, Lift Station 101 will be impacted and  
433 will require upgrades. Upgrades to the Master Lift Station 92 may be required as  
434 well. (UTILITIES)

435  
436 27. Site soil conditions may prohibit any proposed trenches to be dewatered effectively  
437 due to the previous use of the site. As such, water and sewer utilities may not be able  
438 to installed "in the dry" in accordance with Village of Wellington Utilities  
439 Department and AWWA standards. All installation methods that are not in  
440 accordance with Wellington Utilities Department and AWWA standards shall be  
441 subject to approval by the Wellington Utilities Department. (UTILITIES)

442

- 443 28. All water mains will be public up to the point of service. All wastewater mains,  
444 subject to approval by the Wellington Utilities Department, will be public up to the  
445 point of service. Utility facilities must be located in the rights-of-way or in a  
446 dedicated exclusive water main or wastewater easement. Easement widths shall  
447 comply with the Village of Wellington Water and Wastewater Systems Construction  
448 and Standards Manual (current edition). All utility easements shall provide for un-  
449 hindered access to all facilities and mains in accordance with the standards manual.  
450 (UTILITIES)  
451
- 452 29. The developer/applicant must apply for and obtain a Major Utility Permit prior to  
453 the development of the proposed improvements. (UTILITIES)  
454
- 455 30. A looped water main system will be required. Connections with adjacent parcels to  
456 the north and south will be required. Dead-end water mains will not be allowed  
457 including temporary dead-ends between phases of construction, unless approved  
458 by the Village Utilities Director. (UTILITIES)  
459
- 460 31. A covered school bus shelter (minimum 10' X 15') shall be provided for ~~the each~~  
461 multi-family residential pod (Pod B and C), with bicycle racks (8 station),  
462 benches/seating (8 person), trash receptacles (at bench locations) and continuous  
463 paved access shall be provided. Prior to the issuance of the first Certificate of  
464 Occupancy for any residential building within each residential pod, the covered  
465 school bus shelter shall be constructed with consistent colors, materials and roof  
466 treatment as the overall project. (PBC SCHOOL DISTRICT/PLANNING)  
467
- 468 32. In order to address the school capacity deficiency generated by the proposed  
469 development at the District elementary and high school levels, the property owner  
470 shall contribute \$74,546.00 to the School District of Palm Beach County prior to  
471 issuance of first residential building permit within Pod B. This school capacity  
472 contribution is intended to supplement the required school impact fee. (PBC  
473 SCHOOL DISTRICT)  
474
- 475 33. An additional contribution of \$253,620 (per SCAD No. 23060501D) shall be paid to  
476 the School District of Palm Beach County prior to issuance of first residential  
477 building permit within Pod C. ~~Prior to the recordation of the plat, The Property~~  
478 ~~Owner shall provide an executed Declaration and Restrictive Covenant which~~  
479 ~~prohibits children nineteen (19) years of age or younger from residing in the subject~~  
480 ~~property age-restricted units, except for a period of time not to exceed a total of~~  
481 ~~sixty (60) days per calendar year per person. The Property Owner shall include this~~  
482 ~~occupancy restriction in all leases used for the rental of any age restricted~~  
483 ~~residential unit. This declaration shall be recorded in the public records of Palm~~  
484 ~~Beach County in a form and manner acceptable to the School Board and a copy of~~

485 ~~the recorded document shall be sent to the School Board's Planning and~~  
486 ~~Intergovernmental Relations Department.~~ (PBC SCHOOL DISTRICT)

487  
488 34. The property owner shall post a notice of annual boundary school assignments in  
489 the leasing offices and models for the residential development (Pod B and C) per  
490 the School District of Palm Beach County school assignments notice requirements.  
491 (PBC SCHOOL DISTRICT)

492  
493 35. The perimeter landscape buffers are approved to be installed per the Phasing Plan.  
494 The landscape buffer along the east property line shall be installed prior to the  
495 issuance of the first Certificate of Occupancy for any building within the project.  
496 Landscape buffer canopy trees shall be 25 ft. on center and hedge height shall be a  
497 minimum of three (3) feet in height at installation. (PLANNING)

498  
499 36. The east perimeter landscape buffer shall include multi-tiered landscaping with a  
500 berm and continuous hedge, installed and maintained at three (3) feet,  
501 shrubs/groundcover on both sides of the hedge at intermittent intervals, along with  
502 the required landscaping per the State Road 7 Corridor landscape requirements  
503 found in Sec.7.3.6.T. - Special Landscape Regulations of the LDR. (PLANNING)

504  
505 37. Developer/owner shall provide a certified cost estimate (by FL. Registered  
506 Landscape Architect or Engineer) for the project's perimeter landscape buffer  
507 materials, installation, irrigation and labor. A surety/bond in the form acceptable to  
508 ~~the Village Wellington~~ in the amount of 110% of the estimate shall be posted for the  
509 project's perimeter landscape buffer and interior landscaping in addition to the  
510 other bonds required for site improvements per the LDP to the Engineering  
511 Department. A landscape permit shall also be required prior to installation.  
512 (PLANNING)

513  
514 38. Developer is required to pay \$75 per linear foot of frontage along State Road 7 for  
515 landscape and plantings to be consistent with ~~Village of~~ Wellington conceptual.  
516 (ENGINEERING)

517  
518 39. Developer is required to pay \$75 per linear foot of frontage along State Road 7 for  
519 boardwalk or construct an 8-ft wide sidewalk. (ENGINEERING)

520  
521 40. The landscaping in street corridor, pathways, non-residential pods, recreation areas,  
522 etc., within ~~a~~ this Planned Development District shall exceed the minimum  
523 landscape requirements for size, height and canopy spread by 20%, and 75% native  
524 species and drought tolerant species. (PLANNING)

525

- 526 41. Additional perimeter trees/palms with additional height required per LDR Sec.  
527 6.5.8.C.3.b. for structures over the 35 ft., and shall be required and shall remain in  
528 place as long as the structures remains. The additional trees/palms shall be shown  
529 on the site landscape plans to indicate how this requirement will be met.  
530 (PLANNING)  
531
- 532 42. Prior to site plan approval, the landscape plans must show adequate compatible  
533 landscape buffering between adjacent commercial and residential land uses. The  
534 landscape plans shall be approved as a part of the site plan. (PLANNING)  
535
- 536 43. The common areas, landscaping, site amenities, etc., ~~within each Pod shall be~~  
537 ~~completed prior to the issuance of the Certificate of Occupancy for the adjacent~~  
538 ~~building~~ shall be completed in conjunction with the adjacent building(s) within each  
539 Pod and prior to the issuance of any Certificate of Occupancy/Certificate of  
540 Completion of adjacent building(s)/improvement(s), or as required by Wellington.  
541 (PLANNING)  
542
- 543 44. The State Road 7 median and swale along the project's frontage shall be landscaped  
544 and maintained by the Lotis Wellington Master POA. An agreement between  
545 Wellington and/or FDOT and the master POA ~~may~~ shall be required for  
546 maintenance of the median/swale areas. The maintenance agreement shall be  
547 executed upon completion of the improvements as approved. (PLANNING)  
548
- 549 45. Shade/canopy street trees (min. 16 ft. OA height), pedestrian street lights, and  
550 bicycle lanes shall be provided along both sides of roads/streets that are 25-foot  
551 wide or greater. The pedestrian street light poles, and regulatory traffic/street signs  
552 and poles shall be a decorative design, and the design shall be submitted for ARB  
553 approval prior to permitting. The improvements may be required on only one (1)  
554 side of the road/street as determined in the development review process.  
555 (PLANNING)  
556
- 557 46. This project shall be designed with central square/focal point that incorporates:  
558
- 559 a. Pedestrian circulation around the buildings with connections to other  
560 buildings/uses.  
561
- 562 b. Arcades, overhead weather protection, etc., that connects all ground level  
563 activities and provides direct access to any outparcels, sidewalks or other  
564 pedestrian amenities including mass transit facilities, bicycle parking areas, etc.  
565

- 566 c. Pedestrian-oriented uses and services on the ground floor with vertical  
567 integration of residential and/or non-residential uses on the above-ground  
568 floors.
- 569
- 570 d. Walkways/sidewalks a minimum of 10-feet wide shall be provided.
- 571
- 572 e. Minimum 100 square feet of shaded area with benches every 100 linear feet in  
573 length for the pedestrian walkways.
- 574 f. Main Boulevard with a landscaped median divider. (PLANNING)
- 575
- 576 47. Prior to site plan approval, provide that five percent (5%) of the parking spaces ~~in~~  
577 ~~Pods A, B, and D are designated for preferred parking for alternative fuel vehicles,~~  
578 ~~car pool vehicles, rideshare service, etc. in the commercial pods as preferred parking~~  
579 ~~for car pool vehicles, rideshare service, etc. The amount may be reduced, as~~  
580 ~~determined by Wellington's Development Review Manager for the project, if~~  
581 ~~documentation is provided with the site plan review that the intended use(s) will~~  
582 ~~not require all the parking spaces per the intent of the condition. Electric vehicle~~  
583 ~~(EV) charging stations (Level 2 or Direct-current fast charging) shall be provided for~~  
584 ~~a minimum of five (5%) percent of the required parking within the commercial pods,~~  
585 ~~common areas of the residential pod, and pods/areas with parking spaces (assigned~~  
586 ~~or shared parking). A minimum of one (1) EV charging station (Level 2 or Direct-~~  
587 ~~current fast charging) shall be provided at the clubhouse and any recreation areas~~  
588 ~~with parking spaces. A minimum of two (2) EV charging connectors/ports shall be~~  
589 ~~provided per EV charging station. The residential units with attached garage within~~  
590 ~~the residential pods shall be EV capable with electrical panel capacity and conduit~~  
591 ~~for future Electric Vehicle Supply Equipment (EVSE) installation. (PLANNING)~~  
592
- 593 48. The developer shall ensure this project is developed to be consistent with green  
594 certification standards found within Florida Green Building Coalition, US Green  
595 Building Council Leadership in Energy and Environmental Design (LEED) or other  
596 acceptable environmental, and building standards as determined by Wellington's  
597 Development Review Manager for the project during the building permit  
598 development approval/inspection process. Documentation indicating which green  
599 building standards were met shall be provided after the issuance of CO for the  
600 buildings. (PLANNING)
- 601
- 602 49. All residential buildings without an attached garage shall have reserved parking  
603 space for each unit. (PLANNING)
- 604
- 605 50. An agreement shall be recorded to provide cross-access and shared-parking with  
606 adjacent lot owners of the commercial pods/outparcels within this project as  
607 required when the property is submitted for subdivision plat approval. The

- 608 agreement shall be provided with the Land Development/Plat applications.  
609 (PLANNING)  
610
- 611 51. Restaurants and/or other uses with a drive-thru window/lane shall require a  
612 Conditional Use specifically approved by Wellington Council. (PLANNING)  
613
- 614 52. Any businesses operating between the hours of 12:00 AM and 6:00 AM shall be  
615 located at least 200 feet from any dwelling unit, measured from the closest building  
616 points of each affected structure. (PLANNING)  
617
- 618 53. Garbage and recycling pickup, and deliveries shall not occur between the hours of  
619 9:00 PM and ~~7~~6:00 AM. There shall be no idling of delivery or similar vehicles  
620 between the hours of 10:00 PM and ~~7~~6:00 AM. Overnight storage or parking of  
621 delivery vehicles or trucks shall not be permitted on site, except in designated  
622 loading and delivery areas. All delivery and loading areas built to accommodate  
623 semi-trucks, tractor trailers, moving vans, etc., shall be screened from view.  
624 (PLANNING)  
625
- 626 54. Garbage/recyclable collection for Pods B and C ~~and F~~ shall be provided by  
627 staff/valet service from each unit to central compactor, no curbside pick-up or  
628 outside storage of bins shall be permitted. Trash/recyclable bins (for units with  
629 garage) shall be stored in the garage, and be designated a pick-up area at each unit  
630 driveway that's not within the roadway. (PLANNING)  
631
- 632 55. All roof-mounted air conditioning, mechanical equipment, vents, etc., shall be  
633 completely screened from view on all sides in a manner consistent with the color,  
634 character and architectural style of the principal structure. (PLANNING)  
635
- 636 56. All above ground and wall mounted utility/transformer box, mechanical  
637 equipment, valves, etc., shall be located on-site with required screening on a  
638 minimum of three (3) sides that provide required screening, while maintaining  
639 required three (3) feet clearance and height to meet or exceed equipment being  
640 screened. The screen opening shall be away from public view and/or additional  
641 shrubs will be required at inspection. The screening shall occur in a manner  
642 consistent with the color, character and architectural style of the principal structure  
643 and may incorporate landscaping as one element of screening. (PLANNING)  
644
- 645 57. The 25' LWDD road easement/ROW shall be abandoned prior to and/or with the  
646 plat approval. (PLANNING)  
647



648 58. The developer shall take measures to ensure that during site development  
649 dust/debris particles from the development do not become a nuisance to the  
650 neighboring properties. (PLANNING)

651  
652 59. All gates shall be approved for emergency vehicle access with universal remote  
653 approved by all emergency agencies, including but not limited to Palm Beach  
654 County Fire and the Palm Beach County Sheriff. Additionally, all gate codes and  
655 access shall be granted to Wellington for Code Compliance and other emergency  
656 purposes. (PLANNING/ENGINEERING)

657  
658 60. A mast arm traffic signal shall be installed by the Lotis Wellington developer at the  
659 project's main access/entrance on State Road 7 and be ~~operational~~ completed (as  
660 required by FDOT/PBC) prior to issuance of the first CO/TCOP for the project. Palm  
661 Beach County (PBC) Traffic has authority over when the traffic signal is operational  
662 in accordance with their standards and/or procedures. The developer shall complete  
663 all FDOT/PBC requirements for the traffic signal to ensure the signal is operational  
664 when required, and shall provide confirmation from PBC Traffic of acceptance of the  
665 traffic signal prior to issuance of the first CO/TCOP. (COUNCIL/PLANNING)

666  
667 61. The developer/owner shall install a six (6) foot high black vinyl coated chain link  
668 fence per one of the following options:

669  
670 a. Along the entire west property line if the vacant property along the north submits  
671 for development approval prior to the final CO of Phase 3, and that project is  
672 required to install a fence along their west property line.

673 b. Along the entire west and north property lines if the vacant property along the  
674 north has not received development approval prior to the final CO of this project.  
675 (COUNCIL)

676 ~~**SECTION 2:** The Lotis Wellington Conditional Uses are hereby approved for the property  
677 legally described in Exhibit A, subject to the following conditions of approval:~~

678  
679 ~~1. One (1) daycare facility for up to 210 children is allowed within Pod D. A minimum of  
680 two (2) staff members shall be located in the parking area to facilitate pickup and  
681 drop-off during the AM and PM peak hours. A central sign-in/sign-out location shall  
682 be provided to ensure security. The daycare facility owner and/or operator shall  
683 obtain all appropriate federal, state, and local permits/licenses prior to operating the  
684 daycare facility.~~

685  
686 ~~2. One (1) Congregate Living Facilities (CLF) Type 3 is allowed within Pod F. The CLF units  
687 and beds shall not be converted to multi-family units. The CLF Independent Living  
688 Facility (ILF) parking rate is reduced from 2.25 to 1.35 spaces per unit as shown in the~~

689 approved Parking Analysis by JFO Group, Inc. Exhibit D) dated September 1, 2020. The  
690 ILF shall be limited to 104, one (1) bedroom units and 46, two (2) bedroom units, and  
691 be age restricted to persons 55 years of age or older. A declaration of restrictions in  
692 compliance with the LDR and this approval shall be recorded prior to plat recordation  
693 for the CLF pod or within six (6) months of the site plan approval, whichever occurs  
694 first. The owner and/or operator shall obtain all appropriate federal, state, and local  
695 permits/licenses prior to operating the CLF. (PLANNING)

696

697 **SECTION 3 2:** This Resolution shall become effective upon approval.

698

699 **PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2023.

700

701 **WELLINGTON**

702

703

704 BY: \_\_\_\_\_

705 Anne Gerwig, Mayor

706

707

708 **ATTEST:**

709

710

711 BY: \_\_\_\_\_

712 Chevelle Addie, Clerk

713

714

715 **APPROVED AS TO FORM AND**

716 **LEGAL SUFFICIENCY**

717

718

719 BY: \_\_\_\_\_

720 Laurie Cohen, Village Attorney