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RESOLUTION NO. R2022-12

A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, FOR A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2021-0001-DOA) FOR CERTAIN PROPERTY, KNOWN AS LOTIS WELLINGTON, A MIXED-USE PROJECT, TOTALING 64.02 ACRES, MORE OR LESS, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY HALF A MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; APPROVING MODIFIED CONDITIONS OF APPROVAL OF THE APPROVED MASTER PLAN AND CONDITIONAL USES, INCLUDING THE MODIFICATION OF USE SQUARE FEET LIMITATIONS, CERTIFICATE OF OCCUPANCY THRESHOLDS, AND DELETING THE FINANCIAL INSTITUTION WITH DRIVE-THRU CONDITIONAL USE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations (LDR) is authorized and empowered to consider petitions related to zoning and development orders; and

WHEREAS, the notice and hearing requirements, as provided in Article 5 of the LDR, as adopted by Wellington, have been satisfied; and

WHEREAS, the current Wellington Future Land Use Map designation for the 64-acre project known as Lotis Wellington is Mixed Use (MU); and

WHEREAS, the current Wellington Zoning Map designation for the 64-acre project known as Lotis Wellington is Multiple Use Planned Development (MUPD); and

WHEREAS, the Lotis Wellington Master Plan and Conditional Uses were approved (Resolution No. R2020-48) by Council on December 8, 2020; and

WHEREAS, the Lotis Wellington developer is requesting to amend the Lotis Wellington Master Plan and Conditional Uses conditions of approval. Wellington’s LDR Table 5.1.2-1 Development Application Approvals indicate the decision-making body that approved a development order shall consider amendment to conditions of approval. LDR Section 5.2.3.D.6. provides for expedited review, which allows amendment to go directly to the decision-making body (Council) and not require going to the recommending board (Planning, Zoning and Adjustment Board), if not modifying the project boundaries, increasing density/intensity, or increasing the project traffic generation; and

WHEREAS, the Council has taken the recommendations from Wellington staff and the comments from the public into consideration for the proposed Development Order Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON, FLORIDA, THAT:

SECTION 1. The Lotis Wellington Master Plan is hereby approved for the property legally described in Exhibit A, subject to the following conditions of approval:

1. The subject site shall be governed by the conditions of approval within this resolution and based on the Master Plan as provided in Exhibit B. All previous conditions of approval for a portion of the subject project, as referenced in Ordinance No. 2006-08 and Resolution No. R2006-26, are not valid due to expiration of the previous Master Plan and Conditional Use approvals. Resolution No. R2006-26 is no longer valid, in its entirety. This does not affect the Zoning designation of MUPD, as approved by Ordinance No. 2006-08. (PLANNING)
2. Development of the site shall be limited to the uses, access, acreage, site design, site amenities, and landscape buffers approved on the Master Plan, Regulating Plan, Circulation Plan, and Phasing Plan (Exhibit B). The final plans consistent with any Council approved changes and conditions of approval imposed by Council shall be submitted for final processing, if applicable. (PLANNING)
3. No building permits for the site shall be issued after October 16, 2025 (Per Executive Order), unless extended by Palm Beach County Traffic Division through an equivalency letter or an updated Traffic Study approval consistent with this master plan approval. (TRAFFIC)
4. The project shall be developed consistent with the approved master plan based on the use limitations below:

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

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

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

(PLANNING/TRAFFIC)

5. The commercial and institutional (Pod D only) and residential development (Pod C) shall be developed concurrently, with a minimum of 40,000 SF of the

84 commercial and institutional uses within Pods A, B and D issued building permits
85 prior to issuance of building permits for the first residential building. Certificate of
86 Occupancy (CO) and/or Temporary Certificate of Occupancy (TCO), for buildings
87 within Pods A, B, C, and D shall be issued based on the below limitations:
88

89 b. 44,000 SF (including restaurant outdoor seating areas) of commercial or
90 institutional development shall receive a CO/TCO prior to 96 residential units
91 receiving a CO/TCO.
92

93 c. 10,500 SF (including restaurant outdoor seating areas) of commercial
94 development shall receive a CO/TCO prior to 59 residential units receiving a
95 CO/TCO.
96

97 d. 10,500 SF (including restaurant outdoor seating areas) of the commercial
98 and/or institutional development shall receive a CO/TCO prior to the remaining
99 36 residential units receiving a CO/TCO, up to the maximum of 191 units.
100 (PLANNING)
101

102 6. The private recreation areas/amenities, clubhouse, mailroom, and school bus
103 shelter in Pods C and F shall be completed prior to issuance of the first Certificate
104 of Occupancy (CO) for residential/CLF building within each respective Pod. The
105 trash compactor shall be completed when the adjacent buildings CO are issued.
106 (PLANNING)
107

108 7. The developer/owner is required to provide public land dedication for parks and
109 recreation facilities as well as civic facilities pursuant to the Land Development
110 Regulations. The land dedication required for parks and recreation is 4.63 acres.
111 The civic land dedication required is 0.92 acre. Required land dedication may be
112 addressed or satisfied per the following:

113 a. A 25% credit of the gross site area will be given towards the Public Recreation
114 and Civic land dedication requirement for the Greenway and Cypress Preserve
115 areas.
116

117 b. The Greenway (2.86 acres) and Cypress Preserve Area (0.60 acre) shall be
118 available to the public by way of a restrictive covenant and access easements
119 in favor of the Village of Wellington. Said documents shall be in place prior to
120 the issuance of the first vertical building permit.
121

122 c. The public Greenway system shall contain a multi-use asphalt pathway with
123 shade trees, seating areas, fitness stations, lighting and shade structures
124 around the 18-acre lake and a gathering/green space as illustrated on the
125 approved plans.
126

127 d. The Greenway system and Cypress Preserve Area shall be maintained by the
128 Lotis Wellington Property Owners' Association (POA). The maintenance
129 requirements shall be provided with the Declaration of Restrictions and
130 Covenants as required below in Condition 11.h.
131

- 132 e. The remaining land area requirement may be met by an in-lieu payment based
133 on appraised land value and Section 8.5.2.E of the Land Development Code,
134 and the total payment value will be deducted from the required Parks and
135 Recreation Facilities Impact Fees determined at time of building permit for
136 residential uses (including CLF ILF/ALF). (PLANNING)
137
- 138 8. All certified construction costs associated with the Greenway and Cypress
139 Preserve areas improvement and public amenities will also be deducted from the
140 required Parks and Recreation Facilities Impact Fees. If at such time as the Parks
141 and Recreation Facilities Impact Fees are due and the recreation amenities (as
142 required by the approved master/site plan) have not been constructed, the
143 developer shall post security in favor of the Village in the form of a surety bond,
144 letter of credit, or cash in escrow. The posted security shall then be partially
145 released or distributed back to the developer, as applicable, at a pro-rata rate of
146 completion of the public amenities as evidenced by providing an engineer's
147 affidavit of substantial completion. The Village shall not release or distribute back
148 to the developer any funds that exceed the posted security amount in the event
149 the certified cost exceed the required impact fees. (PLANNING)
150
- 151 9. The developer/owner shall post security in one of the forms noted in Condition #8
152 per a certified construction costs for the public Greenway and Cypress Preserve
153 Area improvements as illustrated on the project's approved master plan and site
154 plan prior to issuance of the first building permit for any multi-family building and/or
155 CLF building. (PLANNING)
156
- 157 10. A 10-foot wide asphalt multi-use pathway (8' wide for the north-south section
158 along Pod C) around the lake in Pod G, shade trees (average 40 ft. on center),
159 seating and trash bins (average 250 ft. on center), shade structures, and fitness
160 stations (min. 8) shall be provided for the Greenway. The pathway may have
161 varying widths (8 to 10 ft.) in some locations as determined appropriate by staff
162 during the site plan review and approval. (PLANNING)
163
- 164 11. The Cypress Preserve Area (Wetland 1) shall be improved with removal of all non-
165 native and invasive species, preservation of native species, walking paths, seating
166 and trash bins. The Cypress Preserve shall be designated as conservation by way
167 of a restrictive covenant easements in favor of the Village of Wellington. The Lotis
168 Wellington developer/owner shall provide a maintenance and preservation
169 management plan to Wellington for the protection and maintenance of the preserve
170 area. Said documents shall be submitted as part of the plat documents or
171 incorporated in the plat and prior to issuance of the Land Development Permit.
172 (PLANNING)
173
- 174 12. The developer/owner shall submit below items with the Land Development/Plat
175 application in order to achieve Technical Compliance.
176
- 177 a. Soil/geotechnical report for the overall project. The report shall identify the
178 locations of various types of soils, fill (construction rubble, etc.), and depths.
179
- 180 b. Surface water management (SWM) plan and wetland mitigation plan.

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- c. South Florida Water Management District (SFWMD) and any other federal or state permit(s) approving the proposed changes to wetlands and/or surface water boundaries within the overall project. Documents on approvals and/or required improvement and mitigation as may be required by any state/federal departments (USACE/SFWMD) shall be provided.
 - d. Plan for wetland protection during construction. Buffer zones shall be provided around wetland(s) protection during and after construction.
 - e. Documentation that all the Florida Department of Environmental Protection (DEP) mining operation permit(s) is closed out and/or required with site reclamation requirements satisfied or provide a new environmental resource license issued by SFWMD that supersedes the DEP permit.
 - f. Remediation for the reclaimed mining operation/lake and water quality report. If remediation is not required, provide an analysis prepared, signed, and sealed by a Professional Environmental Engineer currently registered in the State of Florida, demonstrating that remediation is not required.
 - g. Documentation that on site cleanup and storage tank(s) removal has been completed in compliance with Environmental Protection Agency (EPA) regulations.
 - h. Declaration of Restrictions and Covenants acceptable, which shall provide for the creation of a single master property owners' association (POA) and the assessment of members of the master association for the costs of maintaining the common areas, roads/streets, landscape buffers, Greenway, Cypress Preserve Area, lake, etc.
(ENGINEERING/PLANNING)
13. All mining operation within the overall project shall conclude within 30 days of the effective date of this resolution. (PLANNING)
14. Any proposed wetland mitigation within the overall project shall occur within Wellington's boundaries if feasible. (PLANNING)
15. The lake in Pod G shall be:
- a. A minimum 50 foot setback from the proposed lake top of bank to the property lines. The top of bank shall be considered the point where the lake slope does not exceed eight (8) foot horizontal to one (1) foot vertical.
 - b. 4:1 (horizontal:vertical) maximum slope to a minimum of 2-ft below the control elevation of the proposed lake. From 2-ft below the control elevation of the proposed lake to a minimum depth of 6-ft below the control elevation of the proposed lake, the maximum slope shall be no steeper than a 2:1 (horizontal:vertical), or as permitted by SFWMD, whichever is the more stringent requirement.

- 230
231 c. Improved with littoral zone/planting, fountains (min. 2), etc., as illustrated on the
232 approved master, site and land development plans. The ongoing operation,
233 maintenance, insurance, etc., of the lake/greenway shall be the responsibility
234 of the Master POA for the project.
235 (ENGINEERING/PLANNING)
236
- 237 16. This property/project is required to be platted. The plat shall be approved, and
238 recorded, prior to the issuance of any building permits. (ENGINEERING)
239
- 240 17. A Land Development Permit, issued by the Village of Wellington Engineering
241 Department, is required prior to any earthwork or construction taking place. The
242 Land Development Permit must be closed out before any Temporary Certificates
243 of Occupancy (TCO) or Certificates of Occupancy (CO) are issued for any
244 buildings or structures. If the project is phased, a separate Land Development
245 Permit will be required for each phase of the project. Each phased Land
246 Development Permit must be closed out before any Temporary Certificates of
247 Occupancy (TCO) or Certificates of Occupancy (CO) are issued for any buildings
248 or structures within that phase. (ENGINEERING)
249
- 250 18. Cross access and access connection is required and approved per the following:
251
- 252 a. Cross access, vehicular and pedestrian, shall be provided to promote inter-
253 connectivity between adjacent properties to the north with a minimum of two
254 (2) connections and to the south with a minimum of three (3) connections.
255
- 256 b. Pedestrian access to the Greenway shall be provided to the property along the
257 north with a minimum of two (2) connections, to the property along the south
258 with a minimum of one (1) connection. Pedestrian access to the Cypress
259 Preserve Area walking path shall be provided to the property along the south
260 with a minimum of one (1) connection.
261
- 262 c. Minor relocations and/or additions of cross access points on the master plan
263 may be administratively approved to ensure intent of this condition is met during
264 the development of this project and ensure connections to surrounding
265 properties/projects. All other cross access changes or reductions shall require
266 Council approval.
267
- 268 d. All required pedestrian and vehicular access easements shall be shown on the
269 plat and be dedicated as required. Amendment to the access easements may
270 be done by separate instrument.
271
- 272 e. Parking spaces with an angle between 70 and 90 degrees shall not be allowed
273 along the centrally located north/south spine drive aisle to minimize impacts on
274 traffic circulation/flow.
275
- 276 f. Construction of the north/south drive aisle, as shown on the approved plans,
277 shall be completed prior to operation of the traffic signal at the primary entry to
278 the project on State Road 7.

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- g. The cross-access connection to the project along the south (Wellington Regional Medical Center-WRMC) shall be constructed in conjunction with the north/south spine drive aisle. The north/south drive aisle cross access point connection to the south will require construction of a new road on the WRMC property, the Lotis Wellington developer/owner shall provide information on the road construction planning progress with submittal of the Land Development Permit/Plat applications and shall use good faith and reasonable efforts to coordinate with WRMC on construction of the road to ensure completion within one (1) year of the north/south drive aisle completion.
 - h. The cross access connection to the projects/properties along the north shall be constructed to the storage facility location prior to operation of the traffic signal, and prior to issuance of CO for future development of the current vacant property to the north (Four Four One Partners Inc.).
 - i. Access connection(s) to the Greenway shall be constructed to the property along the north and south prior to issuance of the final CO for the residential buildings in Phase 3 or as required by Wellington prior to the build-out date for the project, for future development of the current vacant properties/projects to the north (Four Four One Partners Inc.) and south (WRMC).
 - j. Access connection to the Cypress Preserve Area walking path shall be constructed prior to issuance of CO for any office building within Pod B of the project, for future development of the current vacant property/project to the south (WRMC).
 - k. Any required improvements, including road, sidewalk/pathways, bridges, piping, etc., shall be permitted and completed when the cross access and access connections are required as indicated above.
(PLANNING/TRAFFIC/ ENGINEERING)
19. An enhanced crosswalk system shall be provided for anticipated heavy traffic flow roadway/intersections at the three (3) locations illustrated on the approved plans to ensure a safer environment for pedestrians of this project. At minimum, the enhanced crosswalk system should include paver/stamped concrete crosswalk, detectable warning, and LED solar powered flashing crosswalk signs and in-pavement indicator lights that are activated via braille push buttons and/or automatic activation methods. At minimum, the other crosswalk locations throughout the site shall be paver/stamped concrete and include detectable warning. (PLANNING)
20. The Property Owner shall fund the cost of and construct a signal, if warranted, as determined by the County Engineer, on State Road 7 at Project's main entrance. Signalization shall be mast arm structure installation or as approved by the County Engineer/FDOT. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

- 327 a. No building permits shall be issued until the Property Owner provides
328 acceptable surety to the County Traffic Division in an amount as determined by
329 the Director of the Traffic Division.
330
- 331 b. In order to request release of the surety for the traffic signal for the above
332 intersection, the Property Owner shall provide written notice to the County
333 Traffic Division stating that the final certificate of occupancy has been issued
334 for the development and requesting that the a signal warrant study be
335 conducted at the intersection. The County Traffic Division shall have 24
336 months from receipt of this notice to either draw upon the monies to construct
337 the signal or release the monies. In the event that the property is sold, the
338 surety may be returned once the County Traffic Division receives written
339 documentation of the sale and replacement surety has been provided to the
340 County Traffic Division by the new Property Owner. The surety will also be
341 released if the Property Owner constructs the signal and the signal has been
342 accepted by the County after final inspection. (TRAFFIC)
343
- 344 21. The Property Owner shall construct i) a right-turn lane north approach ii) left-turn
345 lane north approach and iii) left-turn lane south approach on SR-7 at the project
346 entrance. The south approach left-turn lane shall be a minimum of 500 feet plus
347 50-foot taper. The existing U-turn lane, south of the project entrance may need
348 to be closed or modified. All the above shall be as approved by FDOT.
349
- 350 a. Permits required from FDOT for these construction shall be obtained prior to
351 issuance of any building permit.
352
- 353 b. Construction shall be completed prior to the issuance of the first certificate of
354 occupancy. (TRAFFIC)
355
- 356 22. The Property Owner shall construct two (2) ingress lanes and four (4) egress
357 lanes (dual left and dual right-turn lanes) on the eastbound approach of the project
358 access driveway on SR 7 to maximum extent feasible to accommodate the
359 forecasted traffic demands. Construction shall be completed prior to the issuance
360 of the first certificate of occupancy. (TRAFFIC)
361
- 362 23. Developer is responsible for the funding and construction of all on-site and off-site
363 improvements/upgrades necessary to existing lift stations, water distribution
364 systems, sanitary systems, and force main systems to support the project
365 densities. (UTILITIES)
366
- 367 24. Developer shall enter into Developer Agreement with the Village of Wellington to
368 reserve water, sewer and fire system capacity. The Village cannot guarantee
369 capacity until the Developer Agreement has been fully executed and approved by
370 Council and all capacity fees paid in full. (UTILITIES)
371
- 372 25. Water, Sewer and Fire Line Capacity fees, based on current rates, shall be paid
373 at the time the Developer Agreement is executed and before any applications for
374 construction of water and sewer facilities are made to the Palm Beach County
375 Health Department. (UTILITIES)

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26. Lift stations serving the project will be required to be upgraded to meet current Village of Wellington standards. Specifically, Lift Station 101 will be impacted and will require upgrades. Upgrades to the Master Lift Station 92 may be required as well. (UTILITIES)
 27. Site soil conditions may prohibit any proposed trenches to be dewatered effectively due to the previous use of the site. As such, water and sewer utilities may not be able to installed “in the dry” in accordance with Village of Wellington Utilities Department and AWWA standards. All installation methods that are not in accordance with Wellington Utilities Department and AWWA standards shall be subject to approval by the Wellington Utilities Department. (UTILITIES)
 28. All water mains will be public up to the point of service. All wastewater mains, subject to approval by the Wellington Utilities Department, will be public up to the point of service. Utility facilities must be located in the rights-of-way or in a dedicated exclusive water main or wastewater easement. Easement widths shall comply with the Village of Wellington Water and Wastewater Systems Construction and Standards Manual (current edition). All utility easements shall provide for un-hindered access to all facilities and mains in accordance with the standards manual. (UTILITIES)
 29. The developer/applicant must apply for and obtain a Major Utility Permit prior to the development of the proposed improvements. (UTILITIES)
 30. A looped water main system will be required. Connections with adjacent parcels to the north and south will be required. Dead-end water mains will not be allowed including temporary dead-ends between phases of construction, unless approved by the Village Utilities Director. (UTILITIES)
 31. A covered school bus shelter (minimum 10’ X 15’) shall be provided for the multi-family residential pod, with bicycle racks (8 station), benches/seating (8 person), trash receptacles (at bench locations) and continuous paved access shall be provided. Prior to the issuance of the first Certificate of Occupancy for any residential building, the covered school bus shelter shall be constructed with consistent colors, materials and roof treatment as the overall project. (PBC SCHOOL DISTRICT/PLANNING)
 32. In order to address the school capacity deficiency generated by the proposed development at the District elementary and high school levels, the property owner shall contribute \$74,546.00 to the School District of Palm Beach County prior to issuance of first residential building permit. This school capacity contribution is intended to supplement the required school impact fee. (PBC SCHOOL DISTRICT)
 33. Prior to the recordation of the plat, The Property Owner shall provide an executed Declaration and Restrictive Covenant which prohibits children nineteen (19) years of age or younger from residing in the subject property age-restricted units, except for a period of time not to exceed a total of sixty (60) days per calendar year per

- 425 person. The Property Owner shall include this occupancy restriction in all leases
426 used for the rental of any age-restricted residential unit. This declaration shall be
427 recorded in the public records of Palm Beach County in a form and manner
428 acceptable to the School Board and a copy of the recorded document shall be
429 sent to the School Board's Planning and Intergovernmental Relations
430 Department. (PBC SCHOOL DISTRICT)
431
- 432 34. The property owner shall post a notice of annual boundary school assignments in
433 the leasing offices and models for the residential development (Pod C) per the
434 School District of Palm Beach County school assignments notice requirements.
435 (PBC SCHOOL DISTRICT)
436
- 437 35. The perimeter landscape buffers are approved to be installed per the Phasing
438 Plan. The landscape buffer along the east property line shall be installed prior to
439 the issuance of the first Certificate of Occupancy for any building within the
440 project. Landscape buffer canopy trees shall be 25 ft. on center and hedge height
441 shall be a minimum of three (3) feet in height at installation. (PLANNING)
442
- 443 36. The east perimeter landscape buffer shall include multi-tiered landscaping with a
444 berm and continuous hedge, installed and maintained at three (3) feet,
445 shrubs/groundcover on both sides of the hedge at intermittent intervals, along with
446 the required landscaping per the State Road 7 Corridor landscape requirements
447 found in Sec.7.3.6.T. - Special Landscape Regulations of the LDR. (PLANNING)
448
- 449 37. Developer/owner shall provide a certified cost estimate (by FL. Registered
450 Landscape Architect or Engineer) for the project's perimeter landscape buffer
451 materials, installation, irrigation and labor. A surety/bond in the form acceptable
452 to the Village in the amount of 110% of the estimate shall be posted for the
453 project's perimeter landscape buffer and interior landscaping in addition to the
454 other bonds required for site improvements per the LDP to the Engineering
455 Department. A landscape permit shall also be required prior to installation.
456 (PLANNING)
457
- 458 38. Developer is required to pay \$75 per linear foot of frontage along State Road 7
459 for landscape and plantings to be consistent with Village of Wellington conceptual.
460 (ENGINEERING)
461
- 462 39. Developer is required to pay \$75 per linear foot of frontage along State Road 7
463 for boardwalk or construct an 8-ft wide sidewalk. (ENGINEERING)
464
- 465 40. The landscaping in street corridor, pathways, non-residential pods, recreation
466 areas, etc., within a this Planned Development District shall exceed the minimum
467 landscape requirements for size, height and canopy spread by 20%, and 75%
468 native species and drought tolerant species. (PLANNING)
469
- 470 41. Additional perimeter trees/palms with additional height required per LDR Sec.
471 6.5.8.C.3.b. for structures over the 35 ft., and shall be required and shall remain
472 in place as long as the structures remains. The additional trees/palms shall be

- 473 shown on the site landscape plans to indicate how this requirement will be met.
474 (PLANNING)
475
- 476 42. Prior to site plan approval, the landscape plans must show adequate compatible
477 landscape buffering between adjacent commercial and residential land uses. The
478 landscape plans shall be approved as a part of the site plan. (PLANNING)
479
- 480 43. The common areas, landscaping, site amenities, etc., within each Pod shall be
481 completed prior to the issuance of the Certificate of Occupancy for the adjacent
482 building. (PLANNING)
483
- 484 44. The State Road 7 median and swale along the project's frontage shall be
485 landscaped and maintained by the Lotis Wellington Master POA. An agreement
486 between Wellington and/or FDOT and the master POA may be required for
487 maintenance of the median/swale areas. (PLANNING)
488
- 489 45. Shade/canopy street trees (min. 16 ft. OA height), pedestrian street lights, and
490 bicycle lanes shall be provided along both sides of roads/streets that are 25-feet
491 wide or greater. The pedestrian street light poles, and regulatory traffic/street
492 signs and poles shall be a decorative design, and the design shall be submitted
493 for ARB approval prior to permitting. The improvements may be required on only
494 one (1) side of the road/street as determined in the development review process.
495 (PLANNING)
496
- 497 46. This project shall be designed with central square/focal point that incorporates:
498
- 499 a. Pedestrian circulation around the buildings with connections to other
500 buildings/uses.
 - 501
 - 502 b. Arcades, overhead weather protection, etc., that connects all ground level
503 activities and provides direct access to any outparcels, sidewalks or other
504 pedestrian amenities including mass transit facilities, bicycle parking areas, etc.
505
 - 506 c. Pedestrian-oriented uses and services on the ground floor with vertical
507 integration of residential and/or non-residential uses on the above-ground
508 floors.
 - 509
 - 510 d. Walkways/sidewalks a minimum of 10-feet wide shall be provided.
 - 511
 - 512 e. Minimum 100 square feet of shaded area with benches every 100 linear feet in
513 length for the pedestrian walkways.
 - 514 f. Main Boulevard with a landscaped median divider. (PLANNING)
515
- 516 47. Prior to site plan approval, provide that five percent (5%) of the parking spaces in
517 Pods A, B, and D are designated for preferred parking for alternative fuel vehicles,
518 car pool vehicles, rideshare service, etc. (PLANNING)
519
- 520 48. The developer shall ensure this project is developed to be consistent with green
521 certification standards found within Florida Green Building Coalition, US Green

522 Building Council Leadership in Energy and Environmental Design (LEED) or other
523 acceptable environmental, and building standards as determined by Wellington's
524 Development Review Manager for the project during the building permit
525 development approval/inspection process. Documentation indicating which green
526 building standards were met shall be provided after the issuance of CO for the
527 buildings. (PLANNING)

528
529 49. All residential buildings without an attached garage shall have reserved parking
530 space for each unit. (PLANNING)

531
532 50. An agreement shall be recorded to provide cross-access and shared-parking with
533 adjacent lot owners of the commercial pods/outparcels within this project as
534 required when the property is submitted for subdivision plat approval. The
535 agreement shall be provided with the Land Development/Plat applications.
536 (PLANNING)

537
538 51. Restaurants and/or other uses with a drive-thru window/lane shall require a
539 Conditional Use specifically approved by Wellington Council. (PLANNING)

540
541 52. Any businesses operating between the hours of 12:00 AM and 6:00 AM shall be
542 located at least 200 feet from any dwelling unit, measured from the closest
543 building points of each affected structure. (PLANNING)

544
545 53. Garbage and recycling pickup, and deliveries shall not occur between the hours
546 of 9:00 PM and 7:00 AM. There shall be no idling of delivery or similar vehicles
547 between the hours of 10:00 PM and 7:00 AM. Overnight storage or parking of
548 delivery vehicles or trucks shall not be permitted on site, except in designated
549 loading and delivery areas. All delivery and loading areas built to accommodate
550 semi-trucks, tractor trailers, moving vans, etc., shall be screened from view.
551 (PLANNING)

552
553 54. Garbage/recyclable collection for Pods C and F shall be provided by staff/valet
554 service from each unit to central compactor, no curbside pick-up or outside
555 storage of bins shall be permitted. Trash/recyclable bins (for units with garage)
556 shall be stored in the garage, and be designated a pick-up area at each unit
557 driveway that's not within the roadway. (PLANNING)

558
559 55. All roof-mounted air conditioning, mechanical equipment, vents, etc., shall be
560 completely screened from view on all sides in a manner consistent with the color,
561 character and architectural style of the principal structure. (PLANNING)

562
563 56. All above ground and wall mounted utility/transformer box, mechanical
564 equipment, valves, etc., shall be located on-site with required screening on a
565 minimum of three (3) sides that provide required screening, while maintaining
566 required three (3) feet clearance and height to meet or exceed equipment being
567 screened. The screen opening shall be away from public view and/or additional
568 shrubs will be required at inspection. The screening shall occur in a manner
569 consistent with the color, character and architectural style of the principal structure
570 and may incorporate landscaping as one element of screening. (PLANNING)

- 571
572 57. The 25' LWDD road easement/ROW shall be abandoned prior to and/or with the
573 plat approval. (PLANNING)
574
575 58. The developer shall take measures to ensure that during site development
576 dust/debris particles from the development do not become a nuisance to the
577 neighboring properties. (PLANNING)
578
579 59. All gates shall be approved for emergency vehicle access with universal remote
580 approved by all emergency agencies, including but not limited to Palm Beach
581 County Fire and the Palm Beach County Sheriff. Additionally, all gate codes and
582 access shall be granted to Wellington for Code Compliance and other emergency
583 purposes.(PLANNING/ENGINEERING)
584
585 60. A mast arm traffic signal shall be installed by the Lotis Wellington developer at
586 the project's main access/entrance on State Road 7 and be operational prior to
587 issuance of the first CO/TCOP for the project. (COUNCIL)
588
589 61. The developer/owner shall install a six (6) foot high black vinyl coated chain link
590 fence per one of the following options:
591
592 a. Along the entire west property line if the vacant property along the north submits
593 for development approval prior to the final CO of Phase 3, and that project is
594 required to install a fence along their west property line.

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

598 **SECTION 2:** The Lotis Wellington Conditional Uses are hereby approved for the
599 property legally described in Exhibit A, subject to the following conditions of approval:
600

- 601 1. One (1) daycare facility for up to 210 children is allowed within Pod D. A minimum
602 of two (2) staff members shall be located in the parking area to facilitate pickup and
603 drop-off during the AM and PM peak hours. A central sign-in/sign out location shall
604 be provided to ensure security. The daycare facility owner and/or operator shall
605 obtain all appropriate federal, state, and local permits/licenses prior to operating the
606 daycare facility.
607
608 2. One (1) Congregate Living Facilities (CLF) Type 3 is allowed within Pod F. The CLF
609 units and beds shall not be converted to multi-family units. The CLF Independent
610 Living Facility (ILF) parking rate is reduced from 2.25 to 1.35 spaces per unit as
611 shown in the approved Parking Analysis by JFO Group, Inc. Exhibit D) dated
612 September 1, 2020. The ILF shall be limited to 104, one (1) bedroom units and 46,
613 two (2) bedroom units, and be age restricted to persons 55 years of age or older. A
614 declaration of restrictions in compliance with the LDR and this approval shall be
615 recorded prior to plat recordation for the CLF pod or within six (6) months of the site
616 plan approval, whichever occurs first. The owner and/or operator shall obtain all

617 appropriate federal, state, and local permits/licenses prior to operating the CLF.
618 (PLANNING)

619
620 **SECTION 3:** This Resolution shall become effective upon approval.

621
622 **PASSED AND ADOPTED** this ____ day of _____, 2022.

623
624
625 **WELLINGTON**

626
627
628 BY: _____
629 Anne Gerwig, Mayor

630
631
632 **ATTEST:**

633
634
635 BY: _____
636 Chevelle Addie, Clerk

637
638
639 **APPROVED AS TO FORM AND**
640 **LEGAL SUFFICIENCY**

641
642
643 BY: _____
644 Laurie Cohen, Village Attorney