

#### I. PETITION DESCRIPTION

Petitions: a.) Rezoning: 2013-64 REZ 2

b.) Master Plan Amendment: 2013-64 MPA 2

Project Name: Isla Verde at Wellington

Owner/Petitioner/ Isla Verde, LLC

Applicant: 7900 Glades Road, Suite 600

Boca Raton, FL. 33434

Wellington Isles, LLC

601 Bayshore Blvd. Suite 500

Tampa, FL. 33606

Agent: Cotleur & Hearing, Inc.

1934 Commerce Lane, Suite 1

Jupiter, FL. 33458

Request: The petitioner is requesting:

a.) A Rezoning from Multiple Use Planned Development (MUPD) to

Mixed Use Planned Development District (MXPD); and

b.) A Master Plan Amendment to allow 350 multi-family units and

amend conditions of approval.

## II. <u>SITE DATA</u>

Existing Use: Commercial / Residential

Parcel Size: 53.57 acres

Existing

Land Use: Mixed Use

Existing

Zoning District: Multiple Use Planned Development (MUPD)

Parcel

Control No's.: 73-42-44-06-10-001-0000 and 73-42-44-06-10-023-0000

Location: The subject property is located on the east side of State Road 7,

approximately 1/2 mile north of Forest Hill Boulevard. Exhibit "A" is a location map of the Isla Verde at Wellington site. Exhibit "B" is the legal

description of the Isla Verde property.

#### III. LAND USE AND ZONING

Dir.	Existing Land Use	Future Land Use	Zoning District
North	Toys "R" Us/Babies "R"	RPB IND	RPB Industrial
	Us and Office		
South	Stonehaven Estates	PBC Residential (LR-2)	PBC Planned Unit
	Single Family Residential		Development
	Development		
East	Whippoorwill Lakes	PBC Residential (LR-2)	PBC Residential Estate
	Single Family Residential		(RE)
	Development		
West	RPB Commercial	RPB Commercial Village	RPB Office Commercial
	PBC vacant	PBC Low Residential 2	PBC AR
	Wellington Reserve	Wellington Office	Wellington MUPD
	Black Diamond	Commercial	Wellington PUD
	Residential	Wellington Residential C	

#### IV. SITE HISTORY

The Isla Verde at Wellington (f.k.a. The Commons at Wellington) parcel was annexed into Wellington on January 27, 2004 by Ordinance No. 2003-01. The Comprehensive Plan Mixed Use Future Land Use Map (FLUM) designation was adopted October 26, 2004 by Ordinance No. 2003 – 17. The Rezoning (Ordinance No. 2006-12) and Master Plan (Resolution No. 006 - 04) were both adopted on June 13, 2006.

A Development Order Amendment (DOA) to revise master plan conditions of approval and to designate the residential portion with related infrastructure as Phase II was approved on October 9, 2007 with Resolution No. 2007-86.

A Development Order Amendment (DOA) and Master Plan Amendment (MPA) to redesignate land area from residential to commercial and reduce the residential from 245 units to 230 units and reconfigure the Master Plan layout was adopted by Council on May 24, 2011 by Ordinance No. 2011-06 and Resolution No. 2011-35.

The agent Cotleur & Hearing, Inc., on behalf of the property owner/petitioner initially submitted Comprehensive Plan Amendment 2013-64 CPA 2, Development Order Amendment 2013-64 DOA 2 and Master Plan Amendment 2013-64 MPA 2 petitions to increase the allowed residential units from 230 to 360 dwelling units, update the future land use map (FLUM) designation to the current Mixed Use Type 1 designation, designate the maximum development threshold and amend conditions of approval. The Development Order Amendment (2013-64 DOA 2) request was to amend conditions of the Multiple Use Planned Development (MUPD) zoning designation approved by Ordinance No. 2006-12. Since this project's originally approval there have been amendments to both Wellington's Comprehensive Plan Mixed Use FLUM and Land Development Regulations (LDR) Mixed Use Planned Development District (MXPD) zoning designation. The MXPD zoning designation was adopted to be a compatible zoning designation for the Mixed Use FLUM designation. With the requested amendments by the applicant, it was determined the

project's zoning should be changed from the previously approved MUPD designation to the MXPD zoning designation in order to be compatible with the current Mixed Use FLUM designation. The Development Order Amendment 2013-64 DOA 2 petition was subsequently changed to a Rezoning 2013-64 REZ 2 petition.

The Isla Verde commercial portion is currently developed and the eastern residential portion is still vacant.

# V. <u>DEVELOPMENT REVIEW COMMITTEE (DRC)</u>

The Comprehensive Plan Amendment 2013-64 CPA 2, Rezoning 2013-64 REZ 2 (formerly 2013-64 DOA 2) and Master Plan Amendment 2013-64 MPA 2 were certified for the public hearing process at the January 8, 2014 DRC meeting.

## VI. STAFF ANALYSIS

The petitioner is requesting: a.) a Rezoning from Multiple Use Planned Development (MUPD) to Mixed Use Planned Development District (MXPD); and b.) a supportive Master Plan Amendment to allow 350 multi-family units and amend conditions of approval.

# a.) Rezoning:

This Rezoning request is to change the Wellington Land Development Regulations (LDR) zoning designation of the Isla Verde project from Multiple Use Planned Development (MUPD) to Mixed Use Planned Development District (MXPD). When reviewing the proposed amendment to the previously approved MUPD zoning conditions (Ordinance No. 2006-12) it was determined the zoning should now be changed to the MXPD zoning designation to be consistent with the current Mixed Use FLUM designation. Since this project's original approval there have been amendments to both Wellington's Comprehensive Plan Mixed Use FLUM and Land Development Regulations (LDR) for the Mixed Use Planned Development District (MXPD) zoning designation. The current MUPD zoning designation does not allow residential use. The recently adopted MXPD zoning allows a mix of uses which include residential, office, commercial, industrial, institutional, etc. and was established for the development of sites designated with a Mixed Use land use. Staff notes the current MUPD zoning regulations do not allow for residential uses. The applicant's original Development Order Amendment (2013-64 DOA 2) request to amend conditions of Ordinance No. 2006-12 was therefore changed to a Rezoning (2013-64 REZ 2) petition.

Staff has concluded this proposed rezoning request will now be consistent with both Wellington's Land Development Regulations (LDR) for Mixed Use Planned Development District (MXPD) zoning designation and the current Comprehensive Plan Mixed Use Type 1 FLUM designation.

# b.) Master Plan Amendment:

The petitioner is also requesting a supportive master plan amendment to increase the allowed multi-family residential units from the approved 230 townhouse dwelling units to 350 multi-family rental units. As indicated above this amendment is proposing to increase the

approved units by an additional 120 units and reconfigure the previously approved Isla Verde residential layout. The overall Isla Verde site currently has approximately 209,326 square feet of mixed retail uses on the commercial portion and the residential portion (Phase II) still remains vacant. Exhibit "D" is the proposed Isla Verde Master Plan with the proposed 350 residential units. After increasing the residential tabular by 120 units and reconfiguring the residential portion this project will remain consistent with Wellington's Comprehensive Plan and Land Development Regulations (LDR).

The current approved Isla Verde Master Plan (Exhibit "C") provided specific development information that complied with the requirements of the Mixed Use FLUM designation. The proposed Master Plan (Exhibit "D") indicates the maximum square footage / units, types of uses. density, building height, minimum setback for proposed buildings vehicular/pedestrian circulation which complies with the Mixed Use Type 1 FLUM designation. The maximum building height allowed is 35 feet and two-story for the residential structures per previous condition of approval adopted by Resolution No.'s 2006 - 04, 2007-86 and 2011-35. The proposed three-story 350 multi-family rental units will be located in the east and southern portion of the site with a proposed 20 feet wide landscape buffer. A eight (8) feet concrete wall and minimum two (2) foot high berm is proposed along portions of the north, south and east buffers which is adjacent to existing single family development. The south and east buffers will have portions that incorporate a six (6) or eight (8) feet concrete wall with no berm. The existing homes along the south and east property lines of the project are separated by approximately 100 feet on the south and approximately 40 feet on the east from the proposed 350 multi-family units.

The Wellington Land Development Regulations (LDR) Multiple Use Planned Development (MUPD) and Mixed Use Planned Development District (MXPD) zoning designation both have no setback regulations for residential. The MUPD zoning designation is for multiple/mixed commercial uses. The LDR does allow Council to approve flexible development regulations on the master plan for project's with MUPD or MXPD designation. The previously approved Isla Verde Master Plan (Exhibit "C") indicated setbacks of 20 feet for all the two-story residential buildings along the south and east property lines. The proposed master plan (Exhibit "D") indicate a total of 33 three-story residential buildings with measured setback of 30 feet from north, south and east property lines for these proposed three-story multi-family residential apartment buildings. The one-story leasing office/mail room building setback is indicated as 20 feet from the south property line. Staff recommends approval of a minimum 30 feet setback for the multi-family three-story residential apartment buildings from the overall project's north, south, east and west property lines. The additional 10 feet over the previous master plan approved 20 feet setback will help to minimize impact of the three-story residential buildings on the existing single family residential properties to the south and east. Also the proposed accessory one-story buildings (office/mail room, maintenance building and clubhouse) shall be setback a minimum of 20 feet from the overall project's north, south and east property lines and minimum 30 feet from the overall project west property line.

The previous master plan had a condition of approval that limited residential structures to two-story and building height of 35 feet. The applicant is proposing the multi-family three-

story residential buildings façade along the east and south property lines to have a two-story appearance facing the adjacent one and two-story single family homes to the east and south. Staff recommends no portion of buildings within 40 feet of the south and east property lines exceed two-story and a building height of 25 feet as measured to the midpoint of the roof.

The current approved Master Plan (Exhibit "C") has 230 townhouse units were based on the Comprehensive Plan in effect at the time which allowed residential density to be calculated based only on the acreage of Residential and Open Space land area which totaled 27.08 acres. Using the density multiplier for a maximum of 10 units per acre of the Residential Land Use the petitioner could have originally requested up to 271 units but only requested 230 units. The Wellington Comprehensive Plan was amended after this project's original Mixed Use development approval. The current Mixed Use Type 1 category density multiplier in the Comprehensive Plan now allows 100 percent of the gross project land area of 53.57 acres to be used in determining the maximum allowed residential density. As indicated above the previous Comprehensive Plan allowed residential density to be calculated based only on residential (20.48 acres) and open space (6.62 acres) land areas. The current density multiplier of 12 units per acre determined by using 100 percent of the gross project area of 53.57 acres could allow up to a potential of 642 units but the petitioner is requesting a maximum of 350 multi-family units. The Wellington Comprehensive Plan allows a maximum floor area ratio of 0.50 for the Mixed Use future land use map designation. The Isla Verde at Wellington project will have a floor area ratio of 0.35 with the approved commercial 210,000 square feet and proposed residential portion building area of 606,758 square feet.

The petitioner is proposing to construct the 350 multi-family residential apartment buildings in accordance with the National Association of Home Builders (NAHB) standards for Gold Rated Green Buildings. The NAHB requires all proposed buildings to address six core areas: Lot Design, Preparation, and Development; Resource Efficiency; Energy Efficiency; Water Efficiency; Indoor Environmental Quality; and Operation, Maintenance, and Building Owner Education. The proposed buildings will incorporate energy efficient and sustainable measures which includes: Solar powered roof vents; Energy star appliances; Low flow water fixtures; Insulated plumbing pipes; Energy efficient exterior building and walkway lighting; Water Sense Irrigation system; Kitchen USB outlets; Native, Drought Tolerant landscaping; Use of recycled building and construction materials; Two electric car stations; All garages are prewired for electric car chargers; Low VOC construction; etc. The applicant has indicated other similar projects completed to these NAHB Gold standards have considerable lower operating and utility costs.

Also the applicant has requested the residential portion of the project to qualify for Land Development Regulations (LDR) Section 5.1.17. Targeted Expedited Permitting Program (TEPP). The TEPP is intended for companies establishing new business that create value-added employment or buildings obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher. The applicant is requesting to use the National Association of Home Builders (NAHB) standard which is the only residential green rating system to have earned the approval of the American National Standards Institute and is the green rating system they have used on other projects. The Wellington Comprehensive Plan Conservation

Element Policy 1.6.2. and Housing Element Policy 1.9.5 does allow for the use of other green building rating systems other than LEED.

The principal access to the site is on the overall project's west property line with a designated traffic signal at State Road 7/ US 441 and Isla Verde Drive/Old Hammock Way. There is a secondary right in/right out only access point south of the signal. Also cross access to the north is provided to promote inter-connectivity between parcels along the State Road 7 corridor. A total of two (2) internal vehicular/pedestrian cross access and one pedestrian only cross access is provided between this project's commercial and residential uses. The previously approved Isla Verde Master Plan (Exhibit "C") has been included for comparative purposes. The Palm Beach County (PBC) Traffic Division has reviewed and approved with conditions the traffic impact analysis submitted. The PBC Traffic Division letter (Exhibit "E") has recommended conditions for proportionate share payment of improvements to the interchange at State Road 80 (Southern Boulevard) and State Road 7. The traffic impact analysis was also reviewed and accepted by Wellington's Traffic Consultant for compliance with Traffic Performance Standards. Exhibit "F" is the Traffic Consultant letter with the two (2) conditions of approval.

Staff has concluded this proposed master plan amendment request is consistent with Wellington's Comprehensive Plan Mixed Use Type 1 FLUM designation, Mixed Use Planned Development District (MXPD) zoning designation and Wellington's Land Development Regulations (LDR). Staff is recommending conditions of approval that will help minimize potential impacts of this development on surrounding residential properties.

# VII. PUBLIC NOTIFICATION / COMMENTS

As required by the Land Development Regulations and Florida Statutes, public notifications were placed in the Palm Beach Post, mailings were sent to surrounding property owners within 500 feet and the property was posted. All notices advised the public that a hearing on the proposed ordinance/resolution would take place on as noted below:

#### Planning, Zoning and Adjustment Board Meeting

CPA. REZ and MPA:

Mailings/Newspaper/Posted Signs: on or before April 22, 2014

Meeting Date: May 7, 2014

#### **Council Meeting**

CPA (1<sup>st</sup> reading):

Mailings/Newspaper/Posted Signs: on or before June 23, 2014 Meeting Date: July 8, 2014 (Postponed to August 12, 2014)

CPA (2<sup>nd</sup> reading) and REZ (1<sup>st</sup> reading):

Mailings/Newspaper/Posted Signs: on or before September 8, 2014

Meeting Date: September 23, 2014

# REZ (2<sup>nd</sup> reading) and MPA:

Mailings/Newspaper/Posted Signs: on or before November 10, 2014

Meeting Date: November 25, 2014

Staff has received several inquiries on the proposed project from adjacent property owners in the Whippoorwill Estates and Stonehaven Estates residential developments along the east and south property lines.

#### VIII. PLANNING, ZONING AND ADJUSTMENT BOARD

At the May 7, 2014 Planning, Zoning and Adjustment Board (PZAB) meeting, the Board recommend denial (6 - 0) of Ordinance No. 2014 – 20, a Comprehensive Plan Amendment (Petition Number 2013-64 CPA 2) and Resolution No. 2014 – 26, a Master Plan Amendment (Petition Number 2013-64 MPA 2); and approval (6 - 0) of Ordinance No. 2014 – 21, a Rezoning (Petition Number 2013-64 REZ 2).

The Board (PZAB) received several objections to the proposed project from the public in reference to increase in multi-family residential units, increase in building height from two-story to three-story, change from townhouse units to rental units, limited access to the residential portion of the Isla Verde site and potential traffic increase along State Road 7.

At the meeting the applicant requested amendments to recommended Condition of Approval Number 14 and 33 of Resolution No. 2014 – 26 (Master Plan Amendment Petition Number 2013-64 MPA 2). The change to Condition Number 14 is from 50 feet to 40 feet setback for portion of the building that exceeds 25 feet in height and change to Condition Number 33 is to incorporate a minimum two (2) foot high berm with the proposed six (6) foot high wall along the north, south and east perimeter property lines. Also a new condition was proposed to install tress with a minimum height of 20 feet when adjacent to the building along east perimeter property line.

## IX. COUNCIL

At the first scheduled Council reading of the Comprehensive Plan Amendment on July 8, 2014 the applicant requested a postponement to the August 12, 2014 meeting. The postponement request was to continue discussions with Whippoorwill Estates POA and Stonehaven Estates HOA. The Council approved the requested postponement to the August 12, 2014 meeting and additional public notices were not required.

At the August 12, 2014 Council meeting (first reading of the CPA), the applicant requested to change from 360 to 350 dwelling units; reconfigure the buildings locations and add new conditions of both approval to the proposed master plan resolution. At the Council meeting representatives of both Whippoorwill Estates POA and Stonehaven Estates HOA indicated that previous concerns were addressed, they have entered into a third party agreement with the developer/applicant and are in support of the revised plans. Council voted (5-0) to transmit Ordinance No. 2014-20 (Comprehensive Plan Amendment 2013-64 CPA 2) to the Department of Economic Opportunity (DEO) (State Land Planning Agency) in accordance with Section 163.3184 of the Florida Statutes.

At the September 23, 2014 Council meeting, Ordinance No. 2014-20 (Comprehensive Plan Amendment 2013-64 CPA 2) to designate the FLUM as Mixed Use, Type 1 and increase the residential units to 350 was adopted (5-0). The first reading of Ordinance No. 2014-21 (Rezoning 2013-64 REZ 2) to change the zoning designation from Multiple Use Planned Development (MUPD) to Mixed Use Planned Development District (MXPD) was also approved at the September 23, 2014 Council meeting.

#### X. STAFF RECOMMENDATION

- a.) Based on the findings and consistency with Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Ordinance No. 2014 21, a Rezoning (Petition Number 2013-64 REZ 2) from Multiple Use Planned Development (MUPD) to Mixed Use Planned Development District (MXPD) for the 53.57 acre parcel known as Isla Verde at Wellington, located on the east side of State Road 7, approximately 1/2 mile north of Forest Hill Boulevard, as legally described in Exhibit "B."
- b.) Based on the findings and consistency with Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Resolution No. 2014 26, a Master Plan Amendment (Petition Number 2013-64 MPA2) to allow 350 multi-family units and amend conditions of approval for the 53.57 acre parcel known as Isla Verde at Wellington, located on the east side of State Road 7, approximately 1/2 mile north of Forest Hill Boulevard, as legally described in Exhibit "B," subject to the conditions of approval listed in Resolution No. 2014 26.

# **List of Exhibits**

Exhibit "A" Location Map
 Exhibit "B" Legal Description of Isla Verde
 Exhibit "C" Current Approved Isla Verde Master Plan
 Exhibit "D" Proposed Isla Verde Master Plan
 Exhibit "E" Palm Beach County (PBC) Traffic Division Letter (Revised June 3, 2014)
 Exhibit "F" Wellington Traffic Consultant's Letter (Dated March 20, 2014)

# Exhibit "A" Location Map



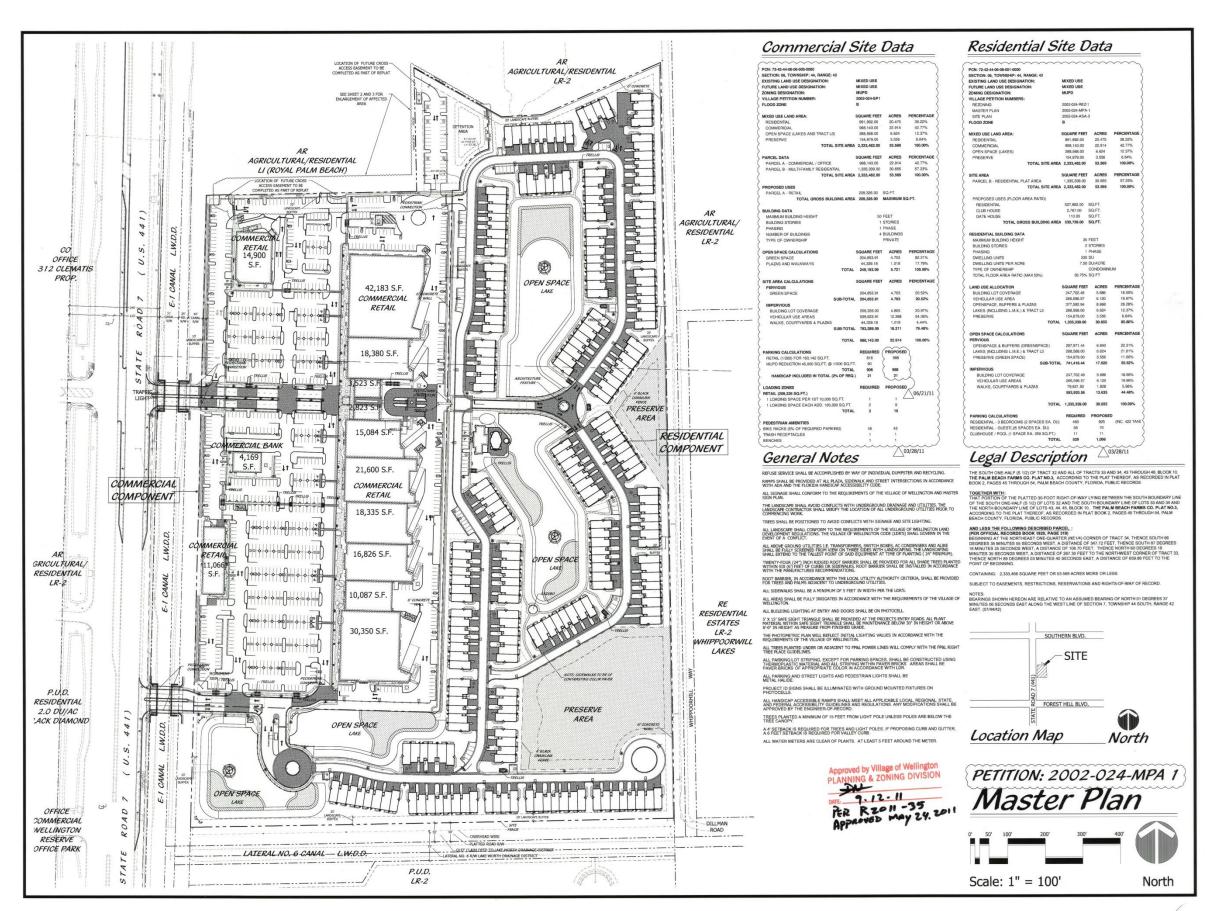
#### Exhibit "B"

# Legal Description of Isla Verde

ALL OF ISLA VERDE OF WELLINGTON RESIDENTIAL REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

ALL OF ISLA VERDE OF WELLINGTON COMMERCIAL REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 62 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.





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Exhibit "C"
Current Approved Isla
Verde Master Plan

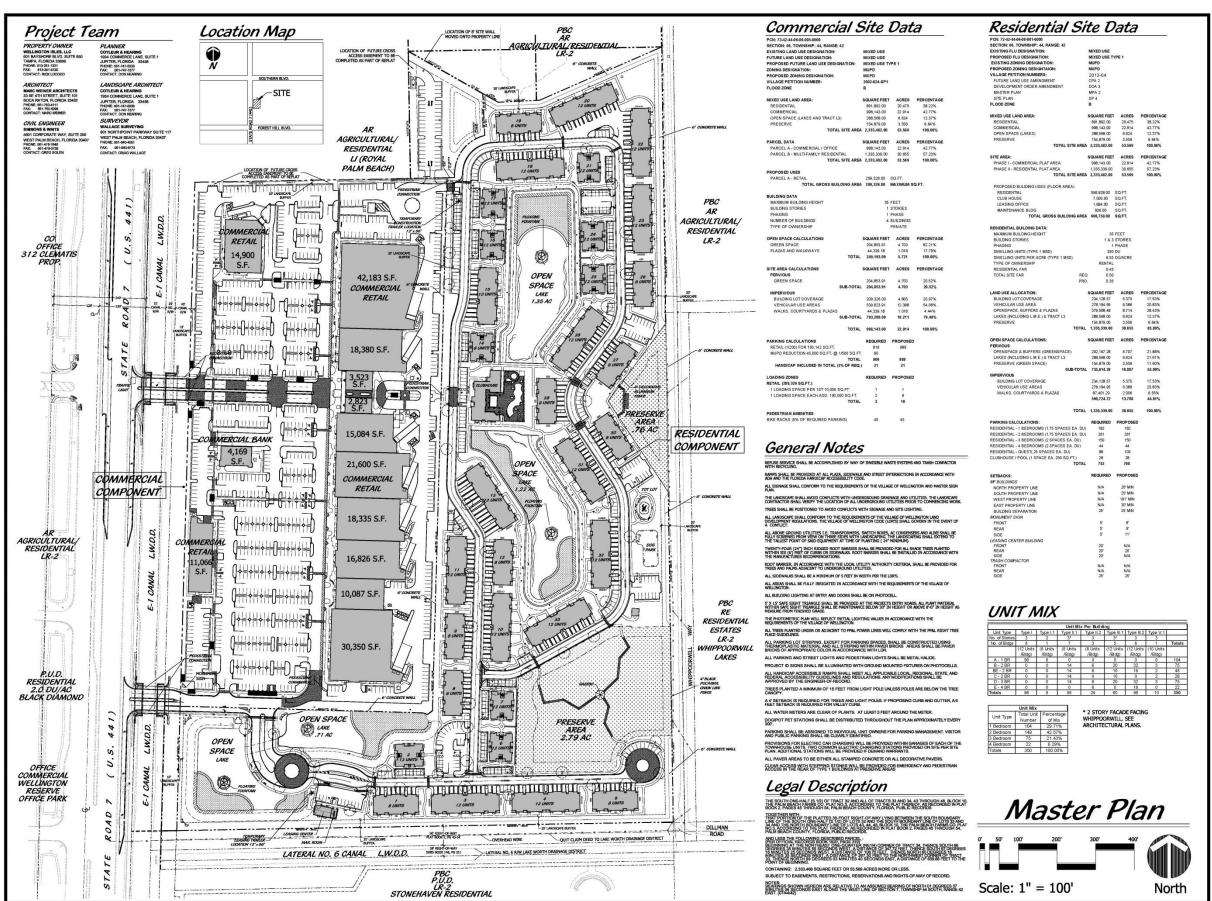
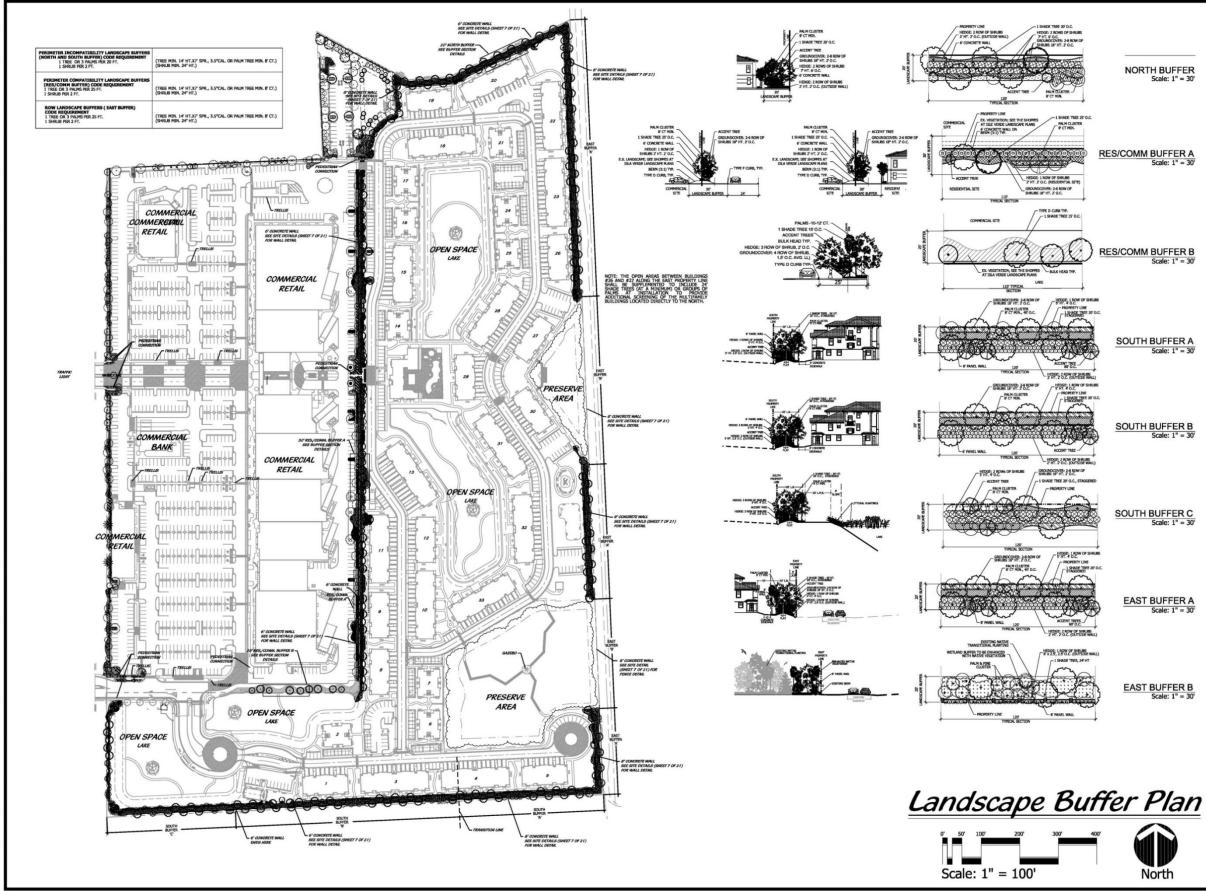




Exhibit "D"
Proposed Isla Verde
Master Plan

DTS
RW
DEH
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12-16-13
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03-20-14
07-28-14
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SHEET 2 OF 3

# Exhibit "E" Palm Beach County Traffic Division Letter



Department of Engineering and Public Works

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

FAX: (561) 684-4050

www.pbcgov.com

Palm Beach County Board of County Commissioners

Priscilla A. Taylor, Mayor

Paulette Burdick, Vice Mayor

Hal R. Valeche

Shelley Vana

Steven L. Abrams

Mary Lou Berger

Jess R. Santamaria

**County Administrator** 

Robert Weisman

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June 3, 2014

RECEIVED

7 R. CODE DEDADTALE

Mr. Timothy Stillings Director of Planning and Development Village of Wellington 12300 Forrest Hill Boulevard Wellington, FL 33414

RE: Isla Verde MXD - Revised Letter

PBC Project#: 140108

**Traffic Performance Standards Review** 

Dear Tim:

The Palm Beach County Traffic Division has reviewed the traffic study for the proposed mixed use project entitled; **Isla Verde MXD**, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land.

**Location:** East side of SR-7, south of Pioneer Road.

Municipality: Wellington/Royal Palm Beach

**PCN #:** 72-42-44-06-07-001-0000 – and 8 more on File.

**Existing Uses:** 264,682 SF General Retail (55,962 SF in place since 2012), 24,500 SF General Office, and 5,500

SF Medical Office.

Approved Uses: 275,400 SF General Retail, 13,532 SF Furniture

Store, 24,500 SF General Office, 5,500 SF Medical Office and 245 MF Residential Units - PBC

Approval #130804. BO 2015.

Proposed Uses: 278,820 SF General Retail, 24,500 SF General

Office, 5,500 SF Medical Office and 360 MF

Residential Units (Apartments).

New Daily Trips: 11,865 - Vested not included.

New PH Trips: 397 AM and 1122 PM – Vested not included.

Build-Out Date: End of Year 2018

Based on our review, the Traffic Division has determined the revised development plan and build-out for the previously approved mixed use project meets the Traffic Performance Standards of Palm Beach County, under the following condition:

 The developer shall pay a total of \$430,491 to Palm Beach County for the proportionate share (3.91% of added capacity) of optimal future improvements at the interchange of SR-7 with SR-80 (Southern Boulevard).





Mr. Timothy Stillings Isla Verde MXD June 3, 2014 Page 2

Also, note all previous conditions for this development (PBC Project # 30105) which may not be completed already, remain applicable.

No building permits are to be issued by the Village after the build-out date listed above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at 684-4030 or e-mail to matefi@pbcgov.org.

Sincerely,

Masoud Atefi, MS@É

TPS Administrator, Municipalities, Traffic Engineering Division

MA:sf

ec: Chris W. Heggen PE., - Kimley-Horn & Associates, Inc. Steve Bohovsky, Technical Assistant III, Traffic Division

Rebecca J. Mulcahy PE., - PTC

File: General - TPS - Mun - Traffic Study Review F:\Traffic\MA\Admin\Approvals\2014\140108R.doc

#### Exhibit "F"

# Wellington Traffic Consultant's Letter



**Transportation Consultants** 

2005 Vista Parkway, Suite 111 West Palm Beach, FL 33411-6700 (561) 296-9698 Fax (561) 684-6336 Certificate of Authorization Number: 7989

March 20, 2014

Mr. Damian Newell Wellington Planning, Zoning & Building Department 12300 W. Forest Hill Boulevard Wellington, FL 33414

Re: Isla Verde Residential - #PTC13-001N

Site Plan, Master Plan and Development Order Amendment 2013-64

SP 4, MPA 2, DOA 3 (HTE 13-125)

Dear Mr. Newell:

Pinder Troutman Consulting, Inc. has completed our review of the traffic impact analysis dated March 10, 2014 with follow-up analyses dated March 18, 2014 for the above referenced project. The project is summarized below and includes properties in both Wellington and Royal Palm Beach:

Proposed Uses:	278,820 SF General Commercial (Retail)	
	24,500 SF General Office	
	5,500 SF Medical Office	
	360 DUs Multi-family Apartments	
<b>Existing Uses:</b>	264,862 SF General Commercial (Retail)	
	24,500 SF General Office	
	5,500 SF Medical Office	
Net New Trips:	2,551 Daily	
	155 AM Peak (28 IN/127 OUT)	
	212 PM Peak (135 IN/77 OUT)	
<b>Buildout Date:</b>	December 31, 2018	

The resubmitted traffic impact analysis responded to all of our comments. Based on our review, we have determined that the proposed project meets the Traffic Performance Standards of Wellington with the following conditions of approval:

1. 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.

2. 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.

Sincerely,

Rebecca J. Mulcahy, P.E.

Wice President

cc:

David Flinchum, AICP, ASLA

Bill Riebe, P.E. Tim Stillings, AICP Masoud Atefi, MSCE

Letter Newell 13-001N SP MP DOA 3-20-14