

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 (LDRs), 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 to 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 _____ of the Master Plan Amendment with a _____ 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 regional

1 planning agency or state planning agency review as
2 regulated by Florida Statutes Chapter 380. The
3 Wellington Green Development Order approved
4 regional and local conditions will be regulated as a
5 local development order.
6

7 2. Environmental Considerations:

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

12 3. Surrounding Use Considerations:

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

19 4. Utilities:

20 The water, sanitary, sewer, and drainage systems
21 meet code requirements.

22 5. Concurrency Considerations:

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

27 6. Comprehensive Plan Considerations: The proposed modifications are consistent with the
28 Wellington Comprehensive Plan.

29 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,
30 FLORIDA; that:**

31 **SECTION 1:** The Wellington Green Master Plan Amendment [Petition No. 17- 09
32 (2017-05 MPA 6)] to allow a Conditional Use for a 125-room hotel in MUPD "B" and to amend
33 certain conditions of approval for the 466 acre parcel known as Wellington Green, as legally
34 described in Section 2 is hereby approved subject to conditions contained herein, which are in
35 addition to the general requirements otherwise provided by Ordinance. The Development
36 Order as previously adopted by Resolution No. R2015-31 is hereby amended and restated to
37 read as follows in Section 3 and 4 of this Resolution.

38 **SECTION 2:** The legal description of the property referred to and subject to the
39 conditions of the Wellington Green Development Regional Impact is:

40 **LEGAL DESCRIPTION:**

1 A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST,
2 PALM BEACH COUNTY, FLORIDA, BEING MORE, PARTICULARLY DESCRIBED AS
3 FOLLOWS:
4 BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13:
5 THENCE S87°44'43" E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF
6 2643.75 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 13:
7
8 THENCE CONTINUE S87°44'43" E A DISTANCE OF 684.73 FEET;
9 THENCE S02°15'17" W A DISTANCE OF 27.00 FEET TO A POINT ON THE ARC OF A
10 NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE
11 THROUGH SAID POINT HAVING A BEARING OF N02°15'17" E;
12 THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING
13 A RADIUS OF 4443.66 FEET AND A CENTRAL ANGLE OF 09°33'35" FOR AN ARC
14 DISTANCE OF 741.42 FEET TO THE POINT OF TANGENCY;
15
16 THENCE S78°11'08" E A DISTANCE OF 217.67 FEET TO A POINT CURVATURE OF A
17 TANGENT CURVE CONCAVE TO THE NORTH;
18
19 THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING RADIUS
20 OF 2687.05 FEET AND A CENTRAL ANGLE OF 10°14'28" FOR AN ARC DISTANCE OF
21 480.29 FEET TO A POINT ON A NON-TANGENT LINE;
22
23 THENCE S86°25'05" E A DISTANCE OF 186.37 FEET;
24
25 THENCE N89°02'07" E A DISTANCE OF 70.31 FEET;
26
27 THENCE S00°22'03" E A DISTANCE OF 503.00 FEET;
28
29 THENCE S01°58'00" W ALONG A LINE PARALLEL WITH AND 252.00 FEET WESTERLY
30 OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 13 A
31 DISTANCE OF 1246.38 FEET;
32
33 THENCE S88°02'00" E A DISTANCE OF 11.66 FEET;
34
35 THENCE S01°53'53" W A DISTANCE OF 1312.60 FEET;
36
37 THENCE S01°53'57" W A DISTANCE OF 827.17 FEET;
38
39 THENCE N88°05'25" W ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE
40 SOUTH ONE-HALF OF SAID SECTION 13 A DISTANCE OF 5044.51 FEET TO THE WEST
41 LINE OF SAID SECTION 13;
42
43 THENCE N01°52'59" E A DISTANCE OF 1360.77 FEET TO THE WEST ONE-QUARTER OF
44 SAID SECTION 13;
45
46 THENCE N01°54'01" E A DISTANCE OF 2720.56 FEET TO THE POINT OF BEGINNING.

1
2 SAID LANDS SITUATE, LYING, AND BEING IN PALM BEACH COUNTY, FLORIDA,
3 CONTAINING 466.30 ACRES MORE OR LESS.

4
5 **LESS – Metes and Bounds:**
6

7 A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST,
8 PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS
9 FOLLOWS:

10 COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13;
11 THENCE S01°54'01"W ALONG THE WEST LINE OF SAID SECTION 13 A DISTANCE OF
12 699.84 FEET TO THE POINT OF BEGINNING;
13 THENCE CONTINUE S01°54'01"W ALONG THE SAID WEST LINE OF SAID SECTION 13 A
14 DISTANCE OF 534.48 FEET;

15 THENCE S88°05'59"W A DISTANCE OF 900.75 FEET TO A POINT OF CURVATURE OF A
16 NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, A RADIAL LINE OF SAID
17 CURVE THROUGH SAID POINT HAVING A BEARING OF N82°47'11"E;

18 THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING
19 A CENTRAL ANGLE OF 2631'07" AND A RADIUS OF 1260.00 FEET FOR AN ARC
20 DISTANCE OF 538.18 FEET TO A POINT ON A NON-TANGENT LINE;

21 THENCE N88°05'59"W A DISTANCE OF 680.75 FEET TO THE POINT OF BEGINNING;

22 SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 10.00 ACRES,
23 MORE OR LESS.

24 This parcel is also known as the Park tract, of the plat of Wellington Green, A MUPD/PUD,
25 according to the plat thereof as recorded in Plat Book 87, pages 81-90, inclusive, of the Public
26 Records of Palm Beach County, Florida.

27
28 **SECTION 3: REGIONAL CONDITIONS.**

29
30 (RC)A. APPLICATION FOR DEVELOPMENT APPROVAL (ADA)

31
32 (RC)1. The Forest Hill/SR7 ADA is incorporated herein by reference. It is relayed
33 upon, but not to the exclusion of other available information, by the parties in
34 discharging their statutory duties under Chapter 380, Florida Statutes.
35 Substantial compliance with the representations contained in the ADA, as
36 modified by DO conditions, is a condition for approval. Substantial compliance
37 with the ADA shall be determined by the Village of Wellington.¹

¹ The project was within the jurisdiction of Palm Beach County until December 31, 1999. After that date, the local governing body for the purpose of regulating the development of this project became the Village of Wellington. (See Section 9.F.1, Village of Wellington Charter. Chapter 95-496, Laws of Florida.)

1 For the purpose of this condition, the ADA shall include the following items:
2

3

4 a. The Application for Development Approval dated September 14, 1995.
5

6 b. Supplemental information submitted December 27, 1995.
7

8 c. Supplemental information submitted February 14, 1996.
9

10 d. Letter from Brian C. Johnson to Sally Black dated November 6, 1995.
11

12 e. DRI Master Plan dated October 18, 1996.
13

14 f. Supplemental information submitted October 21, 1996, from Brian
15 Johnson to Maria T. Palombo, P.E.
16

17 (RC)2. If significant physical development of the site fails to commence prior to August
18 26, 2000, then development approval shall terminate. For the purposes of this
19 condition, significant physical development shall be deemed to have been
20 initiated after placement of permanent evidence of a 50,000 square foot
21 structure or significant infrastructure on the site such as internal roadways,
22 internal utility and water management facilities, building slabs or footings,
23 and/or sub-grade for parking lots or other work beyond the stage of excavation
24 or land clearing. (CONDITION SATISFIED)

25 (RC)3A. The development is approved to occur in two phases commencing in 1996 or
26 as soon thereafter as building permits may be obtained consistent with the
27 provisions of this DO. Development shall occur in sub-phases consistent with
28 the requirements contained herein. In no case, however, is any other
29 development to occur until construction has commenced on the regional mall
30 (MUPD G). Given those restrictions, phasing is limited as follows:
31

32 **PHASING AND MAXIMUM GROSS SQUARE FEET
33 OF FLOOR AREA/UNIT/BED TOTALS*****

Use	Phase 1 1996-1999	Phase 2 2008	Buildout 2016
MUPDs A-F Retail/Commercial	203,000	165,000	368,000
Office	0	54,744	54,744
Hotel Rooms*	0	125	125
Movie Theater **	120,000	0	120,000
Subtotal	316,800	219,744	536,544
MUPD G Regional Mall***	1,518,000 (1,235,000)	244,667 (199,150)	1,762,667 (1,431,667)
TOTAL NONRESIDENTIAL	1,844,800	464,411	2,299,213

SF			
RESIDENTIAL PUD			
Multifamily Units	400	0	673
CLF	415	0	630
Preserve (acres)***	23.2	0	23.2

1 * Maximum total floor area of ancillary uses shall not exceed fifteen percent (15%) of the gross
 2 floor area of the hotel.

3 ** Movie theater limited to a maximum of 24 screens and 6,000 seats. Traffic generation is based
 4 on the number of screens but may be converted to square feet using an equivalency ratio
 5 approved by the Village Engineer.

6 *** The gross square feet of floor area/unit/bed totals may exceed the maximums indicated above
 7 provided the overall PM peak hour trips allocated for the overall project do not exceed 4,296.

8 **** Number in parenthesis indicates maximum gross leasable area. (ONGOING:
 9 DRC/BLDG/ENG)

10 (RC)3B. Phase 2 land uses may be developed in Phase 1 subject to approval of a trip
 11 generation analysis by the Village Engineer, in accordance with Condition E.1
 12 of the local conditions of approval for this project. (DRC: ENG)

13 (RC)4. The project buildout date shall be December 31, 2016. (DATE: MONITORING
 14 - TCRPC)

15 (RC)5. The Wellington Green DRI as regulated by Florida Statutes Chapter 380, will
 16 sunset on December 31, 2016. This Wellington Green DO, including regional
 17 and local conditions, will be regulated as a local development order. Future
 18 amendments shall not require regional or state review unless as otherwise
 19 required by Florida Statutes. (DATE: MONITORING - TCRPC)

20 (RC)6A. The Village of Wellington hereby agrees that prior to December 31, 2016, the
 21 Wellington Green DRI shall not be subject to down zoning, unit density
 22 reduction, or intensity reduction, unless the Village demonstrates that
 23 substantial changes in the conditions underlying the approval of the DO have
 24 occurred, or that the DO was based on substantially inaccurate information
 25 provided by the developer, or that the change is clearly established by the
 26 Village to be essential to the public health, safety, or welfare. (DATE:
 27 MONITORING - PLANNING)

28 (RC)6B. The Village of Wellington and the developer hereby agree that,
 29 notwithstanding any provision of this DO or any provision of Chapter 380,
 30 Florida Statutes, the following shall constitute changes in the conditions
 31 underlying approval of this DO and shall result in the automatic abandonment
 32 and termination of this DO which shall result in this DO hereby becoming
 33 completely void without need for action on the part of the Village or the
 34 developer:

35 i) A failure of the developer to comply with any of the terms set forth in the
 36 Public Facilities Agreement, which is that agreement being an

1 instrument which ensures concurrent provision of road infrastructure for
2 the project consistent with Chapter 163, Florida Statutes and the
3 requirements of the Transportation Standard Rule 9J-2.045, Florida
4 Administrative Code (FAC); or
5

6 ii) The Royal Palm Mall DRI has met all of the following criteria prior to this
7 project meeting the same criteria:

8 1. Obtained a DRI DO for a regional mall.
9
10 2. Secured department store commitments from a minimum of three
11 department stores each committing to occupy at least 125,000 square
12 feet of gross leasable area within the regional mall.
13
14 3. Obtained one or more building permits for the vertical construction of
15 the core of the regional mall which permit(s) authorize(s) the
16 construction of a minimum of 350,000 square feet of gross leasable
17 area. The total gross leasable area of the department stores reflected
18 in the department store commitments and the core of the regional mall
19 authorized by the building permit(s) shall be a minimum of 800,000
20 square feet.
21
22 4. Commenced physical vertical construction of the core of the regional
23 mall which, for the purposes hereof, shall mean the commencement of
24 the pouring of the foundation and footings in connection with a
25 continuous program of construction. The TCRPC shall have the
26 responsibility of informing the Village of Wellington of compliance with
27 this condition. (ONGOING: TCRPC)
28
29 iii) For the purposes of this condition the following are defined in the DRI
30 Agreement, attached as Exhibit F to the Public Facilities Agreement
31 approved by the Palm Beach County Board of County Commissioners
32 concurrent with this DO, and shall apply: "core of the regional mall,"
33 "department store," "department store commitments," "gross leasable
34 area," and "regional mall." (CONDITION SATISFIED)
35
36 iv) The above conditions, 6.B.i and 6.B.ii, are necessary to ensure that an
37 acceptable level of service is maintained on the regional roadway
38 network, most particularly State Road 7 and Forest Hill Boulevard.
39 Another DRI within the same market area has been approved. Both the
40 ADA for that project and the ADA for the Forest Hill/SR 7 DRI
41 acknowledge that the market is only sufficient to support one regional
42 mall. Traffic analyses project that the regional roadway network cannot
43 support two projects generating the quantity of traffic associated with
44 the two regional malls without major additional improvements not
45 included in this DO. Since the market studies for both ADAs indicate
46

that the market can only support one regional mall, it would be inappropriate to impose traffic improvement conditions on the projects based on the assumption that two regional malls will, in fact, be built. To allow competition between the projects, yet protect the Region from unmitigated roadway impacts, it is necessary to ensure that no traffic vesting will accrue to the property unless the regional mall described in the ADA is constructed. (CONDITION SATISFIED)

(RC)6C. Upon abandonment or termination of the DO, The Village of Wellington shall evaluate and may consider initiating a comprehensive plan amendment to change the land use map designation on the subject property to one which is deemed most appropriate given existing land uses and land uses as shown in the Village of Wellington Comprehensive Plan at that point in time and shall be subject to all of the applicable review requirements for comprehensive plan amendments on property that have no vested or existing use. The developer and the Village of Wellington shall enter into a cooperative process to reassess the appropriateness of that previous land use. (ONGOING: PLANNING)

(RC)7. The DRI Annual Report required by Subsection 380.06(18), Florida Statutes, shall be submitted each year to Palm Beach County, the Village of Wellington, the Treasure Coast Regional Planning Council (TCRPC), the Florida Department of Community Affairs (DCA), the Florida Department of Environmental Protection (DEP), the Florida Department of Transportation (FDOT), the South Florida Water Management District (SFWMD), and such additional parties as may be appropriate or required by law. The contents of the report shall include those items required by this DO and Department of Community Affairs Rule 9J-2.024, Florida Administrative Code, as may be amended. The Village of Wellington Department of Planning, Zoning and Building shall be responsible for monitoring the development. The DRI Annual Report shall include the Annual Status Report required by Condition 52. (ONGOING: MONITORING)

(RC)8. The DRI Annual Report shall be submitted each year on the anniversary date of the adoption of the DO (August 26, 1996). (DATE: MONITORING)

(RC)9. Any modification or deviations from the approved plans or requirements of this DO shall be submitted to the Village of Wellington Zoning Department. Any such submittal shall be made according to and processed in compliance with the requirements of Section 380.06(19), Florida Statutes, and the Department of Community Affairs Rule 9J-2, Florida Administrative Code, or as otherwise permitted by law. (ONGOING: ZONING)

(RC)10. The definitions found in Chapter 380, Florida Statutes, 1995 Edition, shall apply to this DO. In case of conflicts, Chapter 380 shall apply. (ONGOING: VILLAGE ATT - TCRPC)

1 (RC)11. Reference herein to any governmental agency shall be construed to mean any
2 future instrumentality that may be created or designated as a successor in
3 interest to, or which otherwise possesses the powers and duties to any
4 referenced governmental agency in existence on the effective date of this DO.
5 (ONGOING: VILLAGE ATT - TCRPC)

6
7 (RC)12. This DO shall be binding upon the property owner(s) and its assignees or
8 successors in interest. (ONGOING: VILLAGE ATT)

9
10 (RC)B. ENVIRONMENTAL AND NATURAL RESOURCES OF REGIONAL
11 SIGNIFICANCE

12
13 (RC)13A. Prior to March 1, 1997, the developer shall complete a carbon monoxide air
14 quality study. Before conducting the study the developer shall meet with the
15 Palm Beach County Public Health Unit (PBCPHU), DEP and TCRPC to
16 establish parameters for the study. This study is to be submitted to the DEP
17 and PBCPHU within 15 days of its completion. The air quality study is to be
18 completed to the satisfaction of DEP and PBCPHU. The study results shall be
19 provided to Palm Beach County Remediation for any problems projected by
20 the study shall be undertaken consistent with the DCA Air Quality Uniform
21 Standard Rule 9J-2.046, Florida Administrative Code. (CONDITION
22 SATISFIED)

23
24 (RC)13B. Approval of the study by DEP and PBCPHU must be obtained before final site
25 plan approval. (CONDITION SATISFIED)

26
27 (RC)14. During land clearing and site preparation, soil treatment techniques
28 appropriate for controlling unconfined particulate emissions shall be
29 undertaken. If construction on a parcel will not begin within 30 days of
30 clearing, the soil is to be stabilized until construction on that parcel begins.
31 Cleared areas may be sodded, seeded, landscaped, or mulched to stabilize
32 the soil. Minimal clearing for access roads, survey lines, fence installation, or
33 construction trailers and equipment staging areas is allowed without the need
34 for soil stabilization. The purpose of this condition is to minimize dust and dirt
35 production during land clearing and to prevent soil from becoming airborne
36 between the time of clearing and construction. (ONGOING: HEALTH)

37
38 (RC)15. The final site and building designs shall comply with the Florida Thermal
39 Efficiency Code Part VII, Chapter 553, Florida Statutes. To the maximum
40 extent feasible the project shall also incorporate measures identified in the
41 Treasure Coast Regional Planning Council's Regional Energy Plan dated May
42 1979, and the Regional Comprehensive Policy Plan. Energy-efficient lighting
43 shall be used for all exterior areas of the project where lighting is needed. If
44 natural gas is available to the project, it shall be used to the maximum extent
45 feasible to serve the energy needs of the project. (BLDG PERMIT: BLDG)

(RC)16. The developer shall take no action (e.g., construction of a building or lake) that might foreclose the opportunity for pedestrian connections between the site and future development to the south or Fairlane Farms Road to the west. Such connections to the west may be a sidewalk along Forest Hill Boulevard; however, the southern connection shall be in addition to any sidewalk provided adjacent to SR 7 and shall be indicated on the preliminary development plan. Without a unified plan of development, providing such connections shall not be regarded as meeting any criteria for aggregation pursuant to Chapter 380, Florida Statutes. (DRC: ZONING)

(RC)17. Before obtaining a certificate of occupancy for the first structure within any planned development, the developer shall remove all prohibited species from that planned development in accordance with Section 7.5 of the ULDC. Removal shall be in a manner that avoids seed dispersal by any of these species. There shall be no planting of these species on site. The entire site, including the upland preserve and buffers, shall be maintained free of these species in perpetuity. (CO: MONITORING - ERM)

(RC)18. The developer shall establish a 1.1-acre preserve to accommodate the hand fern (*Ophioglossum palmatum*) population on the developed site. The preserve shall be located so that it meets the following criteria: (1) it is adjacent to the largest surface water management lake; (2) it encompasses one hand fern bearing cabbage palm in place; and (3) it is buffered from development so that the hand fern bearing trees are not within 100 feet of an open developed area (e.g., road, parking lot, yard). Other hand fern bearing trees shall be transplanted into the preserve. Prior to approval of the first plat for the PUD, the preserve shall be established by deed restriction, conservation easement, transfer of ownership, or some other mechanism acceptable to the Village of Wellington when covenants are recorded for the master property owners' association. The mechanism chosen must guarantee preservation and maintenance of the preserve in perpetuity and be consistent with the requirements of 9J-2.041, FAC. (CONDITION SATISFIED)

(RC)19. The developer shall prepare a management plan for the preserve required by Condition 18 which shall ensure, to the maximum extent practicable, the continued fiscal and physical protection of the preservation area from adverse impacts of development. At a minimum, the plan shall identify methods to maintain suitable habitat conditions for the hand fern and other listed species that exist in the preserve. The plan shall include methods to: (1) remove exotic vegetation; (2) relocate native vegetation (especially cabbage palms and listed species) into the preserve; (3) maintain proper humidity levels; (4) provide the availability of water to fight fires; and (5) restrict access to that which is consistent with the intent of the preserve. The management plan shall be submitted to Palm Beach County and TCRPC. Any deficiencies in the plan identified by those entities must be corrected. Approval of the plan must be obtained from Palm Beach County and TCRPC before site-clearing activities

1 begin. (CONDITION SATISFIED)
2

3 (RC)20. Temporary fencing of the area around each hand fern bearing cabbage palm
4 and the preserve area shall be installed by the developer. This fencing shall
5 be inspected and approved by the County before site clearing begins. Such
6 fencing shall be of a type that will clearly identify the area as a preserve and
7 minimize the potential disturbance to it during land clearing and construction.
8 The temporary fencing shall be established at least 100 feet from the nearest
9 hand fern bearing cabbage palm tree. Temporary fencing shall stay in place
10 until it is necessary to remove it. For any tree subject to transplanting, this
11 would be at the time of transplanting. For the preserve, this would be
12 necessary for finish grading, planting buffers, and/or constructing permanent
13 fencing. (CONDITION SATISFIED)

14 (RC)21. If, during construction of the project but before establishment of the wetland
15 preserve areas, any additional state or federally listed plant or animal species
16 (as specified on those lists applied in the ADA) is found to live or otherwise
17 significantly depend upon the site, then all activities that might negatively affect
18 that individual or population shall cease. The developer shall immediately
19 notify the Village of Wellington and TCRPC of the finding. Protection for that
20 species shall be provided by the developer to the satisfaction of the County.
21 The County shall consult with TCRPC, United States Fish and Wildlife Service,
22 and the Florida Game and Fresh Water Fish Commission in determining what
23 constitutes appropriate protection. (CONDITION SATISFIED)

24 (RC)22. The project shall utilize ultra-low volume water use plumbing fixtures and
25 where appropriate, self-closing and/or metered water faucets. The project
26 shall also use other water conserving devices and/or methods. These devices
27 and methods shall meet the criteria outlined in the water conservation plan of
28 the public water supply permit issued to ACME by the SFWMD. Should
29 another utility provider be approved, the project shall conform to the water
30 conservation plan of that provider. (BLDG PERMIT: BLDG)

31 (RC)23. To reduce irrigation water demand, landscaping shall be done according to
32 Xeriscape principles. At a minimum, 30 percent of all areas requiring
33 landscaping shall be landscaped with drought- and cold-tolerant native or non-
34 invasive exotic species. (CO: LANDSCAPE)

35 (RC)24. Prior to approval of the first plat, the DRI Hazardous Materials Management
36 Plan shall be incorporated into the covenants and restrictions of the project.
37 Each business choosing to locate within Forest Hill/SR 7 DRI shall be required
38 to comply with the Plan. The Plan shall be updated as necessary to reflect
39 changes due to local, state, and federal rules. (CONDITION SATISFIED)

40 (RC)25. All site plans and layouts for Forest Hill/SR 7 DRI must be according to the
41 requirements of state and local wellfield protection ordinances (Section 9.3 of
42
43
44
45
46

1 the ULDC), if applicable. All site plan applications shall note what
2 development is within the zone of influence of any private or municipal
3 wellfield. (DRC: ERM)

4 (RC)26. The surface water management system shall be designed to maximize the
5 shallow aquifer recharge potential of the site. To help achieve this, grassed
6 swale conveyances and depressed grassed water collection areas within the
7 parking areas, which do not conflict with required landscaping, may be used.
8 This may also be accomplished by the extensive system of exfiltration
9 trenches planned and by the size of the project's retention/detention system.
10 (DRC: ENG)

11 (RC)27. To improve the quality of water discharge from the site, the following shall
12 apply:

13 a. All parking and road surfaces within the MUPDs shall be swept as
14 necessary, but in no case less frequently than once per week. Sweeping
15 shall be accomplished by vacuum-type or vacuum-regenerative-type
16 sweepers. (ONGOING: CODE ENF)

17 b. Wheel stops and/or speed bumps shall not be permitted in areas that may
18 collect and concentrate contaminants or which would interfere with efficient
19 sweeping of parking surfaces. (DRC: ZONING)

20 c.i. A vegetated littoral zone shall be established for all the lakes (or the total
21 planted littoral zone required may be planted within one lake) constructed
22 on site in accordance with Section 7.6 of the ULDC. The petitioner shall
23 prepare a master plan for planting (which may include wetland inoculant)
24 and maintain a zone of wetland vegetation so that a minimum of eight
25 square feet of vegetated littoral zone per linear foot of lake shoreline is
26 planted (in one or more of the lakes). The plan shall be submitted to Palm
27 Beach County, SFWMD, and TCRPC for review prior to DRC certification
28 of the first site plan, and approved by SFWMD and ERM prior to issuance
29 of the first building permit for any permanent primary structure in MUPD G.
30 (CONDITION SATISFIED)

31 c.ii Deficiencies in the plan identified by the reviewing agencies must be
32 corrected and plan approval obtained from Palm Beach County and
33 SFWMD in consultation with the TCRPC. Approval must be obtained by
34 the developer before lake excavation begins. Planting shall be completed
35 within one year of surface water management system construction. The
36 purpose is to provide vegetation that will take up nutrients and
37 contaminants in the water. The use of Cypress trees and native
38 hardwoods is encouraged. (CONDITION SATISFIED)

39 d. At a minimum, water quality treatment equivalent to detention of the first

inch of run-off from the three-year, one-hour storm event shall be provided prior to discharge from the site. (CONDITION SATISFIED)

- (RC)28. No building permits shall be issued until ACME confirms that it will supply drainage service in accordance with an adopted "Plan of Reclamation," or its equivalent. (CONDITION SATISFIED)
- (RC)29. No building permits shall be issued until the ACME Utility Director confirms that adequate wastewater treatment plant capacity and service infrastructure will be available. Adequate means enough infrastructure to provide water and to collect, treat, and dispose of the wastewater generated by the portion of the development for which permits are being requested. (CONDITION SATISFIED)
- (RC)30. Prior to December 31, 1999, the developer shall preserve and enhance 23 acres of wetland habitat as identified and described in pages 13-6 and 13-14 of the ADA, subject to SFWMD permits. (CONDITION SATISFIED)
- (RC)31A. The petitioner shall prepare a Master Wetland and Deep Water Habitat Plan for the preservation of wetlands and lake littoral zones that are to be created. The plan shall describe the location, methodology, and timetable for implementation of the preservation of wetlands to remain and the construction of littoral zones around the lakes. The plan shall be submitted to Palm Beach County, SFWMD, and TCRPC prior to DRC certification of the first site plan. Any deficiencies in the plan must be corrected and approval obtained from Palm Beach County and SFWMD, following consultation with the TCRPC, prior to issuance of the first building permit for a permanent primary structure in MUPD G. (CONDITION SATISFIED)
- (RC)31B. The developer shall establish and maintain a buffer zone of native upland edge vegetation around preserved wetlands on site. These shall be in accordance with the following provisions. The buffer zone shall include canopy, understory, and ground cover of native species only. The edge habitat shall begin at the upland limit of the wetland habitat. It shall include a total area of at least ten square feet per linear foot of wetland habitat. (CONDITION SATISFIED)

TRANSPORTATION

(RC)32. Prior to DRC certification of the site plan for MUPD G, the developer shall consult with Palm Tran and agree to fund any necessary improvements to accommodate Palm Tran specifications for the following:

- a. Five convenient bus pull-outs to the mall and residential development.
- b. Covered shelter(s) for a minimum of 40 people.

1
2 c. Easy access for buses along the ring access drive on the interior of the
3 site. (CONDITION SATISFIED)

4
5 (RC)33. No building permits shall be issued until right-of-way within the project along
6 SR 7 and Forest Hill Boulevard, and all intersections thereof, have been
7 conveyed free and clear of all liens and encumbrances to the FDOT and Palm
8 Beach County as necessary and consistent with the Palm Beach County
9 Thoroughfare Right-of-Way Identification Map. (CONDITION SATISFIED)

10
11 (RC)34. As a minimum, the developer shall pay a fair share contribution consistent with
12 the road impact fee ordinance of Palm Beach County and/or the Village of
13 Wellington, as applicable. The contribution shall be made according to the fee
14 schedule(s) in effect at the time building permits are issued. Chapter 380,
15 Florida Statutes, also requires that any Development Order exaction or fee
16 required shall be credited toward an impact fee or exaction imposed by local
17 ordinances for the same need. Any exaction receiving credit for impact fees
18 must be in accordance with agreements between the developer and Palm
19 Beach County and between the developer and the Village of Wellington,
20 provided that there shall be no duplication of the exactions. (BLDG PERMIT:
21 IMPACT FEE COORD)

22
23 (RC)35. No building permits shall be issued until contracts have been let for the
24 following roadway improvements:

25
26 a. Six lane of Forest Hill Boulevard from South Shore Boulevard to SR 7.
27 (CONDITION SATISFIED)

28
29 (RC)36. Surety shall be provided to Palm Beach County prior to February 24, 1997,
30 sufficient to construct the following roadway improvements:

31
32 a. Six lane of Forest Hill Boulevard from South Shore Boulevard to SR 7.
33 (CONDITION SATISFIED)

34
35 (RC)37. No certificates of occupancy shall be issued until the following roadway
36 improvements are under construction:

37
38 a. Six lane of Forest Hill Boulevard from South Shore Boulevard to SR 7.
39 (CONDITION SATISFIED)

40
41 (RC)38. No building permits shall be issued for more than 1,490,000 square feet GLA
42 of retail after December 31, 2002, until either:

43
44 a. Contracts have been let for the following roadway improvement; or

45
46 b. A local government development agreement consistent with Sections

163.3220 through 163.3243, Florida Statutes, has been executed and attached as an exhibit to the adopted DO. Performance security, if applicable, shall be provided to the satisfaction of Palm Beach County and/or FDOT that will provide for sufficient funds to be made available to complete the following improvement:

1. Six lane of Southern Boulevard (SR 80) from SR 7 to Sansbury's Way.
(CONDITION SATISFIED, INCLUDED IN FDOT 3-YEAR PLAN)

(RC)39. No certificates of occupancy shall be issued after December 31, 2002, for more than 1,490,000 square feet GLA of retail, until the following roadway improvement is under construction:

a. Six lane of Southern Boulevard (SR 80) from SR 7 to Sansbury's
(CONDITION SATISFIED)

(RC)39R. No certificates of occupancy shall be issued for more than 1,685,000 square feet GLA of retail, until the following roadway improvement is under construction:

a. At SR 80 (Southern Boulevard) and Forest Hill/Crestwood Boulevard, restriping of north approach and south exit to create a third southbound through lane. The eastbound right-turn lane will be extended to provide a minimum of 500 feet of storage with an appropriate deceleration lane (an exhibit illustrating this improvement is provided at the end of the Regional Conditions in this Development Order). (CONDITION SATISFIED)

(RC)40. No building permits shall be issued after June 30, 2003, for more than 1,685,000 square feet GLA of retail until either:

a. Contracts have been let for the following roadway improvement; or

b. A local government development agreement consistent with Sections 163.3220 through 163.3243, Florida Statutes, has been executed and attached as an exhibit to the adopted DO. Performance security, if applicable, shall be provided to the satisfaction of Palm Beach County and/or FDOT that sufficient funds will be available to complete the following improvement:

1. At SR 80 (Southern Boulevard) and Forest Hill/Crestwood Boulevard, modification (restriping, channelization, and signal modifications) of the south approach to create a third northbound through lane and a free flow northbound right turn lane. (CONDITION SATISFIED PER CONDITION 41.b)

(RC)41. No certificates of occupancy shall be issued after June 30, 2003, for more than

1 1,685,000 square feet GLA of retail until the following roadway improvement is
2 under construction:

3

4 a. At SR 80 (Southern Boulevard) and Forest Hill/Crestwood Boulevard,
5 modification (restriping, channelization, and signal modifications) of the
6 south approach to create a third northbound through lane and a free-flow,
7 northbound right-turn lane.

8

9 b. If a commitment (in the form of performance surety or a let contract) for the
10 construction of three eastbound through-approach lanes and a right-turn
11 lane (as specified in Regional Condition 39R) on SR 80 (Southern
12 Boulevard) at Forest Hill/Crestwood Boulevard is obtained by FDOT or
13 Palm Beach County at some time prior to the commencement of the
14 intersection improvement identified in Regional Conditions 39R, 40 and 41,
15 then modifications to the south approach will not be required. (CONDITION
16 SATISFIED)

17

18 (RC)42. No building permits shall be issued for more than 2,120,000 square feet GLA
19 of retail until either:

20

21 a. Contracts have been let for the following roadway improvement; or

22

23 b. A local government development agreement consistent with Sections
24 163.3220 through 163.3243, Florida Statutes, has been executed and
25 attached as an exhibit to the adopted DO. Performance security, if
26 applicable, shall be provided to the satisfaction of Palm Beach County
27 and/or FDOT that sufficient funds will be available to complete the
28 following roadway improvement:

29

30 1. Six lane of Southern Boulevard (SR 80) from Royal Palm Beach
31 Boulevard to SR 7. (CONDITION SATISFIED, INCLUDED IN FDOT 3-
32 YEAR PLAN)

33

34 (RC)43. No certificates of occupancy shall be issued for more than 2,120,000 square
35 feet GLA of retail until the following roadway improvement is under
36 construction:

37

38 a. Six lane of Southern Boulevard (SR 80) from Royal Palm Beach Boulevard
39 to SR 7. (CONDITION SATISFIED, INCLUDED IN FDOT 3-YEAR PLAN)

40

41 (RC)44. No building permits shall be issued for more than 1,725,000 square feet GLA
42 of retail or after December 31, 2004, whichever occurs first, until contracts
43 have been let for the following roadway improvement:

44

45 a. Lake Worth Road and Jog Road

46

1 1. West Approach - Right-turn lane.

2

3 The above configuration shall be permitted and constructed in accordance with

4 county and state criteria. (CONDITION SATISFIED)

5

6 (RC)45. Surety shall be provided to Palm Beach County by December 31, 2000,

7 sufficient to construct the following roadway improvement:

8

9 a. Lake Worth Road and Jog Road

10

11 1. West Approach - Right-turn lane. (CONDITION SATISFIED)

12

13 (RC)46A. Beginning the first peak season after a Certificate of Occupancy has been

14 issued, the developer may undertake an Annual Monitoring Program at the

15 intersection of Lake Worth Road and Jog Road and the intersection of Forest

16 Hill Boulevard and North Wellington Trace. This annual monitoring program

17 may be implemented in lieu of Condition 44 above and Condition 47 below.

18 The program shall be conducted during the months of January through March

19 on an annual basis. It shall be submitted as part of the DRI Annual Report and

20 shall be discontinued at buildout. The following analyses shall be performed:

21

22 a. Perform PM peak-hour, turning-movement counts for 120 minutes to

23 capture the maximum 60 minutes peak period. The counts shall be

24 performed in 15 minutes increments. The peak 120 minutes shall be

25 determined from 24 hours of traffic volume counts at the intersection

26 roadways.

27

28 b. Perform an analysis to determine the existing level of service at the

29 intersection in accordance with the FDOT methodology.

30

31 c. Forecast traffic demand using background traffic as well as projected

32 development within the Wellington Green DRI for one year.

33

34 d. Perform an analysis to determine the future level of service at the

35 intersection according to FDOT methodology.

36

37 e. If the intersection analysis shows the level of service exceeds or is

38 projected to exceed the LOS D, identify intersection improvements

39 necessary to maintain LOS D. (CONDITION SATISFIED –

40 IMPROVEMENT CONSTRUCTED)

41

42 (RC)46B. No further building permits shall be issued if the intersection improvements

43 identified in the Annual Monitoring Program are not let for construction within

44 one year of the date of the DRI Annual Report. The Village Engineer shall

45 have the responsibility of informing the Village of Wellington Building Official to

46 stop issuing permits. (ONGOING: ENG)

1
2 (RC)47. No building permits shall be issued for more than 1,720,000 square feet GLA
3 of retail or after December 31, 2004, whichever occurs first, until contracts
4 have been let for the following intersection improvement:
5
6 a. Forest Hill Boulevard and North Wellington Trace
7
8 1. South Approach - Second left-turn lane. This improvement shall be
9 permitted and constructed in accordance with County criteria.
10 (CONDITION SATISFIED-CRALLS DESIGNATION)
11
12 (RC)48. Surety shall be provided to Palm Beach County by December 31, 2000,
13 sufficient to construct the following roadway improvement:
14
15 a. Forest Hill Boulevard and North Wellington Trace
16
17 1. South Approach - Second left-turn lane. (CONDITION SATISFIED-
18 CRALLS DESIGNATION)
19
20 (RC)49. No more than one signalized intersection and one full median opening
21 designed in accordance with FDOT standards shall be allowed along SR 7 to
22 provide access to the Forest Hill/SR 7 DRI, unless otherwise approved by the
23 FDOT and Village of Wellington. (DRC: ENG)
24
25 (RC)50. No more than two signalized and three full median openings designed in
26 accordance with Palm Beach County standards shall be allowed along Forest
27 Hill Boulevard to provide access to the Forest Hill/SR 7 DRI, unless otherwise
28 approved by Palm Beach County and the Village of Wellington. (DRC: ENG)
29
30 (RC)51. No certificates of occupancy shall be issued until construction has been
31 completed for the following improvements:
32
33 a. Forest Hill Boulevard and Western Project Driveway
34
35 1. South Approach - Right-turn lane, one through lane and one left-turn
36 lane.
37 2. West Approach - Right-turn lane.
38 3. East Approach - Left-turn lane.
39
40 b. Forest Hill Boulevard and Center Project Driveway
41
42 1. South Approach - Right-turn lane and dual left-turn lanes.
43 2. West Approach - Right-turn lane.
44 3. East Approach - Dual left-turn lane.
45 4. Installation of a traffic signal.
46

- c. Forest Hill Boulevard and Eastern Project Driveway
 - 1. South Approach - Right-turn lane, through lane, and dual left-turn lanes.
 - 2. West Approach - Right-turn lane.
 - 3. East Approach - Dual left-turn lane.
 - 4. Installation of a traffic signal.
- d. SR 7 and Northern Project Driveway
 - 1. South Approach - Left-turn lane.
 - 2. North Approach - Right-turn lane.
 - 3. West Approach - Right-turn lane.
- e. SR 7 and Center Project Driveway*
 - 1. South Approach - Dual left-turn lanes
 - 2. North Approach - Right-turn lane
 - 3. West Approach - Right-turn lane and dual left-turn lanes.
 - 4. Installation of a traffic signal.

*Concurrent with the first plat, the property shall grant a construction easement to the Village of Wellington to permit an increase in the width of the driveway for up to three additional lanes (33 feet), if these lanes are determined to be needed by the County Engineer. Construction is to be completed by others. (CONDITION SATISFIED)

f. SR 7 and Southern Project Driveway

1. North Approach - Right-turn lane.
2. West Approach - Right-turn lane.
3. South Approach - Left-turn lane.

All above configuration shall be permitted and constructed in accordance with county and state criteria. (CONDITION SATISFIED)

(RC)52. Commencing in August 26, 1997, and continuing every year thereafter, the developer shall submit an Annual Status Report indicating the status (schedule) of guaranteed improvements. This Annual Status Report shall be submitted to the Village of Wellington, Palm Beach County, FDOT, TCRPC, and DCA as part of the DRI Annual Report. It shall list all roadway improvements needed to be constructed. It shall also include the guaranteed date of completion for the construction of each needed improvement and the party responsible for the guaranteed construction of each improvement. The form of the binding commitment that guarantees construction of each improvement must also be noted. (DATE: MONITORING)

1
2 (RC)53. No further building permits shall be issued at the time the Annual Status
3 Report reveals that any needed transportation improvement included in the DO
4 is no longer scheduled or guaranteed, or has been delayed in schedule such
5 that it is not guaranteed to be in place and operational or under actual
6 construction for the entire improvement consistent with the timing criteria
7 established in this DO. The Village Engineer shall have the responsibility of
8 informing the Village of Wellington Building Official to stop issuing permits.
9 (ONGOING: ENG)

10
11 (RC)54. In the event the project is not completed by January 1, 2005, no additional
12 building permits shall be issued until contracts have been let for the following
13 roadway improvement:
14
15 a. Six-lane construction of Forest Hill Boulevard from Pinehurst Drive to SR 7.
16 (CONDITION SATISFIED - MINTO)

17
18 (RC)55. In the event the project is not completed by January 1, 2005, surety shall be
19 provided to Palm Beach County for the following roadway improvement:
20
21 a. Six-lane construction of Forest Hill Boulevard from Pinehurst Drive to SR 7.
22 (CONDITION SATISFIED - MINTO)

23
24 (RC)56. In the event the project is not completed by January 1, 2006, no additional
25 building permits shall be issued until contracts have been let for the following
26 roadway improvement:
27
28 a. Four-lane construction of Lake Worth Road from 120th Avenue to SR 7.
29 (CONDITION SATISFIED – IMPROVEMENT COMPLETED)

30
31 (RC)57. In the event the project is not completed by January 1, 2006, surety shall be
32 provided to Palm Beach County for the following roadway improvement:
33
34 a. Four-lane construction of Lake Worth Road from 120th Avenue to SR 7.
35 (CONDITION SATISFIED – IMPROVEMENT COMPLETED)

36
37 (RC)58. In the event the project is not completed by January 1, 2008, no additional
38 building permits shall be issued until contracts have been let for the following
39 roadway improvement:
40
41 a. Six lane of Forest Hill Boulevard from South Wellington Trace to South
42 Shore Boulevard. The applicant may elect to submit a traffic impact
43 analysis approved by the County Engineer which demonstrates that an
44 alternative to this requirement will provide an acceptable level of service for
45 Forest Hill Boulevard. The County Engineer, at his/her option, may waive
46 the construction of Forest Hill Boulevard and require alternative

1 construction. (CONDITION SATISFIED – CRALLS)
2

3 (RC)59. In the event the project is not completed by January 1, 2008, surety shall be
4 provided to Palm Beach County for the following roadway improvement:
5

6 a. Six lane of Forest Hill Boulevard from South Wellington Trace to South
7 Shore Boulevard or some other alternative which relieves the need to
8 expand Forest Hill Boulevard to six lanes which shall be reviewed by the
9 County prior to commencement of construction of the improvement.
10 (CONDITION SATISFIED – CRALLS)
11

12 (RC)60. In the event the completion of Phase 1 (1,640,000 GLA square feet of retail) of
13 the Project does not occur by December 31, 1999, or the completion of Phase
14 2 (2,130,000 GLA square feet of retail) of the Project does not occur by
15 December 31, 2004, the developer shall thereafter be required to provide the
16 County Engineer with satisfactory evidence that the roadway links and
17 intersection improvements listed on Exhibit "E" of the Public Facilities
18 Agreement (the Additional Roads), applicable to the particular Phase and the
19 anticipated delay in completion of the Phase, are Assured Construction. If
20 Performance Security must be provided by the developer in order for an
21 Additional Road to be Assured Construction, then the developer shall provide
22 the needed Performance Security for the applicable roadway link or
23 intersection improvement on or before the deadline identified therefore in
24 Exhibit "E" of the Public Facilities Agreement. In the alternative, the Developer
25 may elect to provide the County with a new Traffic Impact Study showing that
26 Phase 1 (1,640,000 GLA square feet of retail) or Phase 2 (2,130,000 square
27 feet of retail) of the Project, as applicable, complies with the Traffic
28 Performance Standards in effect as of the date of such updated study without
29 the construction of the Additional Roads identified for such Phase. Based
30 upon the Traffic Impact Study, if the County Engineer finds that (i) Phase 1
31 (1,640,000 GLA square feet of retail) of the Project will satisfy the
32 requirements of TPS after December 31, 1999, or (ii) Phase 2 (2,100,000 GLA
33 square feet of retail) of the Project will satisfy the requirements of TPS after
34 December 31, 2004, as applicable, without the construction of some or all of
35 the Additional Roads identified for such Phase in Exhibit "E" of the Public
36 Facilities Agreement, then the development of such Phase shall thereafter be
37 tied to an amended phasing schedule for construction of any required roadway
38 improvements disclosed in the new Traffic Impact Study, as approved by the
39 County Engineer. The developer recognizes that the construction of the
40 Additional Roads for Phase 1 (1,640,000 GLA square feet of retail) or Phase 2
41 (2,130,000 GLA square feet of retail), as applicable, may be required if final
42 certificate(s) of occupancy for development that will generate 80% or more of
43 the net external traffic trips approved for such phase of the Project has not
44 been received by December 31, 1999, for Phase 1 (1,640,000 GLA square
45 feet of retail) or by December 31, 2004, for Phase 2 (2,130,000 GLA square
46 feet of retail). Further, the developer recognizes that the construction of the

1 required Additional Road(s) for a particular Phase will have to be commenced
2 before any further certificate(s) of occupancy or building permits will thereafter
3 be issued for either Phase 1 (1,640,000 GLA square feet of retail) or Phase 2
4 (2,130,000 GLA square feet of retail), as applicable. (DATE: MONITORING -
5 ENG)

6
7 (RC)61. Surety, for the purposes contained herein, shall be based on 110% of the
8 certified cost estimate provided by the developer's engineer and approved by
9 the County Engineer. (ONGOING – ENG)

10 (RC)D. HUMAN RESOURCE IMPACTS

11
12 (RC)62. If any archaeological artifacts are discovered during the development of the
13 site, work in that area will cease. The Village of Wellington and the Division of
14 Historic Resources in the Florida Department of State shall be immediately
15 notified of any finds. Proper protection shall be provided to the satisfaction of
16 the Division. (ONGOING: PLANNING)

17
18 (RC)63. Prior to August 26, 2000, or upon recordation of the first plat for the property,
19 whichever should first occur, a site acceptable to Palm Beach County Fire and
20 Rescue shall be conveyed to Palm Beach County in accordance with their
21 physical and locational requirements. (CONDITION SATISFIED)

22
23 (RC)64. Prior to the issuance of the first building permit, the developer shall provide the
24 Zoning Division with written confirmation that adequate public services are
25 available for the entire development. These services shall include law
26 enforcement and fire/emergency medical services adequate to cover any
27 needs generated by the development. (CONDITION SATISFIED)

28
29 (RC)65. The developer shall dedicate the 10.0-acre public park, as described in the
30 ADA, to the ACME Improvement District or Village of Wellington, as
31 appropriate. This dedication shall occur prior to August 26, 2000, or upon
32 recordation of the first plat for the property. This dedication shall occur in a
33 manner consistent with the requirements of Local Conditions T.1-3; however,
34 the infrastructure noted in Conditions T.1-3 may be put in place after the
35 dedication of the land occurs in accordance with the development of the PUD
36 or of the park site by the Village of Wellington. In the event that the Village is
37 prepared to develop the park prior to the construction of the noted
38 infrastructure, those facilities will be financed and constructed in a manner
39 agreed upon by the developer and the Village of Wellington. The Village of
40 Wellington will remove the 10-acre park from the DRI boundaries for purposes
41 of determining the appropriate facilities to be constructed on the park and will
42 address impacts of those facilities separate and apart from the remainder of
43 the Wellington Green DRI. (CONDITION SATISFIED)

44 (RC)E. VILLAGE OF WELLINGTON

1
2 (RC)66. The County acknowledges that the petitioner is executing an agreement with
3 the Village of Wellington addressing certain contributions and commitments to
4 be made by the petitioner. This agreement, or its components, are not to be
5 considered as conditions of approval and are not enforceable by the County.
6 (CONDITION SATISFIED)

7
8 (RC)F. LAND USE CONVERSIONS
9

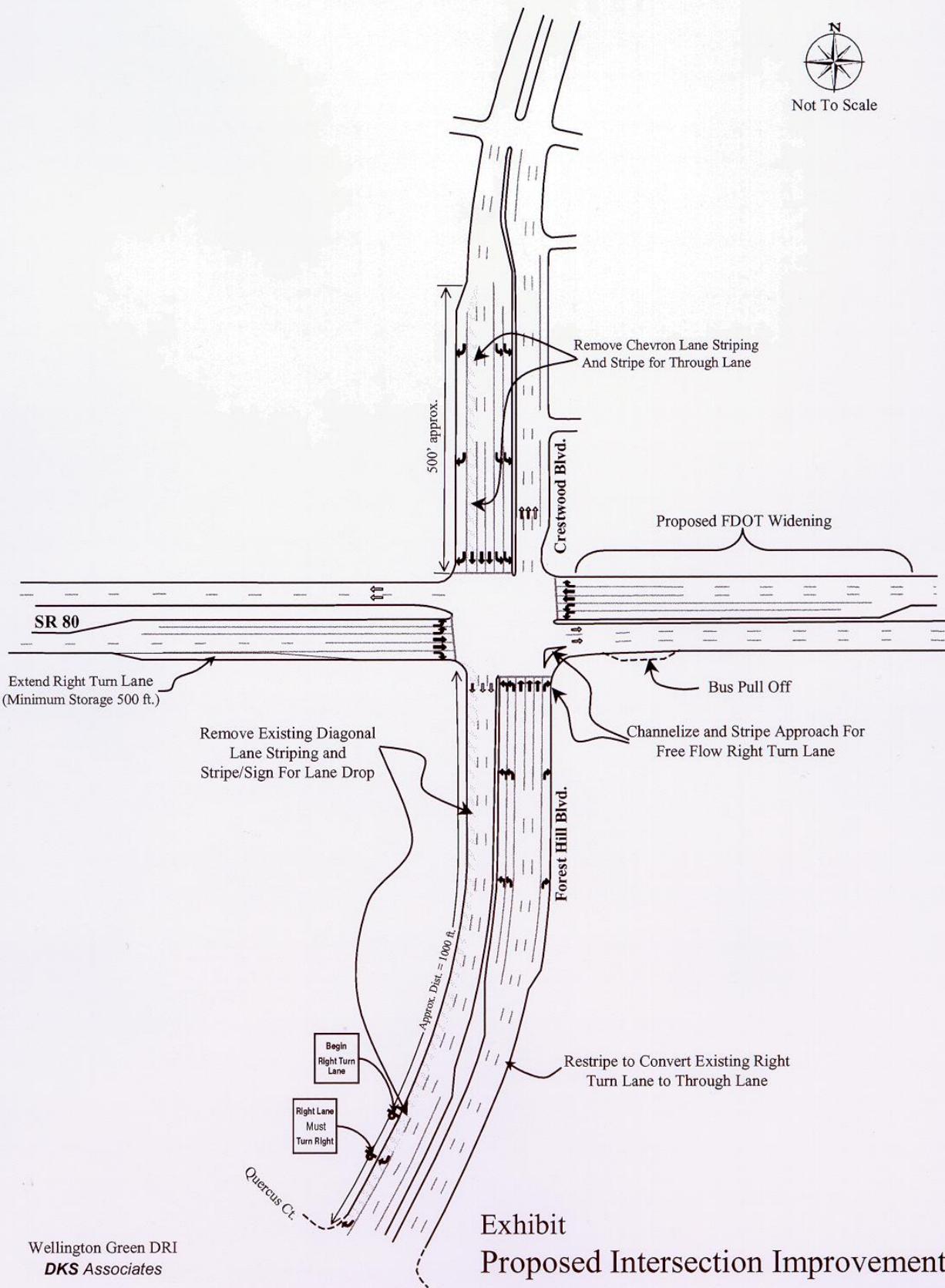
10 (RC)1. The conversion of up to 50% of any approved land use to another approved
11 land use is permitted without additional Regional review. Land use
12 conversions shall be based on PM peak hour trips and shall not exceed the
13 total 4,296 PM peak hour trips allocated for the project in accordance with the
14 following table of land use equivalencies. The use of this trade-off mechanism
15 in any given year will be reported in the Annual Report required by Regional
16 Condition A.7.

17
18 PHASE I CONVERSION FACTORS BASED ON GREATEST RELATIVE IMPACT
19
20
21

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 ACLF 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

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 ACLF 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



1 **SECTION 4: LOCAL CONDITIONS.**

2 NOTE: Conditions which are not MUPD or PUD specific shall apply to the entire site.

3 **(LC)A. BUILDING AND SITE DESIGN**

4

5 (LC)1. All previous conditions of approval applicable to the subject property, as
6 contained in Resolutions R-98-1788, R-99-2286, Petition DOA96-040(A),
7 Village Resolutions No's R2000-107, R2000-143, R2001-112, R2002-30,
8 R2004-04, R2005-124, R2005-125, R2005-126, R2008-03, R2008-70,
9 R2011-41 and 2015-31 have been consolidated as contained herein. The
10 petitioner shall comply with all previous conditions of approval and
11 deadlines previously established by Section 5.8 of the ULDC and the
12 Village of Wellington Council, unless expressly modified herein.
13 (ONGOING: MONITORING - Zoning)

14

15 (LC)2. Development of the site shall be limited to the uses, access, acreage, and
16 site design approved on the Wellington Green Master Plan (Exhibit 1). The
17 final master plan and sign plan consistent with any Council approved
18 changes and conditions of approval imposed by Council shall be submitted
19 to the DRC for final processing. Day care centers shall not be permitted in
20 MUPD D, and retail or restaurants in MUPD D shall not be open during the
21 morning peak hours. All modifications must be approved by the Village
22 Council unless the proposed changes are required to meet conditions of
23 approval or are allowed by the Village's Land Development Regulations at
24 the time the modification is requested. (ONGOING: ZONING)

25

26 (LC)3. The subject property shall be limited to a maximum of seven MUPDs and
27 one PUD. (DRC: ZONING)

28

29 (LC)4. Prior to recordation of the first plat, the property owner shall record in the
30 public record a covenant requiring architectural consistency between all
31 buildings, project identification, and signs in MUPDs A-G. The covenant
32 shall be recorded in a form and manner acceptable to the County Attorney.
33

34 The covenant shall require the use of prevalent Mediterranean and/or
35 Italian Renaissance architecture, including, but not limited to, such primary
36 architectural elements as pastel-colored stucco, masonry, stone, brick,
37 classical features (columns, arches, medallions, bull's eye windows,
38 wrought iron, decorative tile, etc.), earth-tone-colored tile roof accents, and
39 towers. Natural and sky lighting shall be encouraged. Architectural
40 consistency shall be provided around all sides of all structures. Alternative
41 architecture designs and elements for building elevations may be approved
42 by the Village of Wellington Architectural Review Board. (CONDITION
43 SATISFIED) (ONGOING: ZONING-ARB)

1 (LC)5. The maximum gross acreage and minimum/maximum gross square feet of
 2 floor area for MUPDs A-G and PUD A - C shall be limited as follows:
 3

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			

4 *Includes 2.0-acre civic parcel. (DRC: ZONING)
 5

6 (LC)6. Total combined gross floor area for MUPDs A-G shall not exceed
 7 2,159,082 square feet. This figure includes one of the 125-room hotels
 8 allowed by Condition I.1. If a 120,000 square foot movie theater is
 9 constructed, however, the combined leasable gross floor area for MUPDs
 10 A-G will be 2,159,082 square feet. (DRC: ZONING)
 11

12 (LC)7. A combined minimum of 22,500 gross square feet of office use shall be
 13 provided in MUPDs A-F. Uses considered office shall be devoted
 14 exclusively to business, medical, or professional services. Offices
 15 accessory to other principal uses shall not satisfy this requirement. (DRC:
 16 ZONING)

17 (LC)8. The maximum gross acreage, maximum gross leasable area, and
 18 maximum square feet of gross floor area for MUPD G (regional mall) shall
 19 be limited as follows: (DRC: ZONING)
 20

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

22 (LC)9. All areas or receptacles for the storage and disposal of trash, garbage,
 23 recyclable material, or vegetation, such as dumpsters and trash
 24

compactors, shall be screened from view and confined to the areas designated on the certified site plan. (DRC/ONGOING: ZONING/CODE ENF)

(LC)10. All roof-mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character, and architectural style of the principal structure. (CO: BLDG)

(LC)11. All other air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character, and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - ZONING)

(LC)12. Exterior materials and building surfaces visible to the public shall be high-quality materials and finishes, which exclude smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels with architectural features. Exposed neon light tubes on the exterior of buildings shall be prohibited. (ONGOING: BLDG - ZONING)

(LC)13. Buildings in MUPDs A-F shall not exceed 35 feet in height, including mechanical equipment, measured from finished grade to the highest point, excluding unoccupied architectural features. The petitioner may seek relief from this height requirement to exclude air conditioning and mechanical equipment from this height requirement. The one two (2) permitted hotels, and the buildings in the PUD and MUPD G, shall not exceed 72 feet in height. (ONGOING: BLDG/ZONING)

(LC)14. All uses shall be as authorized under the property's respective Multiple Use Planned Development (MUPD) / Planned Unit Development (PUD) zoning designations and Community Commercial land use designation as designated in Wellington's LDR Use Regulations Table 6.8-2.; except that within MUPDs A-F no Big Box Warehouse Retail, "freestanding" fast-food restaurants, auto sales, or convenience stores, with or without gas sales, shall be permitted. For purposes of this development order, Big Box Warehouse Retail shall be defined as a single user, single-story building greater than 75,000 square feet in total floor area. Please note that non-freestanding fast-food restaurants are permitted within MUPD B. (ONGOING: ZONING)

(LC)15. There shall be no uninterrupted length of any facade in excess of 100 feet in any building located in MUPDs A-D. Facades greater than 100 feet in length must incorporate recesses and projections along the length of the facade to create horizontal relief in the facade. Such features as, but not limited to, windows, awnings, and arcades must be incorporated along the facade length facing any public street or entrance drive connecting to any public street to create a pedestrian scale and a clear and identifiable entrance. (BLDG PERMIT: BLDG/ZONING)

1 (LC)16. In MUPDs A-D, roofs must have at least two of the following features:
2 parapets concealing flat roofs and equipment, overhanging eaves, sloped
3 roofs, and/or three or more roof surfaces. Alternative architectural features
4 may be permitted that meet or exceed the intent of this local condition as
5 determined by the Village of Wellington Architectural Review Board.
6 (BLDG PERMIT: BLDG/ZONING)

7 (LC)17. In MUPDs A-D, all customer entrances shall be highly visible with features
8 such as but not limited to canopies, porticos, arches, or arcades.
9 (DRC/BLDG PERMIT: ZONING/BLDG)

10 (LC)B. CONVENIENCE STORE WITH GAS SALES/AUTO SERVICE
11 STATION/CAR WASH & AUTO DETAILING

12 (LC)1. A maximum of one convenience store with gas sales, auto service station,
13 car wash & auto detailing facility, or combination, limited to a maximum of
14 5,000 square feet of gross floor area, shall be permitted in MUPD F only.
15 The square footage of the convenience store will be limited as per the
16 ULDC. The remaining square footage will be utilized for a car wash and/or
17 other appropriate ancillary uses. (DRC: ZONING)

18 (LC)2. Automated car-wash facilities shall utilize a 100% water-recycling system.
19 (BLDG PERMIT: BLDG)

20 (LC)3. Outdoor repair shall not be permitted. Vehicle/trailer rental shall not be
21 permitted. (ONGOING: CODE ENF)

22 (LC)4. Outdoor storage or display of disassembled vehicles, parts, inventory, or
23 merchandise shall not be permitted. (ONGOING: CODE ENF)

24 (LC)5. Prior to site plan certification, the site plan shall be amended to indicate
25 facilities for the provision of air and water for minor vehicle maintenance.
26 Air and water for minor vehicle maintenance shall be provided to the public
27 at no charge. (DRC / ONGOING: ZONING / CODE ENF)

28 (LC)C. CROSS ACCESS

29 (LC)1. At the time of recordation of the boundary plat for MUPD F, or when
30 required by the Village Engineer, whichever shall first occur, the petitioner
31 shall record in the public record their portion of the cross access easement
32 to the property to the south in a manner and form approved by the Village
33 Attorney and in a location approved by the Director of Engineering
34 Services. The location of the easement shall be indicated on the boundary
35 plat for MUPD F, site plan for MUPD F and PDP prior to recordation. This
36 requirement shall become null and void if the land directly south of the
37 cross access point becomes Industrial land use in a Comprehensive Plan
38 or development on the land directly south of the cross access point
39 generates more traffic than the cross access intersection can
40 accommodate. (DRC / ONGOING: ZONING / CODE ENF)

41 (LC)2. (DRC / ONGOING: ZONING / CODE ENF)

42 (LC)3. (DRC / ONGOING: ZONING / CODE ENF)

43 (LC)4. (DRC / ONGOING: ZONING / CODE ENF)

44 (LC)5. (DRC / ONGOING: ZONING / CODE ENF)

45 (LC)6. (DRC / ONGOING: ZONING / CODE ENF)

46 (LC)7. (DRC / ONGOING: ZONING / CODE ENF)

47 (LC)8. (DRC / ONGOING: ZONING / CODE ENF)

48 (LC)9. (DRC / ONGOING: ZONING / CODE ENF)

1 accommodate, as determined by the Village Engineer. This requirement
2 may be deleted by the Village of Wellington subject to an amendment to
3 the Development Order in accordance with the LDR and Florida Statutes.
4 (DRC: ZONING - CO ATT / ENG)

5
6 (LC)2. The property owner to the south shall be required to reimburse this
7 petitioner for a share of the cost of construction of the private road
8 providing access to the property to the south. The property owner to the
9 south also shall be required to enter into an agreement to reimburse this
10 petitioner for a share of the cost of on-going maintenance obligations of the
11 private road providing access to the property to the south. The share of the
12 cost of construction and the share of the cost on-going maintenance shall
13 be determined by the Director Engineering Services. The amount of
14 reimbursement for the cost of construction of the private road shall be
15 determined and paid prior to granting of the cross access agreement by the
16 petitioner. The amount of reimbursement and the method of payment for
17 such reimbursement for on-going maintenance obligations shall be
18 determined prior to granting of the cross access agreement by the
19 petitioner. (ONGOING: ENG)

20
21 (LC)3. The petitioner shall relocate the existing cross access easement for
22 vehicular/pedestrian access east of the current location to line up with to
23 the adjacent southern commercial project as determined by the Director of
24 Engineering Services.

25
26 (LC)4. The relocated easement(s) shall be recorded within one year of this
27 Development Order and Master Plan Amendment approval.

28
29 (LC)5. The commercial property owner to the south which is allowed access to
30 MUPD F by creation of the easement(s) shall be responsible for the costs
31 of installation and maintenance of all improvements that provide the
32 internal connection(s) with MUPD F. (DRC: ENG)

33
34 (LC)6. The commercial property owner to the south responsible for installation of
35 the improvements shall also be responsible to restore all landscaping,
36 pavement, curbing, etc., within the affected portion(s) of MUPD F in a
37 manner acceptable to the Director of Engineering Services. (DRC: ENG)

38
39 (LC)D. DAY CARE

40
41 (LC)1. A maximum of three general day care centers shall be permitted, limited to
42 a combined total of 40,000 gross square feet of floor area and 600 children.
43 The day care centers shall be permitted in MUPDs A, B, C, or F only.
44 (DRC: ZONING)

45
46 (LC)E. ENGINEERING

47 (LC)1. Many of the following Engineering conditions and Regional Transportation
48 conditions in the DRI DO indicate that certain roadway improvements will

be required when the project is to be issued building permits for certain amounts of retail space. The project consists of retail uses as well as residential, office, and hotel uses. The roadway improvements are required when the project will generate certain amounts of external traffic. For monitoring purposes, the external traffic has been converted to square feet of gross leasable area of retail space. Additionally, the mall contains building area which is not included in the gross leasable floor area.

The developer, therefore, shall submit a trip generation analysis prior to requesting site-plan approval for any other use than retail, showing an equivalent amount of gross leasable retail space based on external traffic. The trip generation analysis shall be based on the Phase 1 and Phase 2 trip-generation rates utilized in the DRI traffic analysis, Tables 21-C-5 and 21-C-6 of the ADA, dated 12/4/95. The trip-generation analysis shall be approved by the Village Engineer prior to site-plan certification by the DRC. (DRC: ENG)

(LC)2. A public facilities agreement, dated August 26, 1996, and amended April 15, 1997, and December 7, 1999, and June 4, 2002, and December 21, 2004 has been entered into by Palm Beach County and the developer. When the conditions conflict between the development order and the public facilities agreement, the more restrictive condition shall control. (ONGOING: ENG)

(LC)3. a. No building permits shall be issued until contracts have been let for the following roadway improvements unless the County, upon the effective date of the 99-2 Comprehensive Plan Amendments, declares the following roadways, or segments thereof, to be constrained facilities and the traffic anticipated to be generated by the project is accommodated within the level of service standards authorized in the CRALLS designation, whichever shall first occur:

1. Four lane of SR 7 from Okeechobee Boulevard to Boynton Beach Boulevard.
2. Southern Boulevard (SR 80) and Big Blue Trace.
3. East Approach - Second left-turn lane.
4. South Approach – right-turn lane, separate left-turn lane, and receiving lanes. (CONDITION SATISFIED – CRALLS, CONSTRUCTION NOW COMPLETED)

b. No building permits shall be issued until a contribution to FDOT in a minimum amount of \$100,000 is provided for the improvement of SR 7 from Lake Worth Road to Boynton Beach Boulevard. The developer shall receive impact fee credit for \$100,000 of this contribution. (CONDITION SATISFIED)

(LC)4. Surety shall be provided to Palm Beach County prior to February 24, 1997, sufficient to construct the following roadway improvements:

1 a. Southern Boulevard (SR 80) and Big Blue Trace
2
3 1. East Approach - Second left-turn lane. (CONDITION SATISFIED)

4
5 (LC)5. No building permits shall be issued for more than 1,740,000 square feet
6 GLA of retail or after June 1, 2003, whichever shall first occur, until
7 contracts have been let for the following roadway improvement:

8
9 a. At SR 80 (Southern Boulevard) and Forest Hill/Crestwood Boulevard,
10 restriping of the north approach and south exit to create a third
11 southbound through lane. (BLDG PERMIT/DATE: MONITORING –
12 ENG)

13
14 (LC)6. No building permits shall be issued for more than 1,195,000 square feet
15 GLA of retail until contracts have been let for the following roadway
16 improvement:

17
18 a. Southern Boulevard (SR 80) and Forest Hill Boulevard
19
20 1. South Approach - Second left-turn lane, and second and third
21 through lanes.
22 2. North Approach - Second left-turn lane, second and third through
23 lanes, and right-turn lane.
24 2. West Approach - Second left-turn lane. (CONDITION SATISFIED
25 – IMPROVEMENT COMPLETED)

26
27 (LC)7. No building permits shall be issued for more than 1,800,000 square feet
28 GLA of retail until contracts have been let for the following roadway
29 improvement:
30
31 3. Four lane Lantana Road from Lyons Road to Hagen Ranch.
32 (CONDITION SATISFIED – IMPROVEMENT COMPLETED)

33
34 (LC)8. No building permits shall be issued for more than 1,890,000 square feet
35 GLA of retail until contracts have been let for the following roadway
36 improvement:

37
38 a. Southern Boulevard (SR 80) and Jog Road
39
40 1. All Approaches - Second left-turn lanes. (CONDITION SATISFIED
41 – BY PAYMENT PER CONDITION E.22)

42
43 (LC)9. Surety shall be provided to Palm Beach County prior to December 31,
44 2000, for the following roadway improvement:

45
46 a. Southern Boulevard (SR 80) and Jog Road
47
48 1. All Approaches - Second left-turn lanes. (CONDITION

SATISFIED-BY PAYMENT PER CONDITION E.22)

(LC)10. No building permits shall be issued for more than 1,905,000 square feet GLA of retail until contracts have been let for the following roadway improvement:

- a. Extend two-lane Lake Worth Road from South Shore Boulevard to the existing pavement west of SR 7, or an acceptable alternative roadway adopted by the Palm Beach County Board of County Commissioners. (CONDITION SATISFIED—IMPROVEMENT COMPLETED)

(LC)11. No building permits shall be issued after January 1, 2008, until contracts have been let for the following roadway improvements:

- a. Forest Hill Boulevard and Wellington Trace (South)
 1. North and South Approaches - Third through lanes matching six-lane cross section on Forest Hill Boulevard at South Shore Boulevard.
- b. Forest Hill Boulevard and Wellington Trace (North)
 1. West Approach - Second left-turn lane. (CONDITION SATISFIED – CRALLS)

(LC)12. Surety shall be provided to Palm Beach County prior to January 1, 2008, for the following roadway improvements:

- a. Forest Hill Boulevard and Wellington Trace (South)
 1. North and South Approaches - Third through lanes matching six-lane cross section on Forest Hill Boulevard at South Shore Boulevard.
- b. Forest Hill Boulevard and Wellington Trace (North)
 1. West Approach - Second left-turn lane. (CONDITION SATISFIED – CRALLS)

(LC)13. No building permits shall be issued for more than 1,930,000 square feet GLA of retail until contracts have been let for the following roadway improvement:

- a. Six lane SR 7 from SR 80 to Forest Hill Boulevard. (CONDITION SATISFIED – IMPROVEMENT COMPLETED)

(LC)14. No building permits shall be issued for more than 1,840,000 square feet GLA of retail until contracts have been let for the following roadway

1 improvement:

2

3 a. Six lane SR 7 from Forest Hill Boulevard to Lake Worth Road.

4 (CONDITION SATISFIED – IMPROVEMENT COMPLETED)

5

6 (LC)15. Landscape within Median.

7

8 a. Prior to issuance of the first building permit, the property owner shall

9 apply to the Palm Beach County Engineering and Public Works

10 Department for a permit to landscape all adjacent median(s) of all

11 abutting rights-of-way. When permitted by Palm Beach County

12 Department of Engineering and Public Works, landscaping shall, at a

13 minimum, consist of the "High Cost Planting Concept" outlined in the

14 Palm Beach County Engineering and Public Works Department March

15 1994 Streetscape Standards and shall be consistent with the

16 landscaping theme adopted for this roadway as mutually agreed upon

17 by the developer and the Village of Wellington.

18

19 All landscape material, installation, and maintenance requirements

20 shall be subject to the standards set forth by the Streetscape

21 Standards. If all Xeriscape material is utilized, the watering of the

22 plant material during the initial heal-in period shall be the responsibility

23 of the property owner. Alternative species other than those listed in

24 the County standards may be allowed subject to approval by the

25 County Engineer. (CONDITION SATISFIED)

26

27 b. All required landscaping, including an irrigation system if required,

28 shall be installed at the property owner's expense. All landscape

29 material shall be the perpetual maintenance obligation of the

30 petitioner and its successors, heirs or assignees, or duly established

31 Property Owner's Association and/or Homeowners' Association.

32 Perpetual maintenance includes, but is not limited to, pruning,

33 fertilizing, irrigation, and alternate watering of Xeriscape material

34 during periods of drought in order to maintain healthy plant material.

35 (ONGOING: ENG)

36

37 c. All landscape material shall be installed prior to the issuance of the

38 first Certificate of Occupancy. (CONDITION SATISFIED)

39

40 d. A Declaration of Covenants and Restriction Document shall be

41 established prior to issuance of the first Certificate of Occupancy to

42 reflect this obligation. (CONDITION SATISFIED)

43

44 (LC)16. Surety, for the purposes contained herein, shall be based on 110% of the

45 certified cost estimate provided by the developer's engineer and approved

46 by the County Engineer. (ONGOING - ENG)

47

48 (LC)17. Notwithstanding conditions requiring surety for traffic improvements, the

Village shall issue building permits and certificates of occupancy, as applicable, for 100% of the interior tenant space within the building GLA for which permits have previously been issued, whenever certificates of occupancy for interior tenant space have already been issued for at least 80% of the building GLA for which permits have previously been issued. (ONGOING: ENG)

(LC)18. In lieu of construction improvements at the intersection of Jog Road and Southern Boulevard (SR 80) and at the intersection of SR 7 and Southern Boulevard, the developer shall satisfy concurrency requirements by prepaying impact fees (as outlined in the January 24, 2002, letter to the County) for the following improvements:

- a. For Jog Road and Southern Boulevard intersection.
- b. For SR 7 and Southern Boulevard intersection.

These payments will be creditable against the County's impact fees and shall be made prior to December 31, 2002, or prior to the issuance of the next building permit for the project. (BLDG PERMIT: BLDG)

(LC)19. At the time FDOT programs an urban interchange (aka fly-over) at the State Road 7 / Forest Hill Boulevard intersection, the Forest Hill Boulevard ingress/egress at MUPD "D" will be re-evaluated for function and safety, with the possibility of resulting closure. Closure as a result of said urban interchange shall not result in any compensation to the Developer.

(LC)F. ENTERTAINMENT, OUTDOOR

(LC)1. 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)

(LC)2. Motorized carts, motorized rides, boats, or other similar outdoor entertainment uses requiring riding motorized equipment or vehicles shall be prohibited. (ONGOING: CODE ENF)

(I C)G- FIRM

(LC)1. Prior to December 31, 2000, the petitioner shall implement a wetland mitigation plan for the wetland preserve areas which will address supplementing the wetland preserve areas, as needed, with suitably-sized wetland species to:

- a. Eliminate any open areas resulting from the removal of Melaleuca, Brazilian Pepper, or other undesirable, invasive species; or

- b. Ensure compliance with the percent cover and/or canopy closure requirements of the Master Wetland Preservation and Deep Water Habitat Plan required under Regional Development Order Condition 31B.

This condition shall not apply to the 1.1-acre upland hand fern preserve area. (CONDITION SATISFIED)

(LC)H. HEALTH

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)

(LC)I. HOTEL

A maximum of ~~one 125-room hotel~~ 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. Ancillary 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 ancillary uses shall not exceed 15% of the gross floor area of the hotel. (DRC: ZONING)

(LC)2. The hotel and ancillary uses shall be constructed in one MUPD only. Each hotel and its ancillary uses shall be within the same MUPD. (DRC: ZONING)

(LC)3. The hotel permitted in MUPD B shall provide an off-site parking agreement and cross access agreement with the adjacent Park-n-Ride parking facility prior to submittal of a land development permit or building permit for the hotel. The agreements shall be executed and recorded in the public record as required per LDR Sec. 7.2.3.1.4. "Agreement for off-site parking" prior to issuance of any building permit for the hotel.

(LC)J. LANDSCAPING - STANDARD

All trees required to be planted on the subject property by conditions of approval, except as required by Condition G.1 and within the upland preserve area, 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)

1
2 (LC)2. All palms required to be planted on the subject property by conditions of
3 approval, except as required by Condition G.1 and within the upland
4 preserve area, shall meet the following minimum standards at time of
5 installation:

6
7 a. Height: 10 feet gray wood or clear trunk, whichever is greater.
8 b. Clustered palms: staggered heights 10 to 12 feet.
9 c. Pruning: minimum 6 fronds. (CO: LANDSCAPE - ZONING)

10
11 (LC)3. All landscape requirements contained herein may be altered by the
12 Development Review Committee upon approval of an Alternative
13 Landscape Betterment Plan (ALBP) except as follows: the ALBP shall
14 maintain the tree and palm standards above (Conditions J.1 and J.2); the
15 interior landscaping requirements below (Conditions K.1 through K.6); the
16 minimum width of the north and east perimeter buffers (Condition L.1); the
17 minimum number of trees, palms, and shrubs required in the north and
18 east perimeter buffers (Condition L.1); all required berms, and all
19 supplemental material required in preserve areas. (DRC: ZONING)

20
21 (LC)K. LANDSCAPING - INTERIOR

22
23 (LC)1. A minimum of one interior landscape island shall be provided for every 12
24 parking spaces in MUPDs A-F and the Residential PUD. The maximum
25 spacing between landscape islands shall not exceed 120 linear feet.
26 (DRC: ZONING)

27
28 (LC)2. Unless a variance is obtained by the Board of Adjustment, a minimum of
29 one interior grade level planting area (i.e. diamond), with a minimum
30 planting area of 20 square feet and one tree/palm and appropriate ground
31 cover, shall alternate with one interior landscape island for every 12
32 parking spaces in MUPD G. The maximum spacing between
33 diamonds/landscape islands shall not exceed 120 linear feet. Interior
34 landscape islands may be used in place of required diamonds. This
35 requirement shall not apply to rows of abutting parking separated by a
36 landscaped divider median. (CONDITION SATISFIED)

37
38 (LC)3. All rows of parking shall end with a landscaped island. (DRC: ZONING)

39
40 (LC)4. Landscaped divider medians, with at grade bicycle and pedestrian cuts as
41 appropriate, shall be provided in the center of all driveways over 30 feet in
42 width providing ingress or egress to each MUPD or the PUD. The
43 minimum length of this median shall be 25 feet. The minimum width of this
44 median shall be six feet. A minimum width of five feet of landscaped area
45 shall be provided. One tree or palm and appropriate ground cover shall be
46 planted for each 20 linear feet of the divider median. (CO: LANDSCAPE -
47 ZONING)

1 (LC)5. Landscape planter areas shall be provided along the front and side facades
2 of all structures. The minimum width of required landscape planter areas
3 shall be five feet. The combined length of the required landscape planter
4 areas shall be no less than 40% of the total length of the applicable side of
5 the structure. All required landscape planter areas shall be planted with a
6 minimum of one tree or palm every 20 feet on center and appropriate
7 ground cover. (CO: LANDSCAPE - ZONING)

8 (LC)6. All required buffers internal to the project shall be supplemented with one
9 palm or pine tree for each 30 linear feet of the buffer. (CO: LANDSCAPE -
10 ZONING)

11 (LC)L. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ALONG
12 FOREST HILL BOULEVARD AND SR7/US 441)

13 (LC)1. Landscaping and buffering along the north and east property lines shall be
14 upgraded to include:
15
16 a. A minimum 25-foot wide landscape buffer strip.
17
18 b. An undulating berm having an average height of three feet.
19
20 c. One canopy tree for each 20 linear feet of frontage, planted a
21 maximum of 60 feet on center.
22
23 d. One palm or pine tree for each 20 linear feet of frontage. A group of
24 three or more palm or pine trees may supersede the requirement for a
25 canopy tree.
26
27 e. One 24-inch high shrub, or equivalent ground cover approved by the
28 Planning, Zoning and Building Department, for each four linear feet, to
29 be planted on top of the required berm and maintained at a minimum
30 height of 36 inches. (CO: LANDSCAPE - ZONING)

31 (LC)2. A landscaped buffer along the north and east property lines shall not be
32 required adjacent to preserve areas designated on the PDP. (CO:
33 LANDSCAPE - ZONING)

34 (LC)M. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES

35 (LC)1. Landscaping and buffering along the south and west property lines shall be
36 upgraded to include:
37
38 a. A minimum ten-foot wide landscape buffer strip.
39
40 b. One canopy tree planted every 30 feet on center.
41
42 c. One palm or pine tree for each 30 linear feet of frontage. A group of
43

three or more palm or pine trees may supersede the requirement for a canopy tree.

- e. 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)

(LC)N. LIGHTING

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)

(LC)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)

(LC)3. All outdoor lighting fixtures in MUPD G shall not exceed 50 feet in height, measured from finished grade to highest point. (CONDITION SATISFIED)

(LC)O. MASS TRANSIT

(LC)1. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and Village Engineer.

The petitioner shall dedicate additional rights-of-way to accommodate this requirement, if requested by the Village Engineer. Bus stops shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. (CONDITION SATISFIED)

(LC)2. Printed and electronic advertising for the regional mall, where practical, shall contain information that mass transit service to the site is available.
(ONGOING: PALM TRAN)

(LC)P. OUT PARCELS

(LC)1. No freestanding buildings under 10,000 square feet of gross floor area shall be permitted in MUPD G. (DRC: ZONING)

(LC)Q. PARKING/STORAGE

(LC)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)

- (LC)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)
- (LC)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)
- (LC)4. Open storage of any material, refuse, equipment, inventory, merchandise, or debris shall not be permitted. (ONGOING: CODE ENF)
- (LC)5. A shared parking study shall not be used to reduce the required parking for restaurants in MUPDs A-F. (DRC: ZONING)

C)R. PLANNING

- (LC)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

(LC)S. PUD

(LC)1. The PUD shall be limited to a maximum of 225 gross acres. (DRC: ZONING)

(LC)2. The CLF shall be limited to a maximum of 630 CLF units subject to the provisions of Local Condition A. 5. (Note: the retail square footage in

1 MUPD A as shown in Local Condition A. 5 was decreased to accommodate
2 the additional 115 CLF units) (DRC: ZONING)

3
4 (LC)3. The CLF units shall not be converted to multifamily or other housing types
5 in accordance with the ULDC. (DRC: ZONING)

6
7 (LC)4. The multifamily portion of the PUD shall be limited to a maximum of 673
8 units. The multifamily units may be converted to other housing types in
9 accordance with the ULDC, or the Village's Land Development
10 Regulations, whichever is in effect, upon submittal of a Notice of Proposed
11 Change (NOPC) and approval by the Village Council. (DRC: ZONING)

12
13 (LC)5. Streetlights internal to the PUD shall be provided pursuant to Section
14 6.8.A.23.d(1) of the ULDC or the Village's Land Development Regulations,
15 whichever is in effect, subject to approval by the Village Engineer. (CO:
16 BLDG - ENG)

17
18 (LC)6. Street trees internal to the PUD shall be planted in or adjacent to all rights-
19 of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC or the Village's Land
20 Development Regulations, whichever is in effect, subject to approval by the
21 Village Engineer. (CO: LANDSCAPE - ENG)

22
23 (LC)7. A clearly delineated and distinct continuous bike path or bike lane, which
24 may be constructed as part of the vehicular use area internal to the PUD,
25 shall provide bike access to all mass transit stops, school bus pick up
26 locations, and MUPD G. (DRC: ZONING)

27
28 (LC)8. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the
29 ULDC. (PLAT: ENG - ZONING)

30
31 (LC)9. All property included in the legal description of the PUD shall be subject to
32 a Declaration of Restrictions and Covenants acceptable to the Village
33 Attorney's office which shall, among other things, provide for: formation of a
34 single "master" property owner's association, automatic voting membership
35 in the master association by any party holding title to any portion of the
36 subject property, and assessment of all members of the master association
37 for the cost of maintaining all common areas.

38
39 The property shall not be subjected to the Declaration of Restrictions in
40 phases. Approval of the Declaration must be obtained from the Village
41 Attorney's office prior to the issuance of the first building permit, or
42 recordation of the first plat for any portion of the planned development,
43 whichever occurs first. (CONDITION SATISFIED)

44
45 (LC)T. PREM

46
47 (LC)1. The property owner shall provide Palm Beach County Board of County
48 Commissioners with a warranty deed by August 26, 2000, or upon

1 recordation of the first plat, whichever should first occur, for a net 2.0-acre
2 Fire Rescue civic site, in a location and form acceptable to the Facilities,
3 Development & Operations Department (FDO) and County Attorney's
4 office. The petitioner shall plat and dedicate the civic site to Palm Beach
5 County prior to conveying the deed and shall have satisfied each of the
6 following conditions prior to deed conveyance:

- 7 a. Developer to provide a title policy insuring marketable title to Palm
8 Beach County for the civic site. Policy is subject to Property & Real
9 Estate Management Department's (PREM) and County Attorney's
10 approval. The title policy is to be insured to Palm Beach County for a
11 dollar value based on current market appraisal of the proposed civic
12 site. The appraisal is to be obtained by the Developer. The County
13 is to have the option, at their discretion, to release all or part of the
14 Declarations of Covenants and Conditions of the PUD, as it would
15 apply to the civic site. If the County ever sells the site for a nonpublic
16 use, the subsequent owner will be subject to the covenants and
17 conditions of the applicable MUPD. The County will agree that the
18 civic site will be subject to reasonable design controls to ensure
19 compatibility of design and function of the facility within the overall
20 development. However, any design changes beyond standard Fire
21 Rescue Facility design shall be at the sole cost of the property
22 owner.
- 23 b. All ad valorem real estate taxes and assessments for the year of
24 closing shall be pro-rated at the day of acceptance of the deed for the
25 civic site; acceptance date is to be determined by PREM and County
26 Attorney's Office after receiving Board approval.
- 27 c. Civic site is to be free and clear of all trash and debris at the time of
28 acceptance of warranty deed.
- 29 d. Developer shall provide all detention required for any future
30 development of the proposed civic site by the County. Developer
31 shall specifically address the following issues:
 - 32 1) The discharge of surface water from the proposed civic site into the
33 developer's water detention basins.
 - 34 2) An easement across developer's property from the proposed civic
35 site to the detention basins, if required.
 - 36 3) Drainage conveyance system connection shall be provided to the
37 property line by the property owner.
- 38 e. By acceptance of these conditions, developer agrees to allow the
39 County to perform any on-site inspections deemed appropriate to
40 support the acquisition of the civic site.

- f. Developer is to prepare the civic site to buildable grade under the direction of the Facilities Development & Operations Department.
- g. Developer is to provide water and sewer stubbed out to the property line.
- h. Should the County 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 the County 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.
- i. Should the County 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)

(LC)2. The property owner shall provide the County with a certified survey of the proposed civic site by September 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by FAC Rule 61G17-6.
- b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c. The survey should include the location of any proposed water detention area that will border the civic site. Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (CONDITION SATISFIED)

(LC)3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by September 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit." The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include, but not be limited to, the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agencies' enforcement

1 and permitting records for indication of prior groundwater or soil
2 contamination. Also, a review of the neighboring property that
3 borders the proposed civic site will be required. The review shall
4 include, but not be limited to, Palm Beach County Environmental
5 Resources Management Department records and Florida Department
6 of Regulation records.

7
8 The assessment shall reflect whether the civic site or any bordering
9 property is on the following lists:
10

- 11 1) EPA's National Priorities (NPL) list.
12 2) Comprehensive Environmental Response Compensation and
13 Liability Act System (CERCLA) list.
14 3) Hazardous Waste Data Management System (HWDMS) list.
15
- 16 c. Review of current and historical aerial photographs of the proposed
17 civic site. Provide a recent aerial showing site and surrounding
18 properties.
19
- 20 d. The results of an on-site survey to describe site conditions and to
21 identify potential areas of contamination.
22
- 23 e. Review of Wellfield Protection Zone maps to determine if property is
24 located in a Wellfield Zone. (CONDITION SATISFIED)
25

26 (LC)4. Prior to September 1, 1999, the petitioner may request to exchange the
27 required on-site dedication of land for cash of equal value or off-site land
28 equal in acreage; however, this option shall be used only upon County
29 approval. In addition, should the off-site land option be chosen, each
30 PREM condition listed in numbers 1, 2, & 3 above shall also apply. If the
31 land off site is of less cash value than the on-site dedication, the petitioner
32 shall contribute cash equal to the difference in values. Valuation of the on-
33 site and off-site land shall be subject to the County appraisal process and
34 be at the cost of the petitioner. If off-site land or cash contribution is
35 accepted by Palm Beach County, the petitioner shall be deemed to have
36 satisfied the intent of Section 6.8B.6a (2) of the ULDC. (CONDITION
37 SATISFIED)

38 (LC)5. The developer shall install appropriate safety signalization and turn lanes
39 on all interior circulating access drives in a location and manner acceptable
40 to Palm Beach County Fire Rescue when requested by Palm Beach
41 County Fire Rescue. (ONGOING: PREM / FIRE)
42

43 (LC)U. REPAIR AND MAINTENANCE, GENERAL
44

45 This land use was voluntarily withdrawn by the applicant and has been
46 stricken from the Development Order.
47

1 (LC)V. CONDITIONAL USES

2
3 (LC)1. The maximum number, location, and maximum gross square feet of floor
4 area or rooms for each approved conditional use shall be limited as follows:
5

APPROVED CONDITIONAL USE	MAX NO.	MUPD LOCATION	MAX SF / ROOMS BY MUPD*	MAX COMBINED SF / ROOMS**
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	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
Entertainment, Outdoor ****	4	A,F	10,000 in A; 50,000 in F;	50,000
Financial Institution *****	10	ALL	10,000 in A,E; 30,000 in B,C; 20,000 in D,F	100,000
Hotel	42	A,B,C,F	125 rooms in A,B,C,F	425 <u>250</u> 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

6 * Maximum gross square feet of floor area per conditional use permitted in each MUPD.
7 ** Maximum combined gross square feet of floor area of use permitted (total).
8 *** Combined enrollment limited to a maximum of 600 children total.
9 **** 18 acres (gross) maximum.
10 ***** Limitation applies to financial institutions over 10,000 square feet or with more than 3 drive-up teller windows only. (DRC: ZONING)

11 (LC)2. Conditional uses may be co-located on a single and/or combined out parcel
12 if an acceptable traffic equivalency analysis and transfer of square footage
13 is approved by the Village Engineer and the DRC. (DRC: ZONING / ENG)

1 (LC)W. SCHOOL BOARD

2
3 (LC)1. The petitioner shall post, in a clear and visible location in all sales/rental
4 offices and model homes, a sign provided by the School Board of Palm
5 Beach County which indicates that school-age children in the development
6 may not be assigned to the most proximate public school because of
7 overcrowding, racial balancing, or other School Board policies.
8 (ONGOING: SCHOOL BOARD)

9
10 (LC)X. SIGNS

11
12 Wall signs shall be regulated by Wellington's LDR except as conditioned
13 herein. The directional, median, project identification and monument type
14 signs shall be consistent with the approved Wellington Green Master Sign
15 Plan (Exhibit 2). Amendments shall be in accordance with Wellington's
16 LDR. Reference Exhibit 2 for Local Condition (LC) X. 1 – 20.

17
18 (LC) 21. Temporary balloon signs shall not be permitted. (ONGOING: ZONING)

19
20 (LC) 22. Electronic message signs shall not be permitted. (BLDG PERMIT: BLDG -
21 ZONING)

22
23 (LC) 23. Flags, other than federal, state, or local government emblems, shall not be
24 permitted. Flagpoles shall be limited to a maximum height of 35 feet,
25 measured from finished grade to highest point. A maximum of three
26 flagpoles shall be permitted in each planned development. (BLDG
27 PERMIT/ONGOING: BLDG/CODE ENF)

28
29 (LC) 24. Outdoor display of equipment, inventory, merchandise, or similar retail
30 products shall not be permitted. (ONGOING: CODE ENF)

31
32 (LC)Y. UNITY

33
34 (LC)1. Prior to recordation of the first plat, the petitioner shall record in the public
35 record a unity of control for the entire subject property. The unity shall be
36 recorded in a form and manner acceptable to the County Attorney. The
37 unity shall not be removed, altered, changed, or amended without written
38 approval from the Zoning Director. (CONDITION SATISFIED)

39
40 (LC)2. Prior to recordation of the first plat, the petitioner shall record a covenant in
41 the public record indicating that all structures, uses, and parking areas
42 within each MUPD and the PUD are part of a single unified planned
43 development, regardless of ownership. The covenant shall be recorded in
44 the public record in a manner and form acceptable to the County Attorney.
45 The covenant shall not be removed, altered, changed, or amended without
46 written approval from the County Attorney. (CONDITION SATISFIED)

47
48 (LC)Z. COMPLIANCE

1
2 (LC)1. Failure to comply with any of the conditions of approval for the subject
3 property at any time may result in:

4
5 a. The issuance of a stop work order; the issuance of a cease and desist
6 order; the denial or revocation of a building permit; the denial or
7 revocation of a Certificate of Occupancy; the denial of any other
8 permit, license, or approval to any developer, owner, lessee, or user
9 of the subject property; the revocation of any other permit, license, or
10 approval from any developer, owner, lessee, or user of the subject
11 property; revocation of any concurrency; and/or
12
13 b. The revocation of the Official Map Amendment, Conditional Use,
14 Requested Use, Development Order Amendment, and/or any other
15 zoning approval; and/or
16
17 c. A requirement of the development to conform with the standards of
18 the ULDC at the time of the finding of non-compliance, or the addition
19 or modification of conditions reasonably related to the failure to
20 comply with existing conditions; and/or
21
22 d. Referral to code enforcement; and/or
23
24 e. Imposition of entitlement density or intensity.

25
26 Staff may be directed by the Director of Community Services, Community
27 Development Director or the Village of Wellington Special Master to
28 schedule a Status Report before the body which approved the Official
29 Zoning Map Amendment, Conditional Use, Requested Use, Development
30 Order Amendment, and/or other zoning approval, in accordance with the
31 provisions of Section 5.8 of the Land Development Regulations (LDR), in
32 response to any flagrant violation and/or continued violation of any
33 condition of approval.

34
35 Appeals of any departmental administrative actions hereunder may be
36 taken to the Village of Wellington Board of Adjustment or as otherwise
37 provided in the LDR, as amended. Appeals of any revocation of an Official
38 Zoning Map Amendment, Conditional Use, Requested Use, Development
39 Order Amendment, or other actions based on a Village of Wellington
40 Council decision shall be by petition for writ of certiorari to the Fifteenth
41 Judicial Circuit. (MONITORING)

42
43 (LC)3. In granting this approval, the Village Council relied upon the oral and
44 written representations of the petitioner both on the record and as part of
45 the application process. Deviations from or violation of these
46 representations shall cause the approval to be presented to the Village
47 Council for review under the compliance condition of this approval.
48 (ONGOING: MONITORING - ZONING)

1
2 **SECTION 5:** The following are additional Local Conditions.
3

4 1. The project is subject to the Village's "Big Box" development and design standards as
5 provided in Sec. 6.5.19 of the Land Development Regulations.
6

7 2. The Congregate Living Facility site and the 17 acre multifamily site shall be presented
8 to the Village Council for conceptual master plan prior to final site plan certification by
9 the Development Review Committee.
10

11 3. There shall be a minimum of 81 PM peak hour trips allocated to the congregate living
12 facility site. Those 81 re-allocated trips shall not be allocated to any other use without
13 prior review and approval by the Village Council.
14

15 4. Prior to Development Review Committee Certification of a site plan for MUPD F, or
16 Pod A or Pod C of the Planned Unit Development, whichever occurs first, the Village
17 and the applicant shall calculate and agree upon the overall number of gross square
18 feet construction with MUPD A-F, inclusive.
19

20 5. Cross access shall be provided to promote inter-connectivity with the parcels to the
21 south. A minimum of three total access points shall be provided to these parcels
22 (Castellina PUD and Village Green).
23

24 6. The petitioner shall provide a recorded easement for vehicular/pedestrian access to
25 the adjacent southern projects (Castellina PUD and Village Green) as determined
26 by the Director of Engineering Services. Access shall be consistent with the existing
27 improvements constructed within MUPD F.
28

29 7. The petitioner shall file an application to amend the Land Development Regulations
30 with respect to signage for the Wellington Green Mall by November 1, 2011. The
31 signage shall be consistent with the approved Wellington Green Master Sign Plan.
32 Any signage not approved under the Wellington Green Master Sign Plan shall be
33 consistent with Article 7 Chapter 14 Sign Regulations and may require Architectural
34 Review Board (ARB) approval. (LDR AMENDMENT COMPLETED)
35

36 8. The project driveway analysis shall be provided prior to site plan approval of Pod C.
37

38 **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase of this
39 Resolution conflict with any section, paragraph, clause or phrase of any prior Wellington
40 Ordinance, Resolution, Or Municipal Code provision, then in that event the provisions of
41 this Resolution shall prevail to the extent of such conflict.
42

43 **SECTION 7:** Should any section paragraph, sentence, clause, or phrase of this
44 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
45 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
46 other than the part to be declared invalid.
47

48 **SECTION 8:** This Resolution shall become effective immediately upon adoption.

1

2

(Remainder of page intentionally left blank)

1 **PASSED AND ADOPTED** this _____ day of _____, 2017.

2
3 **ATTEST:**

4
5 **WELLINGTON, FLORIDA**

6 BY: _____
7 Rachel Callovi, Clerk

8 BY: _____
9 Anne Gerwig, Mayor

10 **APPROVED AS TO FORM AND**
11 **LEGAL SUFFICIENCY**

12 BY: _____
13 Laurie Cohen, Village Attorney

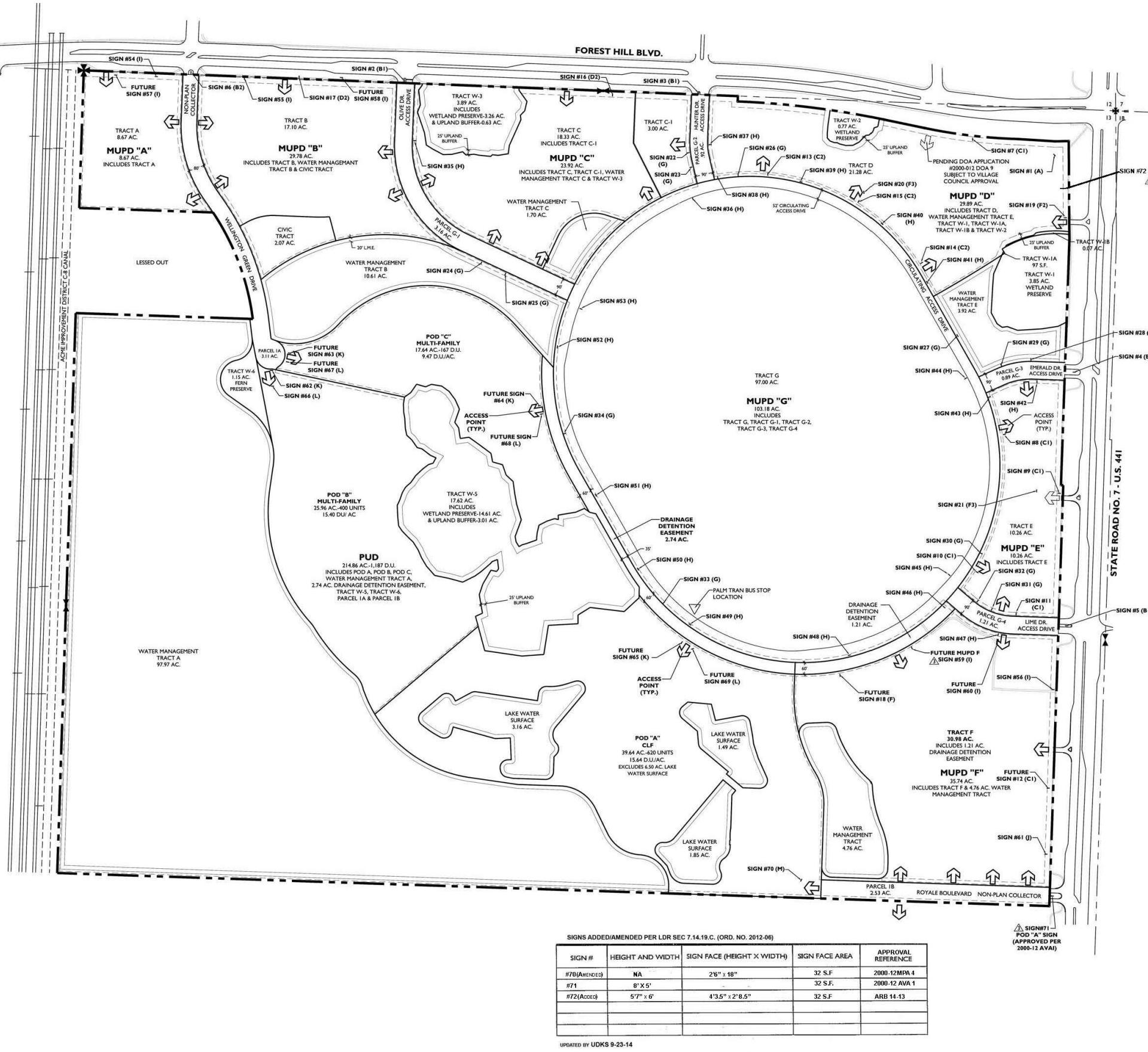


Exhibit 2

Wellington Green Master Sign Plan

EXISTING SIGNS

SIGN #	SIGN TYPE	DESCRIPTION	QTY.	ALLOWABLE WIDTH x HEIGHT	ALLOWABLE FACE AREA	CONDITION REFERENCE*
#1	A	PRIMARY PROJECT IDENTIFICATION SIGN	1	9' X 25'	75 S.F.	(LC)1
#2 THROUGH #5	B1	MALL MEDIAN ENTRANCE IDENTIFICATION SIGN	4	10' X 8'	45 S.F.	(LC)2
#6	B2	MEDIAN ENTRANCE IDENTIFICATION SIGN	1	11' X 8'	55 S.F.	(LC)3
#7 THROUGH #11	C1	EXTERNAL FREESTANDING POINT OF PURCHASE SIGN	5	8' X 10'	60 S.F.	(LC)4
#13 THROUGH #15	C2	EXTERNAL FREESTANDING POINT OF PURCHASE SIGN	3	8' X 6'	60 S.F.	(LC)5
#16 & #17	D2	MONUMENT SIGN FOR PRIMARY TENANTS	2	8' X 10'	60 S.F.	(LC)6
#19	F2	EXTERNAL SECONDARY PROJECT IDENTIFICATION SIGN	1	5' X 8'	30 S.F.	(LC)8
#20 & #21	F3	INTERNAL SECONDARY PROJECT IDENTIFICATION SIGN	2	5' X 5'	10 S.F.	(LC)9
#22 THROUGH #34	G	DIRECTIONAL IDENTIFICATION SIGN	13	6' X 8'	25 S.F.	(LC)10
#35 THROUGH #53	H	REGULATORY SIGN	19	6' X 8'	25 S.F.	(LC)11
#54, #55, #56	I	GAS/ SERVICE STATION/ CONVENIENCE STORE SIGN	3	SEE CONDITION	SEE CONDITION	(LC)12
#61	J	RESIDENTIAL ENTRANCE MONUMENT SIGN	1	10' X 8'	32 S.F.	(LC)13
#62	K	RESIDENTIAL ENTRY WALL FEATURE SIGN	1	SEE CONDITION	SEE CONDITION	(LC)14
#66	L	RESIDENTIAL ENTRY WALL FEATURE SIGN	1	SEE CONDITION	SEE CONDITION	(LC)15
#70	M	ROTARY FOUNTAIN ENTRY FEATURE DESIGN	1	2' 6" HEIGHT	32 S.F.	(LC)16

57 TOTAL EXISTING SIGNS

* REFER TO CONDITIONS IN RESOLUTION #R-2008-70

FUTURE SIGNS

SIGN #	SIGN TYPE	DESCRIPTION	QTY.	ALLOWABLE WIDTH x HEIGHT	ALLOWABLE FACE AREA	CONDITION REFERENCE*
#12	C1	EXTERNAL FREESTANDING POINT OF PURCHASE SIGN	1	8' X 10'	60 S.F.	(LC)5
#18	F	INTERNAL SECONDARY PROJECT IDENTIFICATION SIGN	1	5' X 8'	30 S.F.	(LC)8
#57 THROUGH #60	I	OUTPARCEL SIGN	4	8' X 5'	32 S.F.	(LC)12
#63 THROUGH #65	K	RESIDENTIAL ENTRANCE MONUMENT SIGN	3	40' X 6'	32 S.F.	(LC)14
#67 THROUGH #69	L	RESIDENTIAL ENTRY WALL FEATURE SIGN	3	40' X 6'	32 S.F.	(LC)14

12 TOTAL FUTURE SIGNS

EXISTING NON-CONFORMING SIGNS

SIGN #	HEIGHT AND WIDTH	SIGN FACE (HEIGHT X WIDTH)	SIGN FACE AREA	CONDITION REFERENCE
6	8'0" X 11'0"	6'6" X 8'6"	55 S.F.	(LC)3
7	10'0" X 8'0"	6'0" X 6'0"	36 S.F.	(LC)4
14	6'0" X 5'0"	4'0" X 4'0"	16 S.F.	
16	9'6" X 7'6"	6'0" X 7'6"	45 S.F.	(LC)6
17	10'0" X 8'0"	6'6" X 7'6"	49 S.F.	(LC)6
19	7'6" X 5'0"	3'6" X 4'0"	14 S.F.	(LC)8
20	5'0" X 4'0"	2'0" X 4'0"	6 S.F. (CIRCULAR)	(LC)9
21	5'0" X 3'6"	2'0" X 3'6"	5 S.F. (CIRCULAR)	(LC)9
22	8'6" X 5'6"	4'0" X 4'0"	16 S.F.	(LC)10
35	7'0" X 5'0"	3'0" X 4'0"	12 S.F.	(LC)11
54	5'6" X 6'6"	5'6" X 6'6"	36 S.F.	(LC)12
55	5'6" X 7'6"	3'6" X 7'6"	27 S.F.	(LC)12
56	5'0" X 8'0"	3'0" X 8'0"	24 S.F.	(LC)12
61	8'6" X 7'0"	4'6" X 7'0"	32 S.F.	(LC)13
62	7'6" X 16'6"	4'0" X 11'0"	44 S.F.	(LC)14

NOTE: THE ABOVE DIMENSIONS WERE FIELD VERIFIED. NO SEARCH OF THE VILLAGE'S RECORDS/ BUILDING PERMITS FOR THESE SIGNS WAS UNDERTAKEN



MASTER SIGN PLAN	
SCALE:	1"=250'
DRAWN BY:	BRD/RHD
DRAWING #:	2010-11-01_Master Sign Plan_5474.dwg
FILE #:	547.4
DATE:	10/08/2007
L.D.S. PROJECT SCHEDULE	
DATE APPROVAL	NOTES
2007/08/01	REVISIONS PASSED COMMENTS
2007/08/01	MASTER PLAN AMENDMENT
2007/08/01	MPA REVISIONS BASED ON DPC COMMENTS
2007/08/01	MAINTAINS MPA DESIGN

SHEET #

1 OF 3

1 OF 4

Local Condition (LC): X. 1 – 20.

(LC)1. One freestanding, primary-site identification sign (Sign Type A) at the intersection of Forest Hill Boulevard and SR7/US441 shall be permitted as follows:

- a. Maximum sign height, measured from finished grade to highest point – 25 feet.
- b. Maximum sign width - 9 feet.
- c. Maximum sign face area per side - 75 square feet.
- d. Maximum number of signs – 1 (Sign #1).
- e. Style - monument style or decorative tower only.
- f. Advertising - primary project identification only.

(LC)2. Median-entry freestanding signs (Sign Type B1) on Forest Hill Boulevard and SR7/US441 shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point - 8' H x 10' W.
- b. Maximum sign face area per side - 45 sq. ft.
- c. Maximum number of signs - 4, consisting of 2 signs per road as follows:
 - i. Forest Hill Boulevard – Signs #2 & #3.
 - ii. SR7/US441 – Signs #4 & #5.
- d. Style - monument style only.
- e. Advertising - regional mall name only.

(LC)3. Freestanding median entrance identification sign (Sign Type B2) fronting Forest Hill Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point – 8' H x 11' W.
- b. Maximum sign face area per side – 55 sq. ft.
- c. Maximum number of signs – One (1) (Sign #6).
- d. Style – monument style only
- e. Advertising – Identification signage for Pod B and Pod C only.

(LC)4. External freestanding point of purchase signs (Sign Type C1) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 10'H x 8' W.
- b. Maximum sign face area per side - 60 sq. ft.
- c. Maximum number of signs – 6 (Existing Signs #7, #8, #9, #10, #11 and Future Sign #12).
- d. Style - monument style only.
- e. Advertising - primary identification for adjacent MUPD and maximum of 4 tenants/users only.

(LC)5. External freestanding point of purchase signs (Sign Type C2) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 6' H x 8' W.
- b. Maximum sign face area per side - 60 sq. ft.
- c. Maximum number of signs – 3 (Signs #13, #14, #15).
- d. Style - monument style only.
- e. Advertising - primary identification for adjacent MUPD and maximum of 4 tenants/users only per sign.

(LC)6. External freestanding point of purchase signs (Sign Type D2) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 10' H x 8'W
- b. Maximum sign face area per side - 60 sq. ft.
- c. Maximum number of signs – 2 (Signs #16 & #17).
- d. Style - monument style only.
- e. Advertising - primary identification for tenants and maximum of 4 tenants/users only per sign.

(LC)7. Freestanding, internal secondary project identification signs (Sign Type F) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 8' H x 5' W.
- b. Maximum sign face area per side - 30 sq. ft.

c. Maximum number of signs – 1 (future sign #18).

- d. Style - monument style only.
- e. Advertising - adjacent MUPD name only, with maximum two (2) lines of text.

(LC)8. Freestanding, external secondary project identification signs (Sign Type F2) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 8'H x 5' W.
- b. Maximum sign face area per side - 30 sq. ft.
- c. Maximum number of signs – 1 (existing sign #19).
- d. Style - monument style only.
- e. Advertising - adjacent MUPD name only.

(LC)9. Freestanding, internal secondary project identification signs (Sign Type F3) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 5' H x 5' W.
- b. Maximum sign face area per side - 10 sq. ft.
- c. Maximum number of signs – 2 (Existing signs #20 & #21).
- d. Style - monument style only.
- e. Advertising - adjacent MUPD name only.

(LC)10. Freestanding, directional identification signs (Sign Type G) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 8' H x 6' W.
- b. Maximum sign face area per side - 25 sq. ft.
- c. Maximum number of signs – 13 (existing signs #22 through #34 inclusive).
- d. Style - monument style only.
- e. Advertising - Directional instructions to tenants of the regional mall.

(LC)11. Freestanding, regulatory signs (Sign Type H) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 8' H x 6' W.
- b. Maximum sign face area per side - 25 sq. ft.
- c. Maximum number of signs – 19 (existing signs #35 through #53 inclusive).
- d. Style - monument style only.
- e. Advertising - Directional signage to Forest Hill Boulevard and/or State Road 7 / US 441.

(LC)12. Freestanding, outparcel identification signs (Sign Type I) shall be limited as follows:

- a. Maximum number of signs – seven (7), consisting of existing signs #54 through #56 (inclusive) and future signs #57 through #60 (inclusive).
- b. Style - monument style only.
- c. Existing sign #54:
 - i. Maximum sign height, measured from finish grade to highest point - 6' H x 7' W
 - ii. Maximum sign face area per side – 40 sq. ft.
 - iii. Advertising: maximum of 1 tenant/user of the adjacent MUPD.

- d. Existing sign #55:
 - i. Maximum sign height, measured from finish grade to highest point - 6' H x 7' W
 - ii. Maximum sign face area per side – 30 sq. ft.
 - iii. Advertising: maximum of 1 tenant/user of the adjacent MUPD only.

- e. Existing sign #56:
 - i. Maximum sign height, measured from finish grade to highest point - 5' H x 8' W
 - ii. Maximum sign face area per side –30 sq. ft.
 - iii. Advertising: maximum of two (2) tenants/users of the adjacent MUPD only.

f. Future signs #57 through #60 (inclusive):

- i. Maximum sign height, measured from finish grade to highest point - 5' H x 8' W

(LC)13. i. Maximum sign face area per side –32 sq. ft.

iv. Advertising: maximum of one (1) tenant/user of the adjacent MUPD Freestanding gas/service station/convenience store sign (Sign Type J) shall be limited as follows:

- a. Maximum sign height, measured from finish grade to highest point – 8'H x 10' W.
- b. Maximum sign face area per side - 32 sq. ft.
- c. Maximum number of signs – 1 (existing sign #61).
- d. Style - monument style only.
- e. Advertising - corporate logo, price, grade and service type and may include a changeable copy price sign. (

Residential entrance monument signage (Sign Type K) shall be limited as follows:

- a. Maximum number of signs - 1 per entry consisting of existing sign #62 and future signs #63 through #65 (inclusive)
- b. Maximum sign height, measured from finished grade to highest point – 8ft for existing sign #62, 6ft for future signs #63 through #65.
- c. Maximum sign length – 17 ft for existing sign #62, 10 ft for future signs #63 through #65.
- d. Maximum sign face area per sign –
 - i. Existing sign # 62– 45 sq. ft.
 - ii. Future signs #63 through # 65 (inclusive) – 32 sq. ft.
- e. Style - monument style only.

Residential entry wall signage (Sign Type L) shall be limited as follows:

- a. Maximum number of signs - 1 per entry consisting of existing sign #66 and future signs #67 through #69 (inclusive)
- b. Maximum sign height, measured from finished grade to highest point – 8ft for existing sign #67, 6ft for future signs #67 through #69.
- c. Maximum sign face area per sign –
 - i. Existing sign # 66 – 32 sq. ft.
 - ii. Future signs #67 through #69 (inclusive) – 32 sq. ft.
- d. Style – signage shall only be affixed to the entry wall.

Rotary fountain signage (Sign Type M) on Pod A shall be limited as follows:

- a. Maximum number of signs – one (1) (Existing Sign #70)
- b. Maximum sign height, measured from finished grade to highest point – 2'6"
- c. Maximum lettering height – 18 inches
- d. Maximum sign face area per sign – 32 sq. ft.
- e. Style – signage shall be displayed on the eastern side of the fountain's external base wall and display the name of the congregate living facility only

A maximum of three external monument signs shall be permitted per MUPD.

Monument signs shall be separated a minimum of 200 lineal feet from other internal or perimeter monument signs, excluding Wellington Green Mall identification monument signs.

Maximum of 12 total monument signs allowed for commercial out parcels or free standing businesses, subject to compliance with the maximum number of monument signs per MUPD.

Directional, identification and monument type signs background color shall be black and letter color shall be white. The background color shall be beige or tan and letter color shall be black for signs located in the medians along Forest Hill Blvd. and State Road 7. Other colors are prohibited, except for a complete Wellington Green signage revision, which shall continue a similar color scheme as indicated previously.