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RESOLUTION NO. R2020-48

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, FOR A MASTER PLAN [PETITION NUMBER 2019-0001-MP] AND CONDITIONAL USE [PETITION NUMBER 2019-0002-CU] FOR CERTAIN PROPERTY, KNOWN AS LOTIS WELLINGTON, 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 A MASTER PLAN TO ALLOW A MIXED USE PROJECT CONSISTING OF 49,056 SQUARE FEET OF RESTAURANT AND RETAIL, 2,500 SQUARE FEET OF FINANCIAL INSTITUTION WITH DRIVE-THRU, 40,000 SQUARE FEET OF MEDICAL OFFICE, 16,700 SQUARE FEET OF PROFESSIONAL/GENERAL OFFICE, 191 MULTI-FAMILY RESIDENTIAL DWELLING UNITS, A CONGREGATE LIVING FACILITY (CLF) WITH 150 INDEPENDENT LIVING UNITS AND 110 ASSISTED LIVING BEDS, A DAYCARE FACILITY FOR UP TO 210 CHILDREN, AND 28.4 ACRES OF OPEN SPACE INCLUSIVE OF A LAKE, CYPRESS PRESERVE, DOG PARK, AND GREENWAY WITH A MULTI-USE PATHWAY OPEN TO THE PUBLIC; APPROVING A CONDITIONAL USE FOR A FINANCIAL INSTITUTION WITH DRIVE-THRU, CLF TYPE 3, AND GENERAL DAYCARE FACILITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulation 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 Land Development Regulation, 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 reviewed and certified by the Development Review Manager; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on October 14, 2020, recommended approval of the Lotis Wellington Master Plan and Conditional Uses with a 7 to 0 vote; and

46 **WHEREAS**, the Council has taken the recommendations from the Local Planning
47 Agency, Wellington staff and the comments from the public into consideration for the
48 proposed Master Plan Amendment and Conditional Uses.

49
50 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
51 **FLORIDA, THAT:**

52
53 **SECTION 1.** The Lotis Wellington Master Plan is hereby approved for the property
54 legally described in Exhibit “A”, subject to the following conditions of approval:

- 55
- 56 1. The subject site shall be governed by the conditions of approval within this
57 resolution and based on the Master Plan as provided in Exhibit “B”. All previous
58 conditions of approval for a portion of the subject project, as referenced in
59 Ordinance No. 2006-08 and Resolution No. R2006-26, are not valid due to
60 expiration of the previous Master Plan and Conditional Use approvals. Resolution
61 No. R2006-26 is no longer valid, in its entirety. This does not affect the Zoning
62 designation of MUPD, as approved by Ordinance No. 2006-08. (PLANNING)
 - 63
 - 64 2. Development of the site shall be limited to the uses, access, acreage, site design,
65 site amenities, and landscape buffers approved on the Master Plan, Regulating
66 Plan, Circulation Plan, and Phasing Plan (Exhibit “B”). The final plans consistent
67 with any Council approved changes and conditions of approval imposed by Council
68 shall be submitted for final processing, if applicable. (PLANNING)
 - 69
 - 70 3. No building permits for the site shall be issued after December 31, 2023, unless
71 extended by Palm Beach County Traffic Division through an equivalency letter or
72 an updated Traffic Study approval consistent with this master plan approval.
73 (TRAFFIC)
 - 74
 - 75 4. The project shall be developed consistent with the approved master plan based on
76 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	40,000 SF
Professional Office	16,700 SF
Multi-family Residential	191 DUs
CLF - Independent Living Facility (ILF)	150 DUs
CLF - Assisted Living Facility (ALF)	110 Beds
Daycare Facility	15,000 SF / 210 children
Bank (with drive-thru)	2,500 SF

77 *Quality restaurant and retail may be mixed with a combined minimum of 47,576
78 SF and maximum of 49,056 SF. Any restaurant/retail use mix shall not generate
79 more equivalent peak hour directional trips than indicated in the approved traffic
80 study dated July 2, 2020. (PLANNING/TRAFFIC)
81

- 82 5. The commercial (Pods A and B) and residential development (Pod C) shall be
83 developed concurrently, with a minimum of 40,000 SF of the commercial
84 development within Pods A and B issued building permits prior to issuance of
85 building permits for the first residential building. Certificate of Occupancy (CO)
86 and/or Temporary Certificate of Occupancy (TCO), for buildings within Pods A, B,
87 and C shall be issued based on the below limitations:
88

89 5. 40,000 SF (excluding restaurant outdoor seating) of commercial development
90 shall receive a CO/TCO prior to 96 residential units receiving a CO/TCO.
91

92 b. An additional 39,600 SF (excluding restaurant outdoor seating) of commercial
93 development shall receive a CO/TCO prior to the remaining residential units
94 receiving a CO/TCO, up to the overall maximum of 191 units. (PLANNING)
95

- 96 6. The private recreation areas/amenities, clubhouse, mailroom, and school bus
97 shelter in Pods C and F shall be completed prior to issuance of the first Certificate
98 of Occupancy (CO) for residential/CLF building within each respective Pod. The
99 trash compactor shall be completed when the adjacent buildings CO are issued.
100 (PLANNING)
101

- 102 7. The developer/owner is required to provide public land dedication for parks and
103 recreation facilities as well as civic facilities pursuant to the Land Development
104 Regulations. The land dedication required for parks and recreation is 4.63 acres.
105 The civic land dedication required is 0.92 acre. Required land dedication may be
106 addressed or satisfied per the following:

107 a. A 25% credit of the gross site area will be given towards the Public Recreation
108 and Civic land dedication requirement for the Greenway and Cypress Preserve
109 areas.
110

111 b. The Greenway (2.86 acres) and Cypress Preserve Area (0.60 acre) shall be
112 available to the public by way of a restrictive covenant and access easements
113 in favor of the Village of Wellington. Said documents shall be in place prior to
114 the issuance of the first vertical building permit.
115

116 c. The public Greenway system shall contain a multi-use asphalt pathway with
117 shade trees, seating areas, fitness stations, lighting and shade structures
118 around the 18-acre lake and a gathering/green space with a dog park area as
119 illustrated on the approved plans.
120

121 d. The Greenway system and Cypress Preserve Area shall be maintained by the
122 Lotis Wellington Property Owners' Association (POA). The maintenance

123 requirements shall be provided with the Declaration of Restrictions and
124 Covenants as required below in Condition 11.h.

125
126 e. The remaining land area requirement may be met by an in-lieu payment based
127 on appraised land value and Section 8.5.2.E of the Land Development Code,
128 and the total payment value will be deducted from the required Parks and
129 Recreation Facilities Impact Fees determined at time of building permit for
130 residential uses (including CLF ILF/ALF). (PLANNING)

131
132 8. All certified construction costs associated with the Greenway and Cypress
133 Preserve areas improvement and public amenities will also be deducted from the
134 required Parks and Recreation Facilities Impact Fees. If at such time as the Parks
135 and Recreation Facilities Impact Fees are due and the recreation amenities (as
136 required by the approved master/site plan) have not been constructed, the
137 developer shall post security in favor of the Village in the form of a surety bond,
138 letter of credit, or cash in escrow. The posted security shall then be partially
139 released or distributed back to the developer, as applicable, at a pro-rata rate of
140 completion of the public amenities as evidenced by providing an engineer's
141 affidavit of substantial completion. The Village shall not release or distribute back
142 to the developer any funds that exceed the posted security amount in the event
143 the certified cost exceed the required impact fees. (PLANNING)

144
145 9. The developer/owner shall post security in one of the forms noted in Condition #8
146 per a certified construction costs for the public Greenway and Cypress Preserve
147 Area improvements as illustrated on the project's approved master plan and site
148 plan prior to issuance of the first building permit for any multi-family building and/or
149 CLF building. (PLANNING)

150
151 10. A 10-foot wide asphalt multi-use pathway (8' wide for the north-south section
152 along Pod C) around the lake in Pod G, shade trees (average 40 ft. on center),
153 seating and trash bins (average 250 ft. on center), shade structures, and fitness
154 stations (min. 8) shall be provided for the Greenway. The pathway may have
155 varying widths (8 to 10 ft.) in some locations as determined appropriate by staff
156 during the site plan review and approval. (PLANNING)

157
158 11. The Cypress Preserve Area (Wetland 1) shall be improved with removal of all non-
159 native and invasive species, preservation of native species, walking paths, seating
160 and trash bins. The Cypress Preserve shall be designated as conservation by way
161 of a restrictive covenant easements in favor of the Village of Wellington. Said
162 documents shall be submitted as part of the plat documents or incorporated in the
163 plat and prior to issuance of the Land Development Permit. (PLANNING)

164
165 12. The developer/owner shall submit below items with the Land Development/Plat
166 application in order to achieve Technical Compliance.

167

- 168 a. Soil/geotechnical report for the overall project. The report shall identify the
169 locations of various types of soils, fill (construction rubble, etc.), and depths.
170
- 171 b. Surface water management (SWM) plan and wetland mitigation plan.
172
- 173 c. South Florida Water Management District (SFWMD) and any other federal or
174 state permit(s) approving the proposed changes to wetlands and/or surface
175 water boundaries within the overall project. Documents on approvals and/or
176 required improvement and mitigation as may be required by any state/federal
177 departments (USACE/SFWMD) shall be provided.
178
- 179 d. Plan for wetland protection during construction. Buffer zones shall be provided
180 around wetland(s) protection during and after construction.
181
- 182 e. Documentation that all the Florida Department of Environmental Protection
183 (DEP) mining operation permit(s) is closed out and/or required with site
184 reclamation requirements satisfied or provide a new environmental resource
185 license issued by SFWMD that supersedes the DEP permit.
186
- 187 f. Remediation for the reclaimed mining operation/lake and water quality report.
188 If remediation is not required, provide an analysis prepared, signed, and sealed
189 by a Professional Environmental Engineer currently registered in the State of
190 Florida, demonstrating that remediation is not required.
191
- 192 g. Documentation that on site cleanup and storage tank(s) removal has been
193 completed in compliance with Environmental Protection Agency (EPA)
194 regulations.
195
- 196 h. Declaration of Restrictions and Covenants acceptable, which shall provide for
197 the creation of a single master property owners' association (POA) and the
198 assessment of members of the master association for the costs of maintaining
199 the common areas, roads/streets, landscape buffers, Greenway, Cypress
200 Preserve Area, lake, etc.
201 (ENGINEERING/PLANNING)
202
- 203 13. All mining operation within the overall project shall conclude within 30 days of the
204 effective date of this resolution. (PLANNING)
205
- 206 14. Any proposed wetland mitigation within the overall project shall occur within
207 Wellington's boundaries if feasible. (PLANNING)
208
- 209 15. The lake in Pod G shall be:
210
- 211 a. A minimum 50 foot setback from the proposed lake top of bank to the property
212 lines. The top of bank shall be considered the point where the lake slope does
213 not exceed eight (8) foot horizontal to one (1) foot vertical.

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- 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.
 - c. Improved with littoral zone/planting, fountains (min. 2), etc., as illustrated on the approved master, site and land development plans. The ongoing operation, maintenance, insurance, etc., of the lake/greenway shall be the responsibility of the Master POA for the project.
(ENGINEERING/PLANNING)
16. This property/project is required to be platted. The plat shall be approved, and recorded, prior to the issuance of any building permits. (ENGINEERING)
17. A Land Development Permit, issued by the Village of Wellington Engineering Department, is required prior to any earthwork or construction taking place. The Land Development Permit must be closed out before any Temporary Certificates of Occupancy (TCO) or Certificates of Occupancy (CO) are issued for any buildings or structures. If the project is phased, a separate Land Development Permit will be required for each phase of the project. Each phased Land Development Permit must be closed out before any Temporary Certificates of Occupancy (TCO) or Certificates of Occupancy (CO) are issued for any buildings or structures within that phase. (ENGINEERING)
18. Cross access and access connection is required and approved per the following:
- a. Cross access, vehicular and pedestrian, shall be provided to promote inter-connectivity between adjacent properties to the north with a minimum of two (2) connections and to the south with a minimum of three (3) connections.
 - b. Pedestrian access to the Greenway shall be provided to the property along the north with a minimum of two (2) connections, to the property along the south with a minimum of one (1) connection, and to the property along the west with a minimum of one (1) connection, subject to permitting and approval by the Lake Worth Drainage District (LWDD) and all other applicable government and regulatory authorities having jurisdiction over such pedestrian connections. Pedestrian access to the Cypress Preserve Area walking path shall be provided to the property along the south with a minimum of one (1) connection.
 - 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

259 properties/projects. All other cross access changes or reductions shall require
260 Council approval.

261

262 d. The developer/owner shall contact the residential development to west
263 (Wellington's Edge) regarding pedestrian pathway and access connection to
264 the Greenway system. The developer shall provide Wellington with
265 documentation regarding contact with the residential development to west. If
266 consent is granted to complete this connection, the developer shall do so during
267 the development of this project. If Wellington's Edge does not consent or desire
268 to have a connection, or if permits cannot be obtained from LWDD and all other
269 applicable government and regulatory authorities having jurisdiction over such
270 pedestrian connection and canal crossing, then the developer shall not be
271 required to complete the connection.

272

273 e. All access easements shall be shown on the plat. Access agreements between
274 this project and the adjacent properties/projects shall be provided with the Land
275 Development Permit/Plat applications.

276

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

280

281 g. Construction of the north/south drive aisle, as shown on the approved plans
282 within Phase 1, shall be completed prior to operation of the traffic signal at the
283 primary entry to the project on State Road 7. The section of north/south drive
284 aisle within Phase 2 shall be constructed prior final CO for the residential
285 building in that phase.

286

287 h. The cross access connection to the project along the south (Wellington
288 Regional Medical Center-WRMC) shall be constructed with completion of the
289 north/south spine drive aisle, and with development of Pod B. The north/south
290 drive aisle cross access point connection to the south will require construction
291 of a new road on the WRMC property, the Lotis Wellington developer/owner
292 shall provide information on the road construction planning progress with the
293 Land Development Permit/Plat applications and coordinate with WRMC on
294 construction of the road to ensure completion prior to issuance of the last CO
295 within Pods A or B of this project, and/or within one (1) year of the north/south
296 drive aisle completion, whichever occurs first.

297

298 i. The cross access connection to the projects/properties along the north shall be
299 constructed to the storage facility location prior to operation of the traffic signal,
300 and prior to issuance of CO for future development of the current vacant
301 property to the north (Four Four One Partners Inc.).

302

303 j. Access connection(s) to the Greenway shall be constructed to the property
304 along the north and south prior to issuance of the final CO for the residential

305 buildings in Phase 3 or as required by Wellington prior to the build-out date for
306 the project, for future development of the current vacant properties/projects to
307 the north (Four Four One Partners Inc.) and south (WRMC).

308
309 k. Access connection to the Cypress Preserve Area walking path shall be
310 constructed prior to issuance of CO for any office building within Pod B of the
311 project, for future development of the current vacant property/project to the
312 south (WRMC).

313
314 l. Any required improvements, including road, sidewalk/pathways, bridges, piping,
315 etc., shall be permitted and completed when the cross access and access
316 connections are required as indicated above.
317 (PLANNING/TRAFFIC/ ENGINEERING)

318
319 19. An enhanced crosswalk system shall be provided for anticipated heavy traffic flow
320 roadway/intersections at the three (3) locations illustrated on the approved plans
321 to ensure a safer environment for pedestrians of this project. At minimum, the
322 enhanced crosswalk system should include paver/stamped concrete crosswalk,
323 detectable warning, and LED solar powered flashing crosswalk signs and in-
324 pavement indicator lights that are activated via braille push buttons and/or
325 automatic activation methods. At minimum, the other crosswalk locations
326 throughout the site shall be paver/stamped concrete and include detectable
327 warning. (PLANNING)

328
329 20. The Property Owner shall fund the cost of and construct a signal, if warranted, as
330 determined by the County Engineer, on State Road 7 at Project's main entrance.
331 Signalization shall be mast arm structure installation or as approved by the County
332 Engineer/FDOT. The cost of signalization shall also include all design costs and
333 any required utility relocation and right of way or easement acquisition.

334
335 a. No building permits shall be issued until the Property Owner provides
336 acceptable surety to the County Traffic Division in an amount as determined by
337 the Director of the Traffic Division.

338
339 b. In order to request release of the surety for the traffic signal for the above
340 intersection, the Property Owner shall provide written notice to the County
341 Traffic Division stating that the final certificate of occupancy has been issued
342 for the development and requesting that the a signal warrant study be
343 conducted at the intersection. The County Traffic Division shall have 24
344 months from receipt of this notice to either draw upon the monies to construct
345 the signal or release the monies. In the event that the property is sold, the
346 surety may be returned once the County Traffic Division receives written
347 documentation of the sale and replacement surety has been provided to the
348 County Traffic Division by the new Property Owner. The surety will also be
349 released if the Property Owner constructs the signal and the signal has been
350 accepted by the County after final inspection. (TRAFFIC)

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21. The Property Owner shall construct i) a right-turn lane north approach ii) left-turn lane north approach and iii) left-turn lane south approach on SR-7 at the project entrance. The south approach left-turn lane shall be a minimum of 500 feet plus 50-foot taper. The existing U-turn lane, south of the project entrance may need to be closed or modified. All the above shall be as approved by FDOT.
 - a. Permits required from FDOT for these construction shall be obtained prior to issuance of any building permit.
 - b. Construction shall be completed prior to the issuance of the first certificate of occupancy. (TRAFFIC)
 22. The Property Owner shall construct two (2) ingress lanes and four (4) egress lanes (dual left and dual right-turn lanes) on the eastbound approach of the project access driveway on SR 7 to maximum extent feasible to accommodate the forecasted traffic demands. Construction shall be completed prior to the issuance of the first certificate of occupancy. (TRAFFIC)
 23. Developer is responsible for the funding and construction of all on-site and off-site improvements/upgrades necessary to existing lift stations, water distribution systems, sanitary systems, and force main systems to support the project densities. (UTILITIES)
 24. Developer shall enter into Developer Agreement with the Village of Wellington to reserve water, sewer and fire system capacity. The Village cannot guarantee capacity until the Developer Agreement has been fully executed and approved by Council and all capacity fees paid in full. (UTILITIES)
 25. Water, Sewer and Fire Line Capacity fees, based on current rates, shall be paid at the time the Developer Agreement is executed and before any applications for construction of water and sewer facilities are made to the Palm Beach County Health Department. (UTILITIES)
 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)

- 397 28. All water and wastewater mains will be public up to the point of service. Utility
398 easements must be located in the rights-of-way or in a dedicated exclusive water
399 main or wastewater easement. Easement widths shall comply with the Village of
400 Wellington Water and Wastewater Systems Construction and Standards Manual
401 (current edition). All utility easements shall provide for un-hindered access to all
402 facilities and mains in accordance with the standards manual. (UTILITIES)
403
- 404 29. The developer/applicant must apply for and obtain a Major Utility Permit prior to
405 the development of the proposed improvements. (UTILITIES)
406
- 407 30. A looped water main system will be required. Connections with adjacent parcels
408 to the north and south will be required. Dead-end water mains will not be allowed
409 including temporary dead-ends between phases of construction, unless approved
410 by the Village Utilities Director. (UTILITIES)
411
- 412 31. A covered school bus shelter (minimum 10' X 15') shall be provided for the multi-
413 family residential pod, with bicycle racks (8 station), benches/seating (8 person),
414 trash receptacles (at bench locations) and continuous paved access shall be
415 provided. Prior to the issuance of the first Certificate of Occupancy for any
416 residential building, the covered school bus shelter shall be constructed with
417 consistent colors, materials and roof treatment as the overall project. (PBC
418 SCHOOL DISTRICT/PLANNING)
419
- 420 32. In order to address the school capacity deficiency generated by the proposed
421 development at the District elementary and high school levels, the property owner
422 shall contribute \$74,546.00 to the School District of Palm Beach County prior to
423 issuance of first residential building permit. This school capacity contribution is
424 intended to supplement the required school impact fee. (PBC SCHOOL
425 DISTRICT)
426
- 427 33. The property owner is required to submit an executed Restrictive Covenant to the
428 School District of Palm Beach County prior to the recordation of the plat for the
429 subject property age-restricted units. (PBC SCHOOL DISTRICT)
430
- 431 34. The property owner shall post a notice of annual boundary school assignments in
432 the leasing offices and models for the residential development (Pod C) per the
433 School District of Palm Beach County school assignments notice requirements.
434 (PBC SCHOOL DISTRICT)
435
- 436 35. The perimeter landscape buffers are approved to be installed per the Phasing
437 Plan. The landscape buffer along the east property line shall be installed prior to
438 the issuance of the first Certificate of Occupancy for any building within the
439 project. Landscape buffer canopy trees shall be 25 ft. on center and hedge height
440 shall be a minimum of three (3) feet in height at installation. (PLANNING)
441

- 442 36. The east perimeter landscape buffer shall include multi-tiered landscaping with a
443 berm and continuous hedge, installed and maintained at three (3) feet,
444 shrubs/groundcover on both sides of the hedge at intermittent intervals, along with
445 the required landscaping per the State Road 7 Corridor landscape requirements
446 found in Sec.7.3.6.T. - Special Landscape Regulations of the LDR. (PLANNING)
447
- 448 37. Developer/owner shall provide a certified cost estimate (by FL. Registered
449 Landscape Architect or Engineer) for the project's perimeter landscape buffer
450 materials, installation, irrigation and labor. A surety/bond in the form acceptable
451 to the Village in the amount of 110% of the estimate shall be posted for the
452 project's perimeter landscape buffer and interior landscaping in addition to the
453 other bonds required for site improvements per the LDP to the Engineering
454 Department. A landscape permit shall also be required prior to installation.
455 (PLANNING)
456
- 457 38. Developer is required to pay \$75 per linear foot of frontage along State Road 7
458 for landscape and plantings to be consistent with Village of Wellington conceptual.
459 (ENGINEERING)
460
- 461 39. Developer is required to pay \$75 per linear foot of frontage along State Road 7
462 for boardwalk or construct an 8-ft wide sidewalk. (ENGINEERING)
463
- 464 40. The landscaping in street corridor, pathways, non-residential pods, recreation
465 areas, etc., within a this Planned Development District shall exceed the minimum
466 landscape requirements for size, height and canopy spread by 20%, and 75%
467 native species and drought tolerant species. (PLANNING)
468
- 469 41. Additional perimeter trees/palms with additional height required per LDR Sec.
470 6.5.8.C.3.b. for structures over the 35 ft., and shall be required and shall remain
471 in place as long as the structures remains. The additional trees/palms shall be
472 shown on the site landscape plans to indicate how this requirement will be met.
473 (PLANNING)
474
- 475 42. Prior to site plan approval, the landscape plans must show adequate compatible
476 landscape buffering between adjacent commercial and residential land uses. The
477 landscape plans shall be approved as a part of the site plan. (PLANNING)
478
- 479 43. The common areas, landscaping, site amenities, etc., within each Pod shall be
480 completed prior to the issuance of the Certificate of Occupancy for the adjacent
481 building. (PLANNING)
482
- 483 44. The State Road 7 median and swale along the project's frontage shall be
484 landscaped and maintained by the Lotis Wellington Master POA. An agreement
485 between Wellington and/or FDOT and the master POA may be required for
486 maintenance of the median/swale areas. (PLANNING)
487

- 488 45. Shade/canopy street trees (min. 16 ft. OA height), pedestrian street lights, and
489 bicycle lanes shall be provided along both sides of roads/streets that are 25-feet
490 wide or greater. The pedestrian street light poles, and regulatory traffic/street
491 signs and poles shall be a decorative design, and the design shall be submitted
492 for ARB approval prior to permitting. The improvements may be required on only
493 one (1) side of the road/street as determined in the development review process.
494 (PLANNING)
495
- 496 46. This project shall be designed with central square/focal point that incorporates:
497
- 498 a. Pedestrian circulation around the buildings with connections to other
499 buildings/uses.
500
 - 501 b. Arcades, overhead weather protection, etc., that connects all ground level
502 activities and provides direct access to any outparcels, sidewalks or other
503 pedestrian amenities including mass transit facilities, bicycle parking areas, etc.
504
 - 505 c. Pedestrian-oriented uses and services on the ground floor with vertical
506 integration of residential and/or non-residential uses on the above-ground
507 floors.
508
 - 509 d. Walkways/sidewalks a minimum of 10-feet wide shall be provided.
510
 - 511 e. Minimum 100 square feet of shaded area with benches every 100 linear feet in
512 length for the pedestrian walkways.
513
 - 514 f. Main Boulevard with a landscaped median divider. (PLANNING)
- 515 47. Prior to site plan approval, provide that five percent (5%) of the parking spaces in
516 Pods A, B, and D are designated for preferred parking for alternative fuel vehicles,
517 car pool vehicles, rideshare service, etc. (PLANNING)
518
- 519 48. The developer shall ensure this project is developed to be consistent with green
520 certification standards found within Florida Green Building Coalition, US Green
521 Building Council Leadership in Energy and Environmental Design (LEED) or other
522 acceptable environmental, and building standards as determined by Wellington's
523 Development Review Manager for the project during the building permit
524 development approval/inspection process. Documentation indicating which green
525 building standards were met shall be provided after the issuance of CO for the
526 buildings. (PLANNING)
527
- 528 49. All residential buildings without an attached garage shall have reserved parking
529 space for each unit. (PLANNING)
530
- 531 50. An agreement shall be recorded to provide cross-access and shared-parking with
532 adjacent lot owners of the commercial pods/outparcels within this project. The

533 agreement shall be provided with the Land Development/Plat applications.
534 (PLANNING)

535
536 51. Restaurants and/or other uses with a drive-thru window/lane shall require a
537 Conditional Use specifically approved by Wellington Council. (PLANNING)

538
539 52. Any businesses operating between the hours of 12:00 AM and 6:00 AM shall be
540 located at least 200 feet from any dwelling unit, measured from the closest
541 building points of each affected structure. (PLANNING)

542
543 53. Garbage and recycling pickup, and deliveries shall not occur between the hours
544 of 9:00 PM and 7:00 AM. There shall be no idling of delivery or similar vehicles
545 between the hours of 10:00 PM and 7:00 AM. Overnight storage or parking of
546 delivery vehicles or trucks shall not be permitted on site, except in designated
547 loading and delivery areas. All delivery and loading areas built to accommodate
548 semi-trucks, tractor trailers, moving vans, etc., shall be screened from view.
549 (PLANNING)

550
551 54. Garbage/recyclable collection for Pods C and F shall be provided by staff/valet
552 service from each unit to central compactor, no curbside pick-up shall be
553 permitted. Decorative bins shall be provided for trash/recyclable storage within a
554 close location to the entrance of each unit, and shall be designed as to not require
555 screening. The decorative bins shall be indicated on the plans prior to site plan
556 approval. The bins may be a type of design that is a seat/bench. (PLANNING)

557
558 55. All roof-mounted air conditioning, mechanical equipment, vents, etc., shall be
559 completely screened from view on all sides in a manner consistent with the color,
560 character and architectural style of the principal structure. (PLANNING)

561
562 56. All above ground and wall mounted utility/transformer box, mechanical
563 equipment, valves, etc., shall be located on-site with required screening on a
564 minimum of three (3) sides that provide required screening, while maintaining
565 required three (3) feet clearance and height to meet or exceed equipment being
566 screened. The screen opening shall be away from public view and/or additional
567 shrubs will be required at inspection. The screening shall occur in a manner
568 consistent with the color, character and architectural style of the principal structure
569 and may incorporate landscaping as one element of screening. (PLANNING)

570
571 57. The 25' LWDD road easement/ROW shall be abandoned prior to and/or with the
572 plat approval. (PLANNING)

573
574 58. The developer shall take measures to ensure that during site development
575 dust/debris particles from the development do not become a nuisance to the
576 neighboring properties. (PLANNING)

577

578 59. All gates shall be approved for emergency vehicle access with universal remote
579 approved by all emergency agencies, including but not limited to Palm Beach
580 County Fire and the Palm Beach County Sheriff. Additionally, all gate codes and
581 access shall be granted to Wellington for Code Compliance and other emergency
582 purposes.(PLANNING/ENGINEERING)
583

584 **SECTION 2:** The Lotis Wellington Conditional Uses are hereby approved for the
585 property legally described in Exhibit "A," subject to the following conditions of approval:
586

- 587 1. One (1) financial institution with two (2) drive-thru lanes/points of service is allowed
588 within Pod A. The drive-thru lane point of service shall not be along the projects
589 frontage.
590
- 591 2. One (1) daycare facility for up to 210 children is allowed within Pod D. A minimum
592 of two (2) staff members shall be located in the parking area to facilitate pickup and
593 drop-off during the AM and PM peak hours. A central sign-in/sign out location shall
594 be provided to ensure security. The daycare facility owner and/or operator shall
595 obtain all appropriate federal, state, and local permits/licenses prior to operating the
596 daycare facility.
597
- 598 3. One (1) Congregate Living Facilities (CLF) Type 3 is allowed within Pod F. The CLF
599 units and beds shall not be converted to multi-family units. The CLF Independent
600 Living Facility (ILF) parking rate is reduced from 2.25 to 1.35 spaces per unit as
601 shown in the approved Parking Analysis by JFO Group, Inc. Exhibit "C") dated
602 September 1, 2020. The ILF shall be limited to 104, one (1) bedroom units and 46,
603 two (2) bedroom units, and be age restricted to persons 55 years of age or older. A
604 declaration of restrictions in compliance with the LDR and this approval shall be
605 recorded prior to plat recordation for the CLF pod or within six (6) months of the site
606 plan approval, whichever occurs first. The owner and/or operator shall obtain all
607 appropriate federal, state, and local permits/licenses prior to operating the CLF.
608 (PLANNING)
609

610 **SECTION 3:** This Resolution shall become effective upon the approval of the
611 companion Comprehensive Plan Future Land Use Map Amendment (Ordinance No.
612 2020-13) and Rezoning (Ordinance No. 2020-14).
613

614 (The remainder of this page left intentionally blank)
615

616 **PASSED AND ADOPTED** this ____ day of _____, 2020.

617

618

619

WELLINGTON

620

621

622

BY: _____

623

Anne Gerwig, Mayor

624

625

626

ATTEST:

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628

629

BY: _____

630

Chevelle Addie, Clerk

631

632

633

APPROVED AS TO FORM AND

634

LEGAL SUFFICIENCY

635

636

637

BY: _____

638

Laurie Cohen, Village Attorney