

RESOLUTION NO. R2017 – 10

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT (PETITION NUMBER 17 – 09 / 2017 – 05 MPA 6) FOR CERTAIN PROPERTY KNOWN AS WELLINGTON GREEN, LOCATED IN THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; AMENDING THE WELLINGTON GREEN MASTER PLAN TO ALLOW A CONDITIONAL USE HOTEL IN MUPD B AND TO AMEND CERTAIN CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 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, as adopted by Wellington, is authorized and empowered to consider petitions related to development orders for Developments of Regional Impact; and

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

WHEREAS, the subject site is approved on Wellington's Future Land Use Map as Regional Commercial/LSMU; and

WHEREAS, the subject site was approved by Palm Beach County as a Development of Regional Impact (DRI) by Resolution 99-2268 (local conditions) and Resolution 99-2267 (regional conditions); and

WHEREAS, the Wellington Green DRI Development Order was amended and restated in Resolution No's R2000-107, R2000-143, R2001-112, R2002-30, R2004-04, R2005-124, R2005-125, R2005-126, R2008-03, R2008-70, R2011-41 and 2015-31; and

WHEREAS, the request is to amend the Wellington Green Master Plan to allow a Conditional Use for a 125-room hotel in MUPD "B" and amend certain conditions of approval; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on March 8, 2017, recommended approval of the Master Plan Amendment with a 6 – 0 vote; and

WHEREAS, the Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Wellington review agencies and staff; and

WHEREAS, the Council has made the following findings of fact:

1. Development of Regional Impact: The Wellington Green Development of Regional Impact (DRI) sunset December 31, 2016 allowing local review without further requirement for

1 regional planning agency or state planning
2 agency review as regulated by Florida Statutes
3 Chapter 380. The satisfied DRI regional
4 conditions have been deleted and all other
5 regional and local conditions are now combined
6 to be regulated as a local development order.
7

8 2. Environmental Considerations: The proposed amendment will not affect the
9 natural environment and there are no adverse
10 impacts to the natural environment expected to
11 occur as a result of this request.
12

13 3. Surrounding Use Considerations: The proposed amendment will not affect the
14 surrounding uses. This request will not change
15 any of the approved uses and will have no impact
16 upon the project's original determination that it
17 was compatible with surrounding uses. MUPD "B"
18 is surrounded by other MUPD's, PUD's and water
19 management tract.
20

21 4. Utilities: The water, sanitary, sewer, and drainage systems
22 meet code requirements.
23

24 5. Concurrency Considerations: The proposed amendment is in compliance with
25 the approved Wellington Green Development
26 Order vested 4,296 PM peak hour trips and
27 Wellington Traffic Performance Standards.
28

29 6. Comprehensive Plan Considerations: The proposed modifications are consistent with
30 the Wellington Comprehensive Plan.
31

32 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
33 **FLORIDA; that:**
34

35 **SECTION 1:** The Wellington Green Master Plan Amendment (Petition No. 17 – 09 /
36 2017 – 05 MPA 6) to allow a Conditional Use for a 125-room hotel in MUPD "B" and to
37 amend certain conditions of approval for the 466 acre parcel known as Wellington Green,
38 as legally described in Exhibit 1 is hereby approved subject to conditions contained herein,
39 which are in addition to the general requirements otherwise provided by Ordinance. The
40 Development Order, as previously adopted by Resolution No. R2015-31, is hereby
41 amended and restated to read as follows.
42

43 **A. BUILDING AND SITE DESIGN**
44

- 45 1. Development of the site shall be limited to the uses, access, acreage, and site
46 design approved on the Wellington Green Master Plan (Exhibit 2). The final master
47 plan and sign plan consistent with any Council approved changes and conditions of
48 approval imposed by Council shall be submitted to the DRC for final processing. All
49 modifications must be approved by the Village Council unless the proposed
50 changes are required to meet conditions of approval or are allowed by the Village's

1 Land Development Regulations at the time the modification is requested.
2 (ONGOING: ZONING)
3

4 2. Conditions which are not MUPD or PUD specific shall apply to the project.
5

6 3. The subject property shall be limited to a maximum of seven MUPDs and one PUD.
7 (DRC: ZONING)
8

9 4. A restrictive covenant shall record in the public record requiring architectural
10 consistency between all buildings, project identification, and signs in MUPDs A-G
11 and PUD. The covenant shall require the use of prevalent Mediterranean and/or
12 Italian Renaissance architecture, including, but not limited to, such primary
13 architectural elements as pastel-colored stucco, masonry, stone, brick, classical
14 features (columns, arches, medallions, bull's eye windows, wrought iron, decorative
15 tile, etc.), earth-tone-colored tile roof accents, and towers. Natural and sky lighting
16 shall be encouraged. Architectural consistency shall be provided around all sides
17 of all structures. Alternative architecture designs and elements for building
18 elevations may be approved by the Village of Wellington Architectural Review
19 Board. (CONDITION SATISFIED) (ONGOING: ZONING-ARB)
20

21 5. The maximum gross acreage and minimum/maximum gross square feet of floor
22 area for MUPDs A-G and PUD Pod A - C shall be limited as follows:
23

MUPD	ACREAGE	MINIMUM SF	MAXIMUM SF
A	8.67	62,546	103,546
B	29.78*	87,000	163,000
C	23.92	87,000	163,000
D	22.13	80,000	148,000
E	10.30	41,000	75,000
F	35.74*	98,000	221,082
G	110.96	1,310,000	1,432,000
PUD			
Pod A	48.45		
Pod B	26.00		
Pod C	17.75		
Total for MUPD A-G Not to Exceed Leasable Square Footage = 2,159,082			
Total Not To Exceed PM Peak Hour Trips = 4,296			

*Includes 2.0-acre civic parcel. (DRC: ZONING)

24 6. Total combined gross floor area for MUPDs A-G shall not exceed 2,159,082 square
25 feet. This figure includes one of the 125-room hotels allowed by Condition B.1.
26 (ONGOING: ZONING/DRC)
27
28
29

- 1 7. A combined minimum of 22,500 gross square feet of office use shall be provided in
2 MUPDs A-F. Uses considered office shall be devoted exclusively to business,
3 medical, or professional services. Offices accessory to other principal uses shall
4 not satisfy this requirement. (ONGOING: ZONING/DRC)
5
6 8. The maximum gross acreage, maximum gross leasable area, and maximum square
7 feet of gross floor area for MUPD G (regional mall) shall be limited as follows:
8 (ONGOING: ZONING/DRC)
9

MUPD	ACREAGE +/-	LEASABLE SF	GROSS SF
G	110.96	1,431,667	1,762,667

- 10
11 9. All areas or receptacles for the storage and disposal of trash, garbage, recyclable
12 material, or vegetation, such as dumpsters and trash compactors, shall be
13 screened from view and confined to the areas designated on the certified site plan.
14 (ONGOING: ZONING/DRC/CODE ENF)
15
16 10. All roof-mounted air conditioning and mechanical equipment shall be screened
17 from view on all sides in a manner consistent with the color, character, and
18 architectural style of the principal structure. (ONGOING: ZONING/DRC/BLDG)
19
20 11. All other air conditioning and mechanical equipment shall be screened from view
21 on all sides by a visually opaque barrier consistent with the color, character, and
22 architectural style of the principal structure or equivalent landscape material.
23 (ONGOING: ZONING/DRC/BLDG)
24
25 12. Exterior materials and building surfaces visible to the public shall be high-quality
26 materials and finishes, which exclude smooth-faced concrete block, tilt-up concrete
27 panels, or prefabricated steel panels with architectural features. Exposed neon
28 light tubes on the exterior of buildings shall be prohibited. (ONGOING:
29 ZONING/DRC/BLDG)
30
31 13. Buildings in MUPDs A-F shall not exceed 35 feet in height, including mechanical
32 equipment, measured from finished grade to the highest point, excluding
33 unoccupied architectural features. The petitioner may seek relief from this height
34 requirement to exclude air conditioning and mechanical equipment from this height
35 requirement. The two (2) permitted hotels, and the buildings in the PUD and MUPD
36 G, shall not exceed 72 feet in height. Hotels shall be limited to a maximum of five
37 (5) stories. (ONGOING: ZONING/DRC/BLDG)
38
39 14. All uses shall be as authorized under the property's respective Multiple Use
40 Planned Development (MUPD) / Planned Unit Development (PUD) zoning
41 designations and Community Commercial land use designation as designated in
42 Wellington's LDR Use Regulations Table 6.8-2.; except that within MUPDs A-F no
43 Big Box Warehouse Retail, "freestanding" fast-food restaurants, auto sales, or
44 convenience stores, with or without gas sales, shall be permitted. For purposes of
45 this development order, Big Box Warehouse Retail shall be defined as a single
46 user, single-story building greater than 75,000 square feet in total floor area.
47 Please note that non-freestanding fast-food restaurants are permitted within MUPD

1 B. (ONGOING: ZONING/DRC/BLDG)

- 2
- 3 15. There shall be no uninterrupted length of any facade in excess of 100 feet in any
- 4 building located in MUPDs A-D. Facades greater than 100 feet in length must
- 5 incorporate recesses and projections along the length of the facade to create
- 6 horizontal relief in the facade. Such features as, but not limited to, windows,
- 7 awnings, and arcades must be incorporated along the facade length facing any
- 8 public street or entrance drive connecting to any public street to create a pedestrian
- 9 scale and a clear and identifiable entrance. (ONGOING:
- 10 ZONING/DRC/BLDG/ARB)
- 11
- 12 16. In MUPDs A-D, roofs must have at least two of the following features: parapets
- 13 concealing flat roofs and equipment, overhanging eaves, sloped roofs, and/or three
- 14 or more roof surfaces. Alternative architectural features may be permitted that
- 15 meet or exceed the intent of this local condition as determined by the Village of
- 16 Wellington Architectural Review Board. (ONGOING: ZONING/DRC/BLDG/ARB)
- 17
- 18 17. In MUPDs A-D, all customer entrances shall be highly visible with features such as
- 19 but not limited to canopies, porticos, arches, or arcades. (ONGOING:
- 20 ZONING/DRC/BLDG/ARB)
- 21
- 22 18. No freestanding buildings under 10,000 square feet of gross floor area shall be
- 23 permitted in MUPD G. (ONGOING: ZONING/DRC/BLDG)
- 24
- 25 19. The project is subject to the Village's "Big Box" development and design standards as
- 26 provided in Sec. 6.5.19 of the Land Development Regulations. (ONGOING:
- 27 ZONING/DRC/BLDG)
- 28

29 B. CONDITIONAL USES

- 30
- 31 1. The maximum number, location, and maximum gross square feet of floor area or
- 32 rooms for each approved conditional use shall be limited as follows:
- 33

APPROVED USE	CONDITIONAL	MAX NO.	MUPD LOCATION	MAX SF / ROOMS BY MUPD ¹	MAX COMBINED SF / ROOMS ²
Building supplies, retail		5	F	150,000 in F	150,000
Convenience store with gas sales / auto service station /car wash & auto detailing		1	F	5,000 in F	5,000
Day care, general ³		3	A,B,C,F	30,000 in A; 15,000 in B,C; 25,000 in F	40,000
Entertainment, Indoor		8	A,B,C,F	30,000 in A,B; 60,000 in C; 150,000 in F	150,000

APPROVED USE	CONDITIONAL	MAX NO.	MUPD LOCATION	MAX SF / ROOMS BY MUPD ¹	MAX COMBINED SF / ROOMS ²
Entertainment, Outdoor ⁴		4	A,F	10,000 in A; 50,000 in F;	50,000
Financial Institution ⁵		10	ALL	10,000 in A,E; 30,000 in B,C; 20,000 in D,F	100,000
Hotel		2	A,B,C,F	125 rooms in A,B,C,F	250 rooms
Restaurant, fast food		5	B,F	6,000 in B; 14,000 in	14,000
Theater, indoor		3	C,F,G	40,000 in C; 120,000 in F; 45,000 in G	120,000

¹ Maximum gross square feet of floor area per conditional use permitted in each MUPD.

² Maximum combined gross square feet of floor area of use permitted (total).

³ Combined enrollment limited to a maximum of 600 children total.

⁴ 18 acres (gross) maximum.

⁵ Limitation applies to financial institutions over 10,000 square feet or with more than 3 drive-up teller windows only.
(DRC: ZONING)

2. Conditional uses may be co-located on a single and/or combined out parcel if an acceptable traffic equivalency analysis and transfer of square footage is approved by the Village Engineer and the DRC. (DRC: ZONING / ENG)
3. Convenience Store with Gas Sales/Auto Service Station/Car Wash & Auto Detailing:
 - a. A maximum of one convenience store with gas sales, auto service station, car wash & auto detailing facility, or combination, limited to a maximum of 5,000 square feet of gross floor area, shall be permitted in MUPD F only. The square footage of the convenience store will be limited as per the ULDC. The remaining square footage will be utilized for a car wash and/or other appropriate ancillary uses. (DRC: ZONING)
 - b. Automated car-wash facilities shall utilize a 100% water-recycling system. (BLDG PERMIT: BLDG)
 - c. Outdoor repair shall not be permitted. Vehicle/trailer rental shall not be permitted. (ONGOING: CODE ENF)
 - d. Outdoor storage or display of disassembled vehicles, parts, inventory, or merchandise shall not be permitted. (ONGOING: CODE ENF)
 - e. Prior to site plan certification, the site plan shall be amended to indicate facilities

for the provision of air and water for minor vehicle maintenance. Air and water for minor vehicle maintenance shall be provided to the public at no charge. (DRC / ONGOING: ZONING / CODE ENF)

4. Day Care: A maximum of three general day care centers shall be permitted, limited to a combined total of 40,000 gross square feet of floor area and 600 children. The day care centers shall be permitted in MUPDs A, B, C, or F only. (DRC: ZONING)
5. Entertainment, Outdoor
 - a. A maximum of 18 gross acres of private outdoor entertainment area, including water bodies and all required parking if part of the outdoor entertainment use, shall receive site plan approval by the Development Review Committee. (DRC: ZONING)
 - b. Motorized carts, motorized rides, boats, or other similar outdoor entertainment uses requiring riding motorized equipment or vehicles shall be prohibited. (ONGOING: CODE ENF)
6. Hotel:
 - a. A maximum of two (2) hotels, not exceeding a total of 250 rooms, shall be permitted. The two (2) hotels may be permitted in MUPD A, B, C, or F only.
 - b. There shall be no full kitchen within the hotel rooms.
 - c. The operational functions of each hotel shall be contained within the hotel building and all hotel rooms shall be accessed from interior corridors only.
 - d. There shall be no individual parking spaces assigned to individual hotel rooms.
 - e. Accessory uses may include, but not be limited to, a restaurant, cocktail lounge, meeting rooms, or conference center open to the public. Total floor area of the accessory uses shall not exceed 15% of the gross floor area of the hotel. (DRC: ZONING)
 - f. Each hotel and its accessory uses shall be located within the same property. (DRC: ZONING)
 - g. An amended interlocal agreement shall be executed and recorded in the public record prior to the developer acquiring the Park-n-Ride lot. The developer of the hotel permitted in MUPD B shall acquire the adjacent Park-n-Ride lot prior to issuance of a land development permit or building permit for the hotel. A re-plot to combine the Park-n-Ride facility and hotel site is required prior to issuance of permits.
 - h. Development Review Committee (DRC) shall consider comments and concerns presented by the Planning, Zoning and Adjustment Board (PZAB) at the March 8, 2017 meeting on pedestrian circulation when reviewing the site plan for the proposed hotel within MUPD "B."
7. Theater, Indoor: Movie Theater is limited to a maximum of 24 screens and 6,000 seats.

Traffic generation is based on the number of screens but may be converted to square feet using an equivalency ratio approved by the Village Engineer.

C. CROSS ACCESS

1. Cross access required to promote inter-connectivity with the parcels to the south. A minimum of three total access points shall be provided to these parcels (Castellina PUD and Village Green).
2. The petitioner shall provide a recorded easement for vehicular/pedestrian access to the adjacent southern projects (Castellina PUD and Village Green) as determined by the Director of Engineering Services. Access shall be consistent with the existing improvements constructed within MUPD F.

D. CIVIC SITE

1. The developer shall dedicate a net 2.0-acre civic site in the location indicated on the Wellington Green Master Plan to Wellington and shall have satisfied each of the following conditions prior to deed conveyance:
 - a. Developer shall provide all detention required for any future development of the proposed civic site by Wellington. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the developer's water detention basins.
 - 2) An easement across developer's property from the proposed civic site to the detention basins, if required.
 - 3) Drainage conveyance system connection shall be provided to the property line by the property owner.
2. Should Wellington decide to sell or transfer the proposed civic site for a nonpublic use, it will first offer the property to the developer at current market price before placing it on the general market. Should Wellington receive an acceptable bona-fide offer for the purchase of the property for a nonpublic use, the developer shall have a right of first refusal to match said offer.
3. Should Wellington decide not to use the proposed civic site as a Fire-Rescue station, the following alternative public uses shall be prohibited: incinerator, landfill, hazardous waste disposal, hazardous material storage, recycling center, transfer station, or any other noxious refuse related use. (DATE: MONITORING – PREM. NOTE - APPLICANT REQUIREMENTS COMPLETED)

E. PARKING/STORAGE

1. All delivery and/or loading areas built to accommodate semi-trucks, tractor trailers, moving vans, etc., or consisting of two or more loading spaces, shall be screened from view by a 12-foot high wing wall, or eight-foot wing wall if the loading area is

depressed, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character, and architectural style of the principal structure. (BLDG PERMIT: BLDG - ZONING)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except in designated loading and delivery areas. (ONGOING: CODE ENF)
3. Prior to certification of each site plan in MUPDs A-F by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas, where appropriate. (DRC: ZONING)
4. Open storage or display of any material, refuse, equipment, inventory, merchandise, debris or other similar retail products shall not be permitted. (ONGOING: CODE ENF)
5. A shared parking study shall not be used to reduce the required parking for restaurants in MUPDs A-F. (DRC: ZONING)

F. SCHOOL BOARD

1. The petitioner shall post, in a clear and visible location in all sales/rental offices and model homes, a sign provided by the School Board of Palm Beach County which indicates that school-age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

G. SIGNS

Wall signs shall be regulated by Wellington's LDR except as conditioned herein. The directional, median, project identification and monument type signs shall be consistent with the approved Wellington Green Master Sign Plan (Exhibit 3). Amendments shall be in accordance with Wellington's LDR.

1. Temporary balloon signs shall not be permitted. (ONGOING: ZONING)
2. Electronic message signs shall not be permitted. (BLDG PERMIT: BLDG - ZONING)
3. Flags, other than federal, state, or local government emblems, shall not be permitted. Flagpoles shall be limited to a maximum height of 35 feet, measured from finished grade to highest point. A maximum of three flagpoles shall be permitted in each planned development. (BLDG PERMIT/ONGOING: BLDG/CODE ENF)

H. HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment, approved by the Florida Department of Environmental Protection (FDEP) and the Agency responsible for sewage works, is used by project tenants or owners generating such effluent. (ONGOING: ENG)

1 **I. MASS TRANSIT**

- 2
- 3 1. Prior to certification of the preliminary development plan by the Development
- 4 Review Committee, the petitioner shall amend the plan to indicate bus access
- 5 and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus
- 6 stops shall be located and constructed by the petitioner in a manner acceptable to
- 7 the Palm Beach County School Board, Palm Tran, and Village Engineer. The
- 8 petitioner shall dedicate additional rights-of-way to accommodate this requirement,
- 9 if requested by the Village Engineer. Bus stops shall include, at a minimum, a
- 10 covered shelter, continuous paved pedestrian and bicycle access from the bus stop
- 11 to the use(s) it is intended to serve, and bicycle rack. (CONDITION SATISFIED)
- 12
- 13 2. The developer shall consult with Palm Tran and agree to fund any necessary
- 14 improvements to accommodate Palm Tran facility within MUPD G with
- 15 specifications for the following:
- 16
- 17 a. Five convenient bus pull-outs to the mall and residential development.
- 18
- 19 b. Covered shelter(s) for a minimum of 40 people.
- 20
- 21 a. Easy access for buses along the ring access drive on the interior of the site.
- 22 (CONDITION SATISFIED)
- 23
- 24 3. Printed and electronic advertising for the regional mall, where practical, shall
- 25 contain information that mass transit service to the site is available. (ONGOING:
- 26 PALM TRAN)
- 27

28 **J. PUD**

- 29
- 30 1. The PUD shall be limited to a maximum of 225 gross acres. (DRC: ZONING)
- 31
- 32 2. The CLF shall be limited to a maximum of 630 CLF units subject to the provisions of
- 33 Local Condition A. 5. (Note: the retail square footage in MUPD A as shown in Local
- 34 Condition A. 5 was decreased to accommodate the additional 115 CLF units)
- 35 (DRC: ZONING)
- 36
- 37 3. The CLF units shall not be converted to multifamily or other housing types in
- 38 accordance with the LDR. (DRC: ZONING)
- 39
- 40 4. The multifamily portion of the PUD shall be limited to a maximum of 673 units. The
- 41 multifamily units may be converted to other housing types in accordance with the
- 42 Land Development Regulations (LDR), upon approval by the Village Council.
- 43 (DRC: ZONING)
- 44
- 45 5. Streetlights internal to the PUD shall be provided pursuant to LDR, subject to
- 46 approval by the Village Engineer. (CO: BLDG - ENG)
- 47
- 48 6. Street trees internal to the PUD shall be planted in or adjacent to all rights-of-way,
- 49 pursuant to LDR, subject to approval by the Village Engineer. (CO: LANDSCAPE -
- 50 ENG)

7. A clearly delineated and distinct continuous bike path or bike lane, which may be constructed as part of the vehicular use area internal to the PUD, shall provide bike access to all mass transit stops, school bus pick up locations, and MUPD G. (DRC: ZONING)
8. All property included in the legal description of the PUD shall be subject to a Declaration of Restrictions and Covenants acceptable to the Village Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the Village Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (CONDITION SATISFIED)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded, and directed away from adjacent properties and streets. (BLDG PERMIT/ONGOING: BLDG / CODE ENF - ZONING)
2. All outdoor lighting fixtures in MUPDs A-F and the Residential PUD shall not exceed 30) feet in height, measured from finished grade to highest point. (CO: BLDG - ZONING)
3. All outdoor lighting fixtures in MUPD G shall not exceed 50 feet in height, measured from finished grade to highest point.

L. LANDSCAPING

1. All trees required to be planted on the subject property by conditions of approval, except as required within the upland preserve and wetland areas, shall meet the following minimum standards at installation:
 - a. Tree height: 14 feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: 7 feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - ZONING)
2. All palms required to be planted on the subject property by conditions of approval, except as required within the upland preserve and wetland areas, shall meet the following minimum standards at time of installation:
 - a. Height: 10 feet gray wood or clear trunk, whichever is greater.
 - b. Clustered palms: staggered heights 10 to 12 feet.
 - c. Pruning: minimum 6 fronds. (CO: LANDSCAPE - ZONING)

- 1
2 3. All landscape requirements contained herein may be altered by the Development
3 Review Committee upon approval of an Alternative Landscape Betterment Plan
4 (ALBP) except as follows: the ALBP shall maintain the tree and palm standards
5 above (Conditions 1 and 2); the interior landscaping requirements below
6 (Conditions 1 through 6); the minimum width of the north and east perimeter
7 buffers; the minimum number of trees, palms, and shrubs required in the north and
8 east perimeter buffers; all required berms, and all supplemental material required in
9 preserve areas. (DRC: ZONING)

10
11 **Landscape within R.O.W. Median:**

- 12
13 4. The developer shall landscape all adjacent median(s) of all abutting rights-of-way,
14 consist of the "High Cost Planting Concept" outlined in the Palm Beach County
15 Engineering and Public Works Department March 1994 Streetscape Standards and
16 shall be consistent with the landscaping theme adopted for this roadway as
17 mutually agreed upon by the developer and the Village of Wellington.
18
19 5. All landscape material, installation, and maintenance requirements shall be subject
20 to the standards set forth by the Streetscape Standards. If all Xeriscape material is
21 utilized, the watering of the plant material during the initial heal-in period shall be
22 the responsibility of the property owner. Alternative species other than those listed
23 in the County standards may be allowed subject to approval by the County
24 Engineer. (CONDITION SATISFIED)
25
26 6. All required landscaping, including an irrigation system if required, shall be installed
27 at the property owner's expense. All landscape material shall be the perpetual
28 maintenance obligation of the petitioner and its successors, heirs or assignees, or
29 duly established Property Owner's Association and/or Homeowners' Association.
30 Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation,
31 and alternate watering of Xeriscape material during periods of drought in order to
32 maintain healthy plant material. (ONGOING: ENG)
33
34 7. A Declaration of Covenants and Restriction Document shall be established prior to
35 issuance of the first Certificate of Occupancy to reflect this obligation. (CONDITION
36 SATISFIED)
37

38 **Landscaping – Interior:**

- 39
40 8. A minimum of one interior landscape island shall be provided for every 10 parking
41 spaces in MUPDs A-F and the Residential PUD. The maximum spacing between
42 landscape islands shall not exceed 120 linear feet. (DRC: ZONING)
43
44 9. A minimum of one interior grade level planting area (i.e. diamond), with a minimum
45 planting area of 20 square feet and one tree/palm and appropriate ground cover,
46 shall alternate with one interior landscape island for every 10 parking spaces in
47 MUPD G. The maximum spacing between diamonds/landscape islands shall not
48 exceed 120 linear feet. Interior landscape islands may be used in place of required
49 diamonds. This requirement shall not apply to rows of abutting parking separated
50 by a landscaped divider median. (CONDITION SATISFIED)

10. All rows of parking shall end with a landscaped island. (DRC: ZONING)

11. Landscaped divider medians, with at grade bicycle and pedestrian cuts as appropriate, shall be provided in the center of all driveways over 30 feet in width providing ingress or egress to each MUPD or the PUD. The minimum length of this median shall be 25 feet. The minimum width of this median shall be six feet. A minimum width of five feet of landscaped area shall be provided. One tree or palm and appropriate ground cover shall be planted for each 20 linear feet of the divider median. (CO: LANDSCAPE - ZONING)

12. Landscape planter areas shall be provided along the front and side facades of all structures. The minimum width of required landscape planter areas shall be five feet. The combined length of the required landscape planter areas shall be no less than 40% of the total length of the applicable side of the structure. All required landscape planter areas shall be planted with a minimum of one tree or palm every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE - ZONING)

13. All required buffers internal to the project shall be supplemented with one palm or pine tree for each 30 linear feet of the buffer. (CO: LANDSCAPE - ZONING)

Landscaping along Forest Hill Boulevard and SR 7/Us 441:

14. Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. A minimum 25-foot wide landscape buffer strip.
- b. An undulating berm having an average height of three feet.
- c. One canopy tree for each 20 linear feet of frontage, planted a maximum of 60 feet on center.
- d. One palm or pine tree for each 20 linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree.
- e. One 24-inch high shrub, or equivalent ground cover approved by the Planning, Zoning and Building Department, for each four linear feet, to be planted on top of the required berm and maintained at a minimum height of 36 inches. (CO: LANDSCAPE - ZONING)

15. A landscaped buffer along the north and east property lines shall not be required adjacent to preserve areas designated on the PDP. (CO: LANDSCAPE - ZONING)

Landscaping along South and West Property Lines:

16. Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. A minimum ten-foot wide landscape buffer strip.
- b. One canopy tree planted every 30 feet on center.
- c. One palm or pine tree for each 30 linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree.
- d. Twenty-four inch high shrub or hedge material spaced no more than 24 inches on center at installation to be maintained at a minimum height of 36 inches. (CO: LANDSCAPE - ZONING)

1
2 **M. PRESERVE AND WETLAND**
3

- 4 1. The developer shall establish a 1.1-acre preserve to accommodate the hand fern
5 (*Ophioglossum palmatum*) population on the developed site. (CONDITION
6 SATISFIED)
7
8 2. The developer shall prepare a management plan for the preserve required by
9 Condition 2 which shall ensure, to the maximum extent practicable, the continued
10 fiscal and physical protection of the preservation area from adverse impacts of
11 development. At a minimum, the plan shall identify methods to maintain suitable
12 habitat conditions for the hand fern and other listed species that exist in the
13 preserve.
14
15 3. The developer shall preserve and enhance 23 acres of wetland habitat as identified
16 and described in pages 13-6 and 13-14 of the ADA. (CONDITION SATISFIED)
17
18 4. The developer shall maintain a buffer zone of native upland edge vegetation around
19 preserved wetlands on site. These shall be in accordance with the following
20 provisions. The buffer zone shall include canopy, understory, and ground cover of
21 native species only. The edge habitat shall begin at the upland limit of the wetland
22 habitat. It shall include a total area of at least ten square feet per linear foot of
23 wetland habitat
24
25 5. The developer shall implement a wetland mitigation plan for the wetland preserve
26 areas which will address supplementing the wetland preserve areas, as needed,
27 with suitably-sized wetland species to:
28
29 a. Eliminate any open areas resulting from the removal of Melaleuca, Brazilian
30 Pepper, or other undesirable, invasive species; or
31 b. b. Ensure compliance with the percent cover and/or canopy closure
32 requirements of the Master Wetland Preservation and Deep Water Habitat Plan
33 required under Regional Development Order Condition 31B.
34 This condition shall not apply to the 1.1-acre upland hand fern preserve area.
35 (CONDITION SATISFIED)
36

37 **N. UTILITIES**
38

- 39 1. The project shall utilize ultra-low volume water use plumbing fixtures and where
40 appropriate, self-closing and/or metered water faucets. The project shall also use
41 other water conserving devices and/or methods. These devices and methods shall
42 meet the criteria outlined in the water conservation plan of the public water supply
43 permit issued to ACME by the SFWMD.
44
45 2. At a minimum, water quality treatment equivalent to detention of the first inch of run-
46 off from the three-year, one-hour storm event shall be provided prior to discharge
47 from the site.
48

1 **O. ENGINEERING / TRAFFIC**

- 2
- 3 1. The project consists of retail uses as well as residential, office, and hotel uses. The
- 4 roadway improvements are required when the project will generate certain amounts
- 5 of external traffic. For monitoring purposes, the external traffic has been converted
- 6 to square feet of gross leasable area of retail space. Additionally, the mall contains
- 7 building area which is not included in the gross leasable floor area. The developer,
- 8 therefore, shall submit a trip generation analysis prior to requesting site-plan
- 9 approval for any other use than retail, showing an equivalent amount of gross
- 10 leasable retail space based on external traffic. The trip generation analysis shall be
- 11 based on the Phase 1 and Phase 2 trip-generation rates utilized in the DRI traffic
- 12 analysis, Tables 21-C-5 and 21-C-6 of the ADA, dated 12/4/95. The trip-generation
- 13 analysis shall be approved by the Village Engineer prior to site-plan certification by
- 14 the DRC. (DRC: ENG)
- 15
- 16 2. A public facilities agreement, dated August 26, 1996, and amended April 15, 1997,
- 17 and December 7, 1999, and June 4, 2002, and December 21, 2004 has been
- 18 entered into by Palm Beach County and the developer. When the conditions
- 19 conflict between the development order and the public facilities agreement, the
- 20 more restrictive condition shall control. (ONGOING: ENG)
- 21
- 22 3. As a minimum, the developer shall pay a fair share contribution consistent with the
- 23 road impact fee ordinance of Palm Beach County and/or the Village of Wellington,
- 24 as applicable. The contribution shall be made according to the fee schedule(s) in
- 25 effect at the time building permits are issued. Chapter 380, Florida Statutes, also
- 26 requires that any Development Order exaction or fee required shall be credited
- 27 toward an impact fee or exaction imposed by local ordinances for the same need.
- 28 Any exaction receiving credit for impact fees must be in accordance with
- 29 agreements between the developer and Palm Beach County and between the
- 30 developer and the Village of Wellington, provided that there shall be no duplication
- 31 of the exactions. (BLDG PERMIT: IMPACT FEE COORD)
- 32
- 33 4. Notwithstanding conditions requiring surety for traffic improvements, the Village
- 34 shall issue building permits and certificates of occupancy, as applicable, for 100%
- 35 of the interior tenant space within the building GLA for which permits have
- 36 previously been issued, whenever certificates of occupancy for interior tenant space
- 37 have already been issued for at least 80% of the building GLA for which permits
- 38 have previously been issued. (ONGOING: ENG)
- 39
- 40 5. No more than one signalized intersection and one full median opening designed in
- 41 accordance with FDOT standards shall be allowed along SR 7 to provide access to
- 42 the Forest Hill/SR 7 DRI, unless otherwise approved by the FDOT and Village of
- 43 Wellington. (DRC: ENG)
- 44
- 45 6. No more than two signalized and three full median openings designed in
- 46 accordance with Palm Beach County standards shall be allowed along Forest Hill
- 47 Boulevard to provide access to the Forest Hill/SR 7 DRI, unless otherwise approved
- 48 by Palm Beach County and the Village of Wellington. (DRC: ENG)
- 49

7. There shall be a minimum of 81 PM peak hour trips allocated to the congregate living facility site. Those 81 re-allocated trips shall not be allocated to any other use without prior review and approval by the Village Council.
8. Day care centers shall not be permitted in MUPD D, and retail or restaurants in MUPD D shall not be open during the morning peak hours.
9. All utilities shall be underground. (ONGOING: ENG)

P. PLANNING

1. The underlying land uses for the LS/MU designation for the subject property shall be follows: (DRC: PLANNING)

PROPOSED LAND USES AND INTENSITIES

LAND USE	MINIMUM ACREAGE	MAXIMUM ACREAGE
Community Commercial (CC)	185	250
Residential High (HR8)	10	50
Residential Medium (MR5)	35	60
Wetland/Buffer	23	N/A
Lakes/Drainage Control	132	N/A

2. The conversion of up to 50% of any approved land use to another approved land use is permitted. Land use conversions shall be based on PM peak hour trips and shall not exceed the total 4,296 PM peak hour trips allocated for the project in accordance with the following table of land use equivalencies.

1 PHASE I CONVERSION FACTORS BASED ON GREATEST RELATIVE IMPACT

To (b)	SF Residential Unit	MF Residential Unit	ACLF Unit	1000 SF Retail	1000 SF Office	Hotel Room	Park Acres	Medical Office
From (a)								
1 SF Residential Unit	1.00	1.20	1.20	0.28	0.24	1.30	0.90	0.25
1 MF Residential Unit	0.26	1.00	1.00	0.07	0.10	0.78	0.32	0.10
1 ACLK Unit	0.18	0.29	1.00	0.06	0.04	0.23	0.16	0.04
1000 SF Retail	0.33	0.40	0.40	1.00	0.50	0.67	1.00	0.50
1000 SF Office	0.67	0.80	0.80	0.77	1.00	1.33	2.00	1.07
1 Hotel Room	0.30	0.60	0.60	0.09	0.07	1.00	0.36	0.07
1 Acre Park	0.33	0.40	0.40	0.24	0.26	0.67	1.00	0.28
1,000 SF Medical Office	0.67	0.80	0.80	0.77	0.94	1.33	2.00	1.00

2

3 PHASE 2 CONVERSION FACTORS BASED ON GREATEST RELATIVE IMPACT

To (b)	SF Residential Unit	MF Residential Unit	ACLF Unit	1000 SF Retail	1000 SF Office	Hotel Room	Park Acres	Medical Office
From (a)								
1 SF Residential Unit	1.00	1.20	1.20	0.28	0.23	1.27	0.88	0.25
1 MF Residential Unit	0.26	1.00	1.00	0.07	0.10	0.76	0.32	0.10
1 ACLK Unit	0.18	0.29	1.00	0.07	0.04	0.22	0.16	0.04
1000 SF Retail	0.33	0.40	0.40	1.00	0.50	0.67	1.00	0.50
1000 SF Office	0.67	0.80	0.80	0.77	1.00	1.33	2.00	1.06
1 Hotel Room	0.30	0.60	0.60	0.09	0.07	1.00	0.36	0.07
1 Acre Park	0.83	0.40	0.40	0.24	0.26	0.67	1.00	0.28
1,000 SF Medical Office	0.67	0.80	0.80	0.77	0.94	1.33	2.00	1.00

4

1 **Q. UNITY OF CONTROL / COVENANT**

- 2
- 3 1. The developer shall record in the public record a unity of control for the entire subject
- 4 property. The unity shall be recorded in a form and manner acceptable to the County
- 5 Attorney. The unity shall not be removed, altered, changed, or amended without
- 6 written approval from the Zoning Director. (CONDITION SATISFIED)
- 7
- 8 2. The developer shall record a covenant in the public record indicating that all structures,
- 9 uses, and parking areas within each MUPD and the PUD are part of a single unified
- 10 planned development, regardless of ownership. The covenant shall be recorded in the
- 11 public record in a manner and form acceptable to the County Attorney. The covenant
- 12 shall not be removed, altered, changed, or amended without written approval from the
- 13 County Attorney. (CONDITION SATISFIED)
- 14

15 **R. COMPLIANCE**

- 16
- 17 1. Failure to comply with any of the conditions of approval for the subject property at any
- 18 time may result in:
- 19 a. The issuance of a stop work order; the issuance of a cease and desist order; the
- 20 denial or revocation of a building permit; the denial or revocation of a Certificate of
- 21 Occupancy; the denial of any other permit, license, or approval to any developer,
- 22 owner, lessee, or user of the subject property; the revocation of any other permit,
- 23 license, or approval from any developer, owner, lessee, or user of the subject
- 24 property; revocation of any concurrency; and/or
- 25
- 26 b. The revocation of the Official Map Amendment, Conditional Use, Requested Use,
- 27 Development Order Amendment, and/or any other zoning approval; and/or
- 28
- 29 c. A requirement of the development to conform with the standards of the ULDC at the
- 30 time of the finding of non-compliance, or the addition or modification of conditions
- 31 reasonably related to the failure to comply with existing conditions; and/or
- 32
- 33 d. Referral to code enforcement; and/or
- 34
- 35 e. Imposition of entitlement density or intensity.
- 36
- 37 2. Staff may be directed by the Director of Community Services, Community Development
- 38 Director or the Village of Wellington Special Master to schedule a Status Report before
- 39 the body which approved the Official Zoning Map Amendment, Conditional Use,
- 40 Requested Use, Development Order Amendment, and/or other zoning approval, in
- 41 accordance with the provisions of Section 5.8 of the Land Development Regulations
- 42 (LDR), in response to any flagrant violation and/or continued violation of any condition
- 43 of approval.
- 44
- 45 3. Appeals of any departmental administrative actions hereunder may be taken to the
- 46 Village of Wellington Board of Adjustment or as otherwise provided in the LDR, as
- 47 amended. Appeals of any revocation of an Official Zoning Map Amendment,
- 48 Conditional Use, Requested Use, Development Order Amendment, or other actions
- 49 based on a Village of Wellington Council decision shall be by petition for writ of
- 50 certiorari to the Fifteenth Judicial Circuit. (MONITORING)

1 4. In granting this approval, the Village Council relied upon the oral and written
2 representations of the petitioner both on the record and as part of the application
3 process. Deviations from or violation of these representations shall cause the approval
4 to be presented to the Village Council for review under the compliance condition of this
5 approval. (ONGOING: MONITORING - ZONING)
6

7 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
8 Resolution conflict with any section, paragraph, clause or phrase of any prior Wellington
9 Ordinance, Resolution, Or Municipal Code provision, then in that event the provisions of
10 this Resolution shall prevail to the extent of such conflict.
11

12 **SECTION 3:** Should any section paragraph, sentence, clause, or phrase of this
13 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
14 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
15 other than the part to be declared invalid.
16

17 **SECTION 4:** This Resolution shall become effective immediately upon adoption.
18

19 (Remainder of page intentionally left blank)

1 PASSED AND ADOPTED this 28th day of March, 2017.

2
3 ATTEST:

WELLINGTON, FLORIDA

4
5 BY: Chevelle D. Nubin
6 Chevelle D. Nubin, Clerk

BY: Anne Gerwig
Anne Gerwig, Mayor

7
8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10
11
12 BY: Laurie Cohen
13 Laurie Cohen, Village Attorney
14