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RESOLUTION NO. R2023-62

A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, FOR A MASTER PLAN [PETITION NUMBER 2022-0001-MP] AND CONDITIONAL USE [PETITION NUMBER 2022-0002-CU] FOR CERTAIN PROPERTY, KNOWN AS LOTIS WELLINGTON 2, TOTALING 52.44 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 A MASTER PLAN TO ALLOW A MIXED-USE PROJECT CONSISTING OF INDOOR/OUTDOOR ENTERTAINMENT WITH 36-HOLE MINIATURE GOLF AND 8,000 SQUARE FEET OF RESTAURANT, EVENT SPACE AND RETAIL, 1,030 SQUARE FEET GENERAL OFFICE, A 18,000 SQUARE FEET DAYCARE FACILITY FOR UP TO 210 CHILDREN, 72 MULTI-FAMILY RESIDENTIAL DWELLING UNITS, 100 SINGLE-FAMILY RESIDENTIAL DWELLING UNITS, 4.24-ACRE DEDICATED CONSERVATION AREA WITH RECREATION AREA, AND 13.21-ACRE OPEN SPACE AND RECREATION AREAS INCLUSIVE OF A LAKE AND GREENWAY WITH A MULTI-USE PATHWAY OPEN TO THE PUBLIC FOR PUBLIC RECREATION LAND DEDICATION; APPROVING A CONDITIONAL USE FOR INDOOR/OUTDOOR ENTERTAINMENT MINIATURE GOLF, AND GENERAL DAYCARE FACILITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington’s 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 52.44-acre project known as Lotis Wellington 2 is Mixed Use (MU); and

WHEREAS, the current Wellington Zoning Map designation for the 52.44-acre project known as Lotis Wellington 2 is Multiple Use Planned Development (MUPD); and

WHEREAS, the Lotis Wellington 2 Master Plan and Conditional Uses were reviewed and certified by the Development Review Manager; and

41 **WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local
42 Planning Agency, after notice and public hearing on November 8, 2023, recommended
43 _____ of the Lotis Wellington 2 Master Plan and Conditional Uses with a __ to __ vote; and
44

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

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

- 52 1. The Master Plan and Conditional Use request is consistent with the
53 Comprehensive Plan;
- 54 2. The subject request is consistent with the stated purposes and intent of the
55 Land Development Regulations;
- 56 3. The subject request is consistent with the surrounding land uses and zoning
57 districts;
- 58 4. Approval of subject request would result in a logical and orderly development
59 pattern; and
60 5. The subject request is consistent with the applicable Multiple Use Planned
61 Development (MUPD) regulations.
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67 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
68 **FLORIDA, THAT:**
69

70 **SECTION 1.** The Lotis Wellington 2 (Lotis 2) Master Plan is hereby approved for the
71 property legally described in Exhibit A, subject to the following conditions of approval:
72

- 73 1. The subject site shall be governed by the conditions of approval within this
74 resolution. (PLANNING)
75
- 76 2. Development of the site shall be limited to the uses, access, acreage, site design, site
77 amenities, public and private recreation areas and amenities, and landscape buffers
78 approved on the Master Plan, Regulating Plan, Circulation Plan, and Phasing Plan
79 (Exhibit B). The final plans consistent with any Wellington Council (Council) approved
80 changes and conditions of approval imposed by Council at the public hearing shall
81 be submitted for final processing, if applicable. (PLANNING)

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3. Exhibit C is the Lotis 2 Project Standards Manual (PSM) approved by Council, with the project development standards including details, specification, architectural details/elements, landscape features/elements, setbacks, separation, building/lot coverage, Floor Area Ratio (FAR), building height, parking, etc., shall be the governing document along with any other plans/documents approved for this project. The developer is requesting standards, including setback, separation, public land dedication credit, etc., that may be below the Land Development Regulations (LDR) requirements. Any project development standards not specifically outlined and/or requested/approved within the PSM shall be per the LDR as determined by Wellington for the specific standard and/or use/structure. Architectural Review Board (ARB) approvals for this project shall be supplemented within the PSM by the Village of Wellington (Wellington). Amendments to the PSM shall require Council approval, as a master plan amendment. (PLANNING)
4. No building permits for the site shall be issued after December 31, 2026, 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)
5. The project shall be developed consistent with the approved master plan and based on the use limitations below:

USE*	INTENSITY/DENSITY LIMITATIONS*
Indoor and Outdoor Entertainment	<ul style="list-style-type: none"> - Outdoor 36-hole Miniature Golf - 8,000 SF Indoor Space with Restaurant, Event Space and Retail (Pro-shop) - Outdoor Bar/Dining Area
General Office	1,030 SF
Daycare Facility	18,000 SF / 210 children
Multi-family (Townhouse) Residential	72 DUs
Single-family Residential	100 DUs

103 * The above uses/limitations are approved based on the traffic study dated August
104 14, 2023 and shall not generate more trips than indicated below.
105

Net Daily Trips		2,034	
AM Peak Hour		PM Peak Hour	
In	Out	In	Out
69	110	129	96

106 (PLANNING)

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6. The Lotis 2 project land use allocation shall be as approved on the master plan/PSM. Council specifically approves a maximum of 58% (28.53-acre) land allocation for the single land use of residential within Pod C-1. (PLANNING)
7. The commercial pods (Pod A/Indoor and Outdoor Entertainment Miniature Golf and Pod B/Daycare Facility) and the residential pods (Pod C-1/Single-family and Townhouse Residential and Pod C-2/Clubhouse with ancillary office) shall be developed concurrently, with a minimum of one (1) of the commercial pods (Pod A or B) uses issued building permits prior to issuance of building permits for the first residential building within Pod C-1. Certificate of Occupancy (CO) and/or Temporary Certificate of Occupancy (TCO), for buildings within Pods A, B, and C-1 shall be issued based on the below limitations:
 - b. One (1) of the two (2) commercial pods shall receive a CO/TCO prior to 86 residential units receiving a CO/TCO.
 - c. Prior to the remaining 86 residential units receiving a CO/TCO, the commercial pod that was not issued permits as required above shall be issued building permits for development of the remaining commercial pod. (PLANNING)
8. The 1,030 square feet general office is a required use type for this mixed-use project. The general office space provided in Pod C-2 clubhouse building shall be open for lease by the public in perpetuity and is not limited to the residents of the residential pods. (PLANNING)
9. Pod D (4.24-acre) is a dedicated conservation area with 3.75-acre Cypress Preserve Area and 0.49-acre public recreation area and shall be designated as conservation by way of a restrictive covenant easements in favor of the Village of Wellington on the Lotis 2 plat. The 3.75-acre Cypress Preserve Area shall be improved with removal of all non-native and invasive species, and preservation of native species. The Lotis 2 developer/owner shall provide a maintenance and preservation management plan to Wellington for the protection and maintenance of the preserve area. Said documents shall be submitted as part of the plat documents or incorporated in the plat prior to issuance of the Land Development Permit. The 0.49-acre public recreation area shall be improved with a minimum of walking path(s), seating (including trellis swing) and trash bins, and viewing areas with educational signage. The 4.24-acre Pod D shall be maintained in perpetuity by Lotis 2 with the formation of a master property owners' association (POA). (PLANNING)
10. The private recreation areas/amenities, clubhouse, mailroom, and school bus shelter in Pods C-1 and C-2 shall be completed prior to issuance of the 20th Certificate of

149 Occupancy (CO) for residential building within Pod C-1. The private recreation areas
150 within Pods C-1 and C-2 shall total a minimum of 1.31-acre and include amenities in
151 addition to benches and trash receptacles for the residents of residential
152 development. (PLANNING)

153
154 11. The developer/owner is required to provide public land dedication for parks and
155 recreation facilities as well as civic facilities for the 172 DU of residential development
156 within the project. The public land dedication required for parks and recreation is 2.6
157 acres. The civic land dedication required is 0.52 acres. Required land dedication
158 (3.12-acre total) shall be satisfied per the following:

159
160 a. A 23% (approximately 1.877 AC) credit is approved for the developer provided
161 public and private recreation areas with improvements and amenities as shown
162 on the project's approved master plan, PSM and site plan (including landscape
163 plan). The credit will be given towards the total 3.12-acre required for the Public
164 Recreation and Civic land dedication requirement.

165
166 b. The privately-owner public recreation areas and amenities as shown on the
167 plans/PSM shall be available to the public in perpetuity by way of a restrictive
168 covenant and access easements in favor of the Village of Wellington. Said
169 documents shall be in place prior to the issuance of the first vertical building
170 permit.

171
172 c. The privately-owner public recreation areas at a minimum shall include multi-use
173 asphalt pathway (min. 10-foot wide/sidewalk min. 5-foot wide) as shown on the
174 approved plans, shade trees (average 40 ft. on center), seating and trash bins (at
175 each recreation area and average 250 ft. on center along the pathway/sidewalk),
176 trellis swing shade structures (min. 5), fitness stations (min. 3), lighting, shade
177 structures, and dedicated parking, as illustrated on the plans/PSM, in locations
178 and quantity as determined appropriate by Wellington's Development Review
179 Manager (DM) for the project during the site plan review and approval. The public
180 recreation areas shall be connected internally within Lotis 2 with a 10-foot wide
181 asphalt multi-use pathway and/or five (5)-foot sidewalk, and connected to the
182 Greenway multi-use asphalt pathway within the Lotis Wellington 1 project to the
183 south at a minimum of four (4) cross-access points.

184
185 d. The public recreation areas and amenities shall be maintained by the Lotis 2
186 Property Owners' Association (POA). The maintenance requirements shall be
187 provided with the Declaration of Restrictions and Covenants.

188
189 e. The remaining 1.243-acre (3.12 AC land required - 1.877 AC credit) land area
190 requirement shall be met by an in-lieu payment based on a value that is

191 \$50,000.00 per acre or the certified appraised fair market value per acre,
192 whichever is greater, as approved administratively by Wellington when the in-lieu
193 payment is required. The in-lieu payment shall be paid to Wellington, when
194 impact fees are required for the residential uses at time of issuance of building
195 permits. The in-lieu payment shall be in addition to the required Parks and
196 Recreation Facilities Impact Fees as determined at time of building permit
197 issuance. (PLANNING)

198
199 12. Construction cost associated with the public recreation areas improvements and
200 amenities as illustrated on the approved site plan may be deducted from the
201 required Wellington Parks and Recreation Facilities Impact Fees due at time of
202 building permit issuance. The developer shall provide a certified construction cost
203 (Reviewed/Approved by the DM) for the improvements and amenities, excluding
204 land clearing, grubbing and rough grading; the removal of non-native, invasive
205 species; and the preservation of native species within the Pod D 3.75-acre Cypress
206 Preserve Area. If at such time as the Wellington Parks and Recreation Facilities Impact
207 Fees are due and the public recreation areas improvements and amenities have not
208 been constructed/completed, the developer shall post security in favor of
209 Wellington in the form of a surety bond, letter of credit, or cash in escrow. The
210 developer/owner shall post security prior to issuance of the first building permit for
211 any residential building within the Lotis 2 project. The posted security shall then be
212 partially released or distributed back to the developer, as applicable, at a pro-rata
213 rate of completion of the public recreation areas improvements and amenities as
214 evidenced by providing an engineer's affidavit of substantial completion. Wellington
215 shall not release or distribute back to the developer any funds that exceed the posted
216 security amount in the event the certified cost exceeds the required Wellington Parks
217 and Recreation Facilities Impact Fees. (PLANNING)

218
219 13. This property/project is required to be platted. The plat shall be approved, and
220 recorded, prior to the issuance of any building permits. (ENGINEERING)

221
222 14. The developer/owner shall submit the items below with the Land Development/Plat
223 application to achieve Technical Compliance:

224
225 a. Soil/geotechnical report for the overall project. The report shall identify the
226 locations of various types of soils, fill (construction rubble, etc.), and depths.

227
228 b. Surface water management (SWM) plan and wetland mitigation plan.

229
230 c. South Florida Water Management District (SFWMD) and any other federal or
231 state permit(s) approving the proposed changes to wetlands and/or surface
232 water boundaries within the overall project. Documents on approvals and/or

233 required improvement and mitigation as may be required by any state/federal
234 departments (USACE/SFWMD) shall be provided.

235
236 d. Plan for wetland protection during construction. Buffer zones shall be provided
237 around wetland(s) protection during and after construction.

238
239 e. Documentation that any required on-site cleanup has been completed in
240 compliance with Environmental Protection Agency (EPA) regulations.

241
242 f. Declaration of Restrictions and Covenants acceptable, which shall provide for the
243 creation of a single master property owners' association (POA) and the
244 assessment of members of the master association for the costs of maintaining the
245 common areas, roads/streets, landscape buffers, conservation area, public and
246 private recreation areas, lake, etc. (ENGINEERING/PLANNING)

247
248 15. Any proposed wetland mitigation within the overall project shall occur within
249 Wellington's boundaries if feasible. (PLANNING)

250
251 16. The lake in Pod E shall be:

252
253 a. A minimum 50-foot setback from the proposed lake top of bank to the property
254 lines. The top of bank shall be considered the point where the lake slope does not
255 exceed eight (8) foot horizontal to one (1) foot vertical.

256
257 b. A maximum slope of 4:1 (horizontal: vertical) to a minimum of two (2)-foot below
258 the control elevation of the proposed lake. From two (2)-foot below the control
259 elevation of the proposed lake to a minimum depth of six (6) feet below the
260 control elevation of the proposed lake, the maximum slope shall be no steeper
261 than a 2:1 (horizontal: vertical), or as permitted by SFWMD, whichever is the more
262 stringent requirement.

263
264 c. Improved with littoral zone/planting, fountains (min. 1), etc., as illustrated on the
265 approved master, site and land development plans. The ongoing operation,
266 maintenance, insurance, etc., of the lake/greenway shall be the responsibility of
267 the Master POA for the project.

268
269 d. Connected by a drainage easement to the lake on the Lotis Wellington 1 project
270 for water to flow through to outfall. (ENGINEERING/PLANNING)

271
272 17. No vertical encroachments shall be permitted in any utility or drainage easements.
273 No landscaping shall be installed in water or sewer easements or in areas obstructing
274 line of sight for pedestrians or vehicles. (ENGINEERING)

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18. A Land Development Permit (LDP), issued by the Village of Wellington Engineering Department, is required prior to any earthwork or construction taking place, and shall meet all applicable requirements of the LDR, as well as State and Federal regulations and guidelines must be applied for, approved and issued prior to any construction activities. The permit plans shall include construction details for all infrastructure components including paving, grading, drainage, water, sewer, landscape, lighting and off-site improvements. The LDP must be closed out before any Temporary Certificates of Occupancy (TCO)/Certificates of Occupancy (CO) are issued for any buildings or structures. If the project is phased, a separate LDP will be required for each phase of the project. Each phased LDP must be closed out before any Temporary Certificates of Occupancy (TCO)/Certificates of Occupancy (CO) are issued for any buildings or structures within that phase. (ENGINEERING)
19. Cross-access and access connections are required and approved per the following:
- a. Vehicular cross-access, with pedestrian, connections shall be provided to promote inter-connectivity between adjacent properties to the Wellington Reserve Office Park along the north with a minimum of two (2) connections and to the Lotis Wellington 1 along the south with a minimum of two (2) connections (not including required Greenway cross-access).
 - b. Pedestrian cross-access connections shall be provided to the Lotis Wellington 1 property along the south with a minimum of four (4) Greenway multi-use asphalt pathway and two (2) pedestrian connection points.
 - c. Minor relocations and/or additions of cross-access points on the master plan may be administratively approved to ensure intent of this condition is met during the development of this project and ensure connections to surrounding properties/projects. All other cross-access changes or reductions shall require Council approval, as a master plan amendment.
 - d. All cross-access connections/points shall be within easements and shall be shown on the plat, and be dedicated as required. Amendment to the access easements may be done by separate instrument.
 - e. The cross-access connections to the projects along the south shall be constructed in conjunction with the main north/south spine drive aisle for the centrally located cross-access, and the improvements in the area of the other cross-access on Lotis 2. All other connections shall be constructed in conjunction with the improvements in the area/pod prior to issuance of CO/TCO.

317 f. Any required improvements, including road, sidewalk/pathways, bridges, piping,
318 etc., shall be permitted and completed when the cross access and access
319 connections are required as indicated above.

320 (PLANNING/TRAFFIC/ENGINEERING)

321
322 20. Enhanced crosswalk system shall be provided for anticipated heavy traffic flow
323 roadway/intersections (at a minimum 1 location) to ensure a safer environment for
324 pedestrians of this project. At minimum, the enhanced crosswalk system should
325 include paver/stamped concrete crosswalk, detectable warning, and LED solar
326 powered flashing crosswalk signs and in-pavement indicator lights that are activated
327 via braille push buttons and/or automatic activation methods. At minimum, the
328 other crosswalk locations throughout the site shall be paver/stamped concrete and
329 include detectable warning. (PLANNING)

330
331 21. The County traffic concurrency approval is subject to the Project Aggregation Rules
332 as set forth in the Traffic Performance Standards Ordinance. If the Lotis Wellington 1
333 and Lotis 2 projects are ever aggregated on any plans, then the traffic impacts on the
334 Wellington roadways and intersections must be readdressed for the aggregated
335 project. (TRAFFIC)

336
337 22. Prior to the issuance of the first building permit, the owner/developer (Lotis 2) shall
338 begin construction on the following improvements, and construction shall be
339 completed prior to the issuance of the first CO/TCO.

340
341 a. Right-turn lane north approach on State Road 7 (SR 7) at the proposed access to
342 County minimum standards, or as approved by the Florida Department of
343 Transportation (FDOT) or Palm Beach County (PBC) Engineer, as appropriate.

344
345 b. Extend the existing left/U-turn lane south approach storage lane on SR 7
346 immediately north of the proposed access to maximum extent, or as approved
347 by the FDOT or PBC Engineer, as appropriate.

348
349 c. Extend the existing left/U-turn lane north approach storage lane on SR 7
350 immediately south of the proposed access to maximum extent, or as approved
351 by the FDOT or PBC Engineer, as appropriate.

352
353 d. Permits required from FDOT for the above construction shall be obtained prior
354 to issuance of any LDP and building permit. (TRAFFIC/PLANNING)

355
356 23. A Developers Agreement will be required by the Utility Department to reserve water
357 and sewer capacity for the project. Payment of capacity fees per Village Resolution
358 R2018-35 shall be required to reserve capacity. The Developers Agreement must be

359 executed and approved by Village Council prior to the execution of the Palm Beach
360 County Health Department Water and Sewer permits by the Village Utility Director.
361 (UTILITIES)

362
363 24. Applicant is advised lift stations serving the project will be required to be upgraded
364 to meet current standards. Additionally, other off-site utility infrastructure
365 supporting the project may require improvements to support the additional
366 density. Owner/developer is responsible for the funding and construction of all on-
367 site and off-site improvements/upgrades as necessary. (UTILITIES)

368
369 25. A looped system will be required. Where feasible and reasonable, connections to
370 the existing stub-outs at the adjacent parcels to the north, northeast, and south will
371 be required. Looping from the west across the LWDD S-5 canal will not be required.
372 Dead end water mains are not permitted. (UTILITIES)

373
374 26. All water mains will be public up to the point of service. All wastewater mains,
375 subject to approval by the Wellington Utilities Department, will be public up to the
376 point of service. Utility facilities must be located in the rights-of-way or in a
377 dedicated exclusive water main or wastewater easement. Easement widths shall
378 comply with the Village of Wellington Water and Wastewater Systems Construction
379 and Standards Manual (current edition). All utility easements shall provide for un-
380 hindered access to all facilities and mains in accordance with the standards manual.
381 (UTILITIES)

382
383 27. The developer/applicant must apply for and obtain a Major Utility Permit prior to
384 the development of the proposed improvements. (UTILITIES)

385
386 28. A covered school bus shelter (minimum 15' X 25' for the number of residential units)
387 shall be provided for the residential pod, with bicycle racks for a minimum capacity
388 of eight (8), benches/seating for a minimum capacity of eight (8), trash receptacles
389 at each bench/seat location and continuous paved access shall be provided. Prior
390 to the issuance of the first Certificate of Occupancy for any residential building, the
391 covered school bus shelter shall be constructed with consistent colors, materials and
392 roof treatment as the overall project. (PLANNING)

393
394 29. To address the school capacity deficiency generated by the proposed development
395 at the District elementary, middle, and high school levels, the property owner shall
396 contribute a total of \$632,402.00 to the School District of Palm Beach County prior
397 to issuance of first residential building permit. (PBC SCHOOL DISTRICT)

398
399 30. Benches/seating, trash receptacles/bins and bicycle rack shall be provided at the
400 building entry and throughout the site, with the final number and locations as

401 required with the site plan review. Trash bins should be provided at seating
402 location(s) on the plans. Shade structures and/or landscaping (trees/palms, shrubs,
403 etc.) shall be provided for the seating areas throughout the site. (PLANNING)

404
405 31. Foundation planting areas (including trees/palms) shall be provided along the
406 street/corner side of all buildings (non-residential and residential). (PLANNING)

407
408 32. Hedges (min. 24"/max. 36") shall be provided along the parking areas for the multi-
409 family units, and setback (max. 24") from the front lot line. (PLANNING)

410
411 33. Shade/canopy street trees (min. 16 ft. OA height and 5 ft. CT), pedestrian street
412 lights, and bicycle lanes shall be provided along both sides of roads/streets within
413 the Lotis 2 project. The pedestrian street light poles, and regulatory traffic/street
414 signs and poles shall be a decorative design, and the design shall be submitted for
415 ARB approval prior to permitting. (PLANNING)

416
417 34. The street trees required along all roads/streets within the project shall be
418 hardwood shade/canopy tree species. An alternative street tree design is approved
419 along the project's main access boulevard (road/street) to include large/focal palm
420 species at a maximum of 25% the trees required along that street, and
421 accent/flowering trees/palms are approved at corners/intersections to create a
422 focal point within the residential pod. Street trees in the residential pod are allowed
423 within the residential lots along the street (setback a maximum of 11 feet from the
424 lots front or side corner property lines) as approved in the project's PSM and/or site
425 landscape plans, but the number of trees required shall not be reduced. The street
426 trees provided in the residential lots are not to meet the lot requirements, and shall
427 be dedicated on the plat to the residential pod homeowner's association/property
428 owner's association in perpetuity. (PLANNING)

429
430 35. The developer shall pay into the Wellington Tree Fund for any required street trees
431 not provided in the multi-family section of the residential pod as shown on the
432 plans/PSM. The payment shall be \$600 per tree if a maximum of 25% of the required
433 street trees within the multi-family section will not be provided, or the cost the
434 developer would pay to provide the street trees on-site if more than 25% of the
435 trees will not be provided in the multi-family section. The payment amount, if more
436 than 25%, shall be per a landscape architect certified cost estimate for the
437 shade/canopy tree species as approved by the DM. Payment in-lieu of providing
438 the trees shall be made to Wellington prior to issuance of permits in the residential
439 pod. (PLANNING)

440
441 36. The perimeter landscape buffers shall be shown as an easement or separate tract on
442 the plans and plat, and are approved to be installed per the approved project

443 phasing. The landscape buffer along the east property line shall be installed prior to
444 the issuance of the first Certificate of Occupancy for any building within the project.
445 Landscape buffer shade canopy trees shall be 25 feet on center and hedge height
446 shall be a minimum of three (3) feet in height at installation. (PLANNING)
447

448 37. The east perimeter landscape buffer shall include multi-tiered landscaping with a
449 berm and continuous hedge, installed and maintained at three (3) feet,
450 shrubs/groundcover on both sides of the hedge at intermittent intervals along with
451 the required landscaping per requirements of the LDR for this project zoning.
452 (PLANNING)
453

454 38. Developer/owner shall provide a certified cost estimate (by FL. Registered
455 Landscape Architect or Engineer) for the project's perimeter landscape buffer and
456 interior landscaping materials, installation, irrigation, labor, etc. Surety/bond(s) in
457 the form acceptable to Wellington in the amount of 110% of the estimate shall be
458 posted for the project's perimeter landscape buffer and interior landscaping, in
459 addition to the other bonds required for site improvements per the LDP, with the
460 Engineering Department. Landscape permit(s) shall also be required prior to
461 installation. (PLANNING)
462

463 39. Developer is required to pay (prior to issuance of any LDP) \$75 per linear foot of
464 frontage along State Road 7 for landscape and plantings.
465 (ENGINEERING/PLANNING)
466

467 40. Developer is required to pay (prior to issuance of any LDP) \$75 per linear foot of
468 frontage along State Road 7 for boardwalk or construct an eight (8)-foot wide
469 sidewalk prior to the issuance of the first CO/TCO. (ENGINEERING/PLANNING)
470

471 41. The landscaping in street corridor, pathways, non-residential pods, recreation areas,
472 etc., within this Planned Development District shall exceed the minimum landscape
473 requirements for size/height by 30%. (PLANNING)
474

475 42. Additional height for perimeter and internal trees/palms is required per Table 7.8-1
476 Tree Size of the LDR, in addition to any other requirements for structures over 35
477 feet in height. The trees/palms with the additional height shall be required and
478 remain in place as long as the structures remains. The additional trees/palms height
479 as required shall be noted/shown on the project approved landscape plans to
480 indicate how this requirement will be met. (PLANNING)
481

482 43. Prior to site plan approval, the landscape plans must show adequate compatible
483 landscape buffering between adjacent commercial and residential land uses. The
484 landscape plans shall be approved as a part of the site plan. (PLANNING)

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526
44. The common areas, landscaping, site amenities, etc., shall be completed in conjunction with the adjacent building(s) within each Pod and prior to the issuance of any Certificate of Occupancy/Certificate of Completion of adjacent building(s)/improvement(s). (PLANNING)
 45. The State Road 7 median and swale along the project's frontage shall be landscaped and hardscaped as approved by Wellington and FDOT, and be maintained by the Lotis 2 Master POA. An agreement between Wellington and/or FDOT and the Master POA shall be required for maintenance of the median/swale areas along the project's frontage. The maintenance agreement shall be executed upon completion of the improvements as approved. (PLANNING)
 46. This project shall be designed with central square/focal point, that shall be approved on the site plan. The design of the central square/focal point shall incorporate:
 - a. Pedestrian circulation around the buildings with connections to other buildings/uses.
 - b. Arcades, overhead weather protection, etc., that connects all ground level activities and provides direct access to any outparcels, sidewalks or other pedestrian amenities including mass transit facilities, bicycle parking areas, etc.
 - c. Walkways/sidewalks a minimum of 10-feet wide shall be provided.
 - d. Minimum 100 square feet of shaded area with benches every 100 linear feet in length for the pedestrian walkways.
 - e. Main boulevard (road/street) with a landscaped median divider with canopy and accent trees, shrubs, ground cover, etc., and includes street trees along both sides of roads/streets. (PLANNING)
 47. Electric vehicle (EV) charging stations (Level 2 or Direct-current fast charging) shall be provided for a minimum of five (5%) percent of the required parking within the commercial pods, common areas of the residential pod, and pods/areas with parking spaces (assigned or shared parking). A minimum of one (1) EV charging station (Level 2 or Direct-current fast charging) shall be provided at the clubhouse and any recreation areas with parking spaces. A minimum of two (2) EV charging connectors/ports shall be provided per EV charging station. The residential units within the residential pod shall be EV capable with electrical panel capacity and conduit for future Electric Vehicle Supply Equipment (EVSE) installation by the unit owner. (PLANNING)

- 527
- 528 48. Prior to site plan approval, designate five percent (5%) of the parking spaces in the
- 529 commercial pods as preferred parking for car pool vehicles, rideshare service, etc.
- 530 The amount may be reduced, as determined by Wellington's Development Review
- 531 Manager for the project, if documentation is provided with the site plan review that
- 532 the intended use(s) will not require all the parking spaces per the intent of the
- 533 condition. (PLANNING)
- 534
- 535 49. The developer shall ensure this project is developed to be consistent with green
- 536 certification standards found within the Florida Green Building Coalition, the US
- 537 Green Building Council Leadership in Energy and Environmental Design (LEED)
- 538 manual, or other acceptable environmental, and building standards as determined
- 539 by Wellington's Development Review Manager for the project during the building
- 540 permit development approval/inspection process. Documentation indicating which
- 541 green building standards were met shall be provided six (6) months after the
- 542 issuance of CO for the buildings. (PLANNING)
- 543
- 544 50. A minimum five (5) foot opaque wall is required along the common property line
- 545 for open roof structures, and a minimum eight (8)-foot opaque wall is required for
- 546 solid roof structures, for the multi-family/townhouse residential buildings.
- 547 (PLANNING)
- 548
- 549 51. Any multi-family residential buildings without an attached garage shall have
- 550 reserved parking space for each unit. (PLANNING)
- 551
- 552 52. An agreement shall be recorded to provide cross-access and shared parking with
- 553 adjacent lot owners of the commercial pods/outparcels within this project as
- 554 required when the property is submitted for subdivision plat approval. The
- 555 agreement shall be provided with the Land Development/Plat applications.
- 556 (PLANNING)
- 557
- 558 53. Any businesses operating between the hours of 12:00 AM and 6:00 AM shall be
- 559 located at least 200 feet from any dwelling unit, measured from the closest points
- 560 of each structure/use. (PLANNING)
- 561
- 562 54. Garbage/recycling pickup, and deliveries shall not occur between the hours of 9:00
- 563 PM and 6:00 AM. There shall be no idling of delivery or similar vehicles between the
- 564 hours of 10:00 PM and 6:00 AM. Overnight storage or parking of delivery vehicles
- 565 or trucks shall not be permitted on site, except in designated loading and delivery
- 566 areas. All delivery and loading areas built to accommodate semi-trucks, tractor
- 567 trailers, moving vans, etc., shall be screened from view. (PLANNING)
- 568

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

572
573 56. All above ground and wall mounted utility/transformer box, mechanical
574 equipment, valves, etc., shall be located on-site with required screening on a
575 minimum of three (3) sides that provide required screening, while maintaining
576 required three (3) feet clearance and height to meet or exceed equipment being
577 screened. The screen opening shall be away from public view (including adjacent
578 property) and/or additional shrubs will be required at inspection. The screening
579 shall occur in a manner consistent with the color, character and architectural style
580 of the principal structure and may incorporate landscaping as an element of
581 screening. (PLANNING)

582
583 57. The developer shall take measures to ensure that during site development
584 dust/debris particles from the development do not become a nuisance to the
585 neighboring properties. (PLANNING)

586
587 58. All gates shall be designed and approved for emergency vehicle access with
588 universal remote approved by all emergency agencies, including but not limited to
589 Palm Beach County Fire and the Palm Beach County Sheriff. Additionally, all gate
590 codes and access shall be granted to Wellington for Code Compliance and other
591 emergency purposes. (PLANNING/ENGINEERING)

592
593 61. The developer/owner shall install a six (6) foot high black vinyl coated chain link
594 fence along the entire west and north Lotis 2 property lines adjacent to the Black
595 Diamond development. (PLANNING)

596
597 **SECTION 2:** The Lotis Wellington 2 (Lotis 2) Conditional Uses are hereby approved for
598 the property legally described in Exhibit A, subject to the following conditions of
599 approval:

600
601 1. One (1) daycare facility for up to 210 children is allowed within Pod B. The hours of
602 operation are 5:00 AM to 7:00 PM seven (7) days a week. A minimum of two (2) staff
603 members shall be located in the parking area to facilitate pickup and drop-off during
604 the AM and PM peak hours. A central sign-in/sign out location shall be provided to
605 ensure security. (PLANNING)

606
607 2. One (1) entertainment use (indoor/outdoor) is allowed within Pod A, with 8,000
608 square feet of indoor space that includes restaurant, event space and retail (Pro-
609 shop), outdoor bar/dining area, and an outdoor 36-hole miniature golf. The hours of
610 operation are 10:00 AM to 12:00 AM Sunday to Thursday and 10:00 AM to 1:00 AM

611 Friday to Saturday. An alternative miniature golf parking rate is approved at one (1)
612 parking space per golf hole as shown in the project PSM. The outdoor miniature golf
613 area shall be enclosed with a fence type/design that will confine golf balls to the
614 designated area. One (1) scoreboard LED/jumbotron display screen is allowed within
615 the outdoor miniature golf area, with the display screen not visible along State Road
616 7 and the area along State Road 7 is screened with additional landscaping above any
617 LDR requirements.

618
619 3. The owner and/or operator shall obtain all appropriate federal, state, and local
620 permits/licenses prior to operating the uses. (PLANNING)

621
622 **SECTION 3:** This Resolution shall become effective upon approval.

623
624 **PASSED AND ADOPTED** this ___ day of _____, 2023.

625
626
627 **WELLINGTON**

628
629
630 BY: _____
631 Anne Gerwig, Mayor

632
633
634 **ATTEST:**

635
636
637 BY: _____
638 Chevelle Addie, Clerk

639
640
641 **APPROVED AS TO FORM AND**
642 **LEGAL SUFFICIENCY**

643
644
645 BY: _____
646 Laurie Cohen, Village Attorney