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2
3 **RESOLUTION NO. R2023-63**

4 **A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, APPROVING A**
5 **MASTER PLAN AMENDMENT [PETITION NUMBER 2023-0002-MPA] FOR**
6 **CERTAIN PROPERTY, KNOWN AS LOTIS WELLINGTON 1, A MIXED-USE**
7 **PROJECT, TOTALING 64.02 ACRES, MORE OR LESS, LOCATED ON THE**
8 **WEST SIDE OF STATE ROAD 7, APPROXIMATELY HALF A MILE NORTH OF**
9 **FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN;**
10 **REMOVING THE CONDITIONAL USES FOR A CONGREGATE LIVING**
11 **FACILITY (TYPE 3) AND GENERAL DAYCARE FACILITY, AS APPROVED BY**
12 **RESOLUTION NUMBER R2020-48; APPROVING AN INCREASE OF MULTI-**
13 **FAMILY RESIDENTIAL DWELLING UNITS FROM 191 TO 378, AN INCREASE**
14 **IN THE MEDICAL OFFICE FROM 40,000 TO 50,000 SQUARE FEET, TO**
15 **DEDICATE A 0.84-ACRE CYPRESS PRESERVE AND RECREATION AREA**
16 **AS CONSERVATION, TO ADD A PUBLIC DOG PARK, TO MODIFY THE LAKE**
17 **AND PUBLIC GREENWAY TRACTS, AND TO AMEND CONDITIONS OF**
18 **APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A**
19 **SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

24
25 **WHEREAS**, the notice and hearing requirements, as provided in Article 5 of the LDR,
26 as adopted by Wellington, have been satisfied; and

27
28 **WHEREAS**, the current Wellington Future Land Use Map designation for the 64-acre
29 project known as Lotis Wellington 1 is Mixed Use (MU); and

30
31 **WHEREAS**, the current Wellington Zoning Map designation for the 64-acre project
32 known as Lotis Wellington 1 is Multiple Use Planned Development (MUPD); and

33
34 **WHEREAS**, the Lotis Wellington 1 Master Plan and Conditional Uses were approved
35 (Resolution No. R2020-48) by Council on December 8, 2020, and was amended by Council
36 on June 14, 2022 (Resolution No. R2022-12); and

37
38 **WHEREAS**, the Lotis Wellington 1 Master Plan Amendment (Petition 2023-0002-
39 MPA) was reviewed and certified by the Development Review Manager; and
40

41 **WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local
42 Planning Agency, after notice and public hearing on November 8, 2023, recommended
43 approval of the Lotis Wellington 1 Master Plan Amendment with a 7 to 0 vote; and
44

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

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

- 52 1. The Master Plan Amendment request is consistent with the Comprehensive
53 Plan;
- 54 2. The subject request is consistent with the stated purposes and intent of the
55 Land Development Regulations;
56
- 57 3. The subject request is consistent with the surrounding land uses and zoning
58 districts;
59
- 60 4. Approval of subject request would result in a logical and orderly development
61 pattern; and
62
- 63 5. The subject request is consistent with the applicable Multiple Use Planned
64 Development (MUPD) regulations.
65
66

67 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
68 **FLORIDA, THAT:**
69

70 **SECTION 1.** The Lotis Wellington 1 (Lotis 1) Master Plan is hereby approved for the
71 property legally described in Exhibit A, subject to the following amended and restated
72 conditions of approval (Formatting: ~~Strike-through~~ text is to be deleted and underline
73 text is to be added):
74

- 75 1. The subject site shall be governed by the conditions of approval within this
76 resolution and based on the Master Plan (MP) as provided in Exhibit B. All previous
77 conditions of approval for a portion of the subject project, as referenced in
78 Ordinance No. 2006-08 and Resolution No. R2006-26, are not valid due to expiration
79 of the previous Master Plan and Conditional Use approvals. Resolution No. R2006-
80 26 is no longer valid, in its entirety. This does not affect the Zoning designation of
81 MUPD, as approved by Ordinance No. 2006-08. (PLANNING)
82

- 83 2. Development of the site shall be limited to the uses, access, acreage, site design, site
 84 amenities, and landscape buffers approved on the Master Plan, Regulating Plan, and
 85 Circulation Plan, ~~and Phasing Plan~~ (Exhibit B). The final plans consistent with any
 86 Council approved changes and conditions of approval imposed by Council shall be
 87 submitted for final processing, if applicable. (PLANNING)
 88
- 89 3. No building permits for the site shall be issued after October 16, 2025 (Per Executive
 90 Order), unless extended by Palm Beach County Traffic Division through an
 91 equivalency letter or an updated Traffic Study approval consistent with this master
 92 plan approval. The County traffic concurrency approval is subject to the Project
 93 Aggregation Rules as set forth in the Traffic Performance Standards Ordinance. If the
 94 Lotis 1 and Lotis Wellington 2 projects are ever aggregated on any plans, then the
 95 traffic impacts on the Village of Wellington (Wellington) roadways and intersections
 96 must be readdressed for the aggregated project. (TRAFFIC)
 97
- 98 4. The project shall be developed consistent with the approved master plan based on
 99 the use limitations below:

USE	INTENSITY/DENSITY LIMITATIONS
Quality Restaurant (Indoor & Outdoor)	23,676 SF (Min.) / 41,856 <u>42,043</u> SF (Max.)*
Retail	7,200 SF (Min.) / 23,900 SF (Max.)*
Medical Office	20,000 SF (Min.) / 40,000 <u>50,000</u> SF (Max.)*
Professional Office	12,700 SF (Min.) / 36,700 SF (Max.)*
Multi-family Residential	191 <u>378</u> DUs
CLF—Independent Living Facility (ILF)	150 <u>DUs</u>
CLF—Assisted Living Facility (ALF)	110 <u>Beds</u>
Daycare Facility	18,000 SF / 210 <u>children</u>

100 *Any combination of retail, restaurant, medical and professional office uses shall
 101 not generate more peak hour directional trips than the trips included in the
 102 approved traffic study dated March 23, 2020, as indicated below. The allowed SF
 103 shall not be less than the minimum or more than the maximum SF as indicated for
 104 each use.
 105

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

(PLANNING/TRAFFIC)

- 106
 107
 108 5. The commercial and/or office and institutional (Pod A and/or D-only) and residential

109 development (Pod ~~B~~ E) shall be developed concurrently, with a minimum of 40,000
110 SF of the commercial ~~and/or office and institutional~~ uses within Pods A, ~~B~~ and/or D
111 ~~are~~ issued building permits prior to issuance of building permits for the first
112 residential building. Certificate of Occupancy (CO) and/or Temporary Certificate of
113 Occupancy (TCO), for buildings within Pods A, B, C, and D shall be issued based on
114 the below limitations:

115
116 a. 44,000 SF (including restaurant outdoor seating areas) of commercial or office
117 institutional development shall receive a CO/TCO prior to 96 residential units
118 receiving a CO/TCO as referenced above.

119
120 b. 10,500 SF (including restaurant outdoor seating areas) of commercial or office
121 development shall receive a CO/TCO prior to 59 residential units receiving a
122 CO/TCO.

123
124 c. 10,500 SF (including restaurant outdoor seating areas) of the commercial and/or
125 institutional development shall receive a CO/TCO prior to the remaining ~~36-223~~
126 residential units receiving a CO/TCO, ~~up to the maximum of 191 units~~.
127 (PLANNING)

128
129 6. The ~~private recreation areas/amenities~~, clubhouse, along with adjacent amenities,
130 mailrooms, and school bus shelters, in Pods B and C ~~and F~~ shall be completed prior
131 to issuance of the first Certificate of Occupancy (CO) for a residential/~~CLF~~ building
132 within each respective Pod. The private recreation areas and amenities shall be
133 completed prior to issuance of a CO for an adjacent residential building within each
134 respective Pod. All remaining private recreation areas and amenities shall be
135 completed prior to issuance of the final CO within each respective Pod. The trash
136 compactor shall be completed when the adjacent buildings CO are issued.
137 (PLANNING)

138
139 7. The developer/owner is required to provide public land dedication for parks and
140 recreation facilities as well as civic facilities pursuant to the Land Development
141 Regulations. The land dedication required for parks and recreation is ~~4.63~~ 5.76 acres
142 for Pod B and C. The civic land dedication required is ~~0.92~~ 1.16-acre. A total of 6.95
143 acres of land dedication is required for the 378 residential units within Pod B and C.
144 Required land dedication may shall be ~~addressed or~~ satisfied per the following:

145 a. A 25% (approximately 1.564 AC) credit ~~of the gross site area~~ will be given towards
146 the Public Recreation and Civic land dedication requirement for the Greenway
147 and Cypress Preserve areas privately-owned public recreation areas and amenities
148 provided within the Lotis 1 project.

- 150 b. The public recreation areas and amenities provided within Pods F-2, F-3, and E
151 Greenway (2.86 acres) and Cypress-Preserve Area (0.60 acre) shall be available to
152 the public by way of a restrictive covenant and access easements in favor of ~~the~~
153 Village of Wellington. Said documents shall be in place prior to the issuance of
154 the first vertical building permit. The restrictive covenant and access easements
155 shall be amended to reflect the public recreation pods as illustrated on the Lotis 1
156 MP.
- 157
- 158 c. The public Greenway system within Pod F-2 and F-3 shall contain a multi-use
159 asphalt pathway with shade trees (in addition to other required trees), seating
160 areas, fitness stations, lighting and shade structures around the 18-acre lake and a
161 gathering/green space as illustrated on the approved plans.
- 162
- 163 d. The ~~Greenway system and Cypress-Preserve Area~~ public recreation areas and
164 amenities provided within Pods F-2, F-3, and E shall be maintained by the Lotis
165 Wellington Property Owners' Association (POA). The maintenance requirements
166 shall be provided with the Declaration of Restrictions and Covenants as required
167 below in Condition 11.h.
- 168
- 169 e. The remaining approximately 5.386-acre (6.95 AC – 1.564 AC) land area
170 requirement ~~may~~ shall be met by an in-lieu payment based on a value that is
171 \$50,000.00 per acre or the certified appraised fair market value per acre,
172 whichever is greater, as approved administratively by Wellington when the in-lieu
173 payment is required. ~~appraised land value and Section 8.5.2.E of the Land~~
174 ~~Development Code, and the total~~ Approximately 4.162-acre of the 5.386-acre
175 land dedication is vested per prior Resolution No. R2020-48 approval, and the
176 required in-lieu payment value of the 4.162-acre will be deducted from the
177 required Wellington Parks and Recreation Facilities Impact Fees determined at
178 time of building permit issuance for residential uses ~~(including CLF/ILF/ALF).~~
179 Approximately 1.224-acre (5.386 AC – 4.162 AC) is not vested and shall not be
180 deducted from the required Wellington impact fees, and shall be paid to
181 Wellington, when impact fees are required at time of issuance of building permits
182 for the residential units within Pod C and in accordance with Condition of
183 Approval Number 8. (PLANNING)
- 184
- 185 8. ~~All certified construction costs associated with the Greenway and Cypress-Preserve~~
186 ~~areas improvement and public amenities~~ With regards to the in-lieu payment
187 reduction, 100% of the required in-lieu payment may be reduced by certified
188 construction cost associated with the public recreation area improvements and
189 amenities provided within Pods F-2, F-3, and E as shown on the approved master
190 and site plan. ~~will also be deducted from the required Parks and Recreation Facilities~~
191 ~~Impact Fees.~~ The developer shall provide a certified construction cost

192 (Reviewed/Approved by Wellington’s Lotis 1 Development Review Manager) for the
193 improvements and amenities, excluding land clearing, grubbing, and rough grading;
194 and the removal of non-native, invasive species, and the preservation of native
195 species within the Pod E 0.37-acre Cypress Preserve Area. If at such time as the
196 Wellington Parks and Recreation Facilities Impact Fees ~~are~~ is due and the public
197 recreation areas/amenities (as required by the approved master/site plan) have not
198 been constructed, the developer shall post security in favor of ~~the Village~~ Wellington
199 in the form of a ~~surety bond,~~ letter of credit, or cash in escrow. The posted security
200 shall then be partially released or distributed back to the developer, as applicable, at
201 a pro-rata rate of completion of the public amenities as evidenced by providing an
202 engineer’s affidavit of substantial completion. ~~The Village~~ Wellington shall not
203 release or distribute back to the developer any funds that exceeds the posted
204 security amount in the event the certified cost exceeds the required impact fees and
205 the amount of the in-lieu payment. (PLANNING)

206
207 9. The developer/owner shall post security in one of the forms noted in Condition #8
208 per a certified construction costs for the public Greenway and Cypress Preserve Area
209 improvements as illustrated on the project’s approved master plan and site plan
210 prior to issuance of the first building permit for any multi-family building and/or CLF
211 building. (PLANNING)

212
213 10. A 10-foot wide asphalt multi-use pathway (8’ wide for the north-south section along
214 Pod ~~C B~~ around the lake in Pod G, shade trees (average 40 ft. on center), seating and
215 trash bins (average 250 ft. on center), shade structures, and fitness stations (min. 8)
216 shall be provided for the public Greenway, dog park, and recreation areas in Pod F-
217 2, F-3 and E, as shown on the approved Lotis 1 Master Plan and Site Plan. The pathway
218 may have varying widths (8 to 10 ft.) in some locations as determined appropriate by
219 staff during the site plan review and approval. (PLANNING)

220
221 11. The Cypress Preserve Area (~~Wetland 1~~ within Pod E) shall be improved with removal
222 of all non-native and invasive species, preservation of native species, walking paths,
223 seating and trash bins. The Cypress Preserve shall be designated as conservation by
224 way of a restrictive covenant easements in favor of ~~the Village of~~ Wellington. The
225 Lotis Wellington developer/owner shall provide a maintenance and preservation
226 management plan to Wellington for the protection and maintenance of the preserve
227 area. Said documents shall be submitted as part of the plat documents or
228 incorporated in the plat and prior to issuance of the Land Development Permit.
229 (PLANNING)

230
231 12. The developer/owner shall submit below items with the Land Development/Plat
232 application in order to achieve Technical Compliance.

- 234 a. Soil/geotechnical report for the overall project. The report shall identify the
235 locations of various types of soils, fill (construction rubble, etc.), and depths.
236
- 237 b. Surface water management (SWM) plan and wetland mitigation plan.
238
- 239 c. South Florida Water Management District (SFWMD) and any other federal or
240 state permit(s) approving the proposed changes to wetlands and/or surface
241 water boundaries within the overall project. Documents on approvals and/or
242 required improvement and mitigation as may be required by any state/federal
243 departments (USACE/SFWMD) shall be provided.
244
- 245 d. ~~Plan A plan~~ for wetland protection during and after construction, shall be
246 provided per LDR Section 7.7.2-Wetlands. Buffer zones shall be provided around
247 wetland(s) protection during and after construction.
248
- 249 e. Documentation that all the Florida Department of Environmental Protection
250 (DEP) mining operation permit(s) is closed out and/or required with site
251 reclamation requirements satisfied or provide a new environmental resource
252 license issued by SFWMD that supersedes the DEP permit.
253
- 254 f. Remediation for the reclaimed mining operation/lake and water quality report.
255 If remediation is not required, provide an analysis prepared, signed, and sealed
256 by a Professional Environmental Engineer currently registered in the State of
257 Florida, demonstrating that remediation is not required.
258
- 259 g. Documentation that on-site cleanup and storage tank(s) removal has been
260 completed in compliance with Environmental Protection Agency (EPA)
261 regulations.
262
- 263 h. Declaration of Restrictions and Covenants acceptable, which shall provide for the
264 creation of a single master property owners' association (POA) and the
265 assessment of members of the master association for the costs of maintaining the
266 common areas, roads/streets, landscape buffers, Greenway, Cypress Preserve
267 Area, lake, etc.
268 (ENGINEERING/PLANNING)
269
- 270 13. All mining operation within the overall project shall conclude ~~within 30 days of the~~
271 ~~effective date~~ with approval of this resolution. (PLANNING)
272
- 273 14. Any proposed wetland mitigation within the overall project shall occur within
274 Wellington's boundaries if feasible. (PLANNING)
275

- 276 15. The lake in Pod ~~G-F-1~~ shall be:
277
278 a. A minimum 50-foot setback from the proposed lake top of bank to the property
279 lines. The top of bank shall be considered the point where the lake slope does not
280 exceed eight (8) foot horizontal to one (1) foot vertical.
281
282 b. 4:1 (horizontal: vertical) maximum slope to a minimum of two (2) feet below the
283 control elevation of the proposed lake. From two (2) feet below the control
284 elevation of the proposed lake to a minimum depth of six (6) feet below the
285 control elevation of the proposed lake, the maximum slope shall be no steeper
286 than a 2:1 (horizontal: vertical), or as permitted by SFWMD, whichever is the more
287 stringent requirement.
288
289 c. Improved with littoral zone/planting, fountains (min. 2), etc., as illustrated on the
290 approved master, site and land development plans. The ongoing operation,
291 maintenance, insurance, etc., of the lake/greenway shall be the responsibility of
292 the Master POA for the project.
293 (ENGINEERING/PLANNING)
294
- 295 16. This property/project is required to be re-platted. The plat shall be approved, and
296 recorded, prior to the issuance of any building permits. (ENGINEERING)
297
- 298 17. A Land Development Permit, issued by the Village of Wellington Engineering
299 Department, is required prior to any earthwork or construction taking place. The
300 Land Development Permit must be closed out before any Temporary Certificates of
301 Occupancy (TCO) or Certificates of Occupancy (CO) are issued for any buildings or
302 structures. If the project is phased, a separate Land Development Permit will be
303 required for each phase of the project. Each phased Land Development Permit must
304 be closed out before any Temporary Certificates of Occupancy (TCO) or Certificates
305 of Occupancy (CO) are issued for any buildings or structures within that phase.
306 (ENGINEERING)
307
- 308 18. Cross access and access connections s is are required and approved per the following:
309
310 a. Cross access, vehicular and pedestrian, shall be provided to promote inter-
311 connectivity between adjacent properties to the north with a minimum of two (2)
312 connections and to the south with a minimum of three (3) connections.
313
314 b. Pedestrian access to the Greenway shall be provided to the property along the
315 north with a minimum of ~~two (2)~~ four (4) connections, to the property along the
316 south with a minimum of one (1) connection. Pedestrian access to the ~~Cypress~~

- 317 ~~Preserve Area~~ walking path within Pod E shall be provided to the property along
318 the south with a minimum of one (1) connection.
319
- 320 c. Minor relocations and/or additions of cross access points on the master plan may
321 be administratively approved to ensure intent of this condition is met during the
322 development of this project and ensure connections to surrounding
323 properties/projects. All other cross access changes or reductions shall require
324 Council approval.
325
- 326 d. All required pedestrian and vehicular access easements shall be shown on the
327 plat and be dedicated as required. Amendment to the access easements may be
328 done by separate instrument.
329
- 330 e. Parking spaces with an angle between 70 and 90 degrees shall not be allowed
331 along the centrally located north/south spine drive aisle to minimize impacts on
332 traffic circulation/flow.
333
- 334 f. Construction of the north/south drive aisle, as shown on the approved plans, shall
335 be completed prior to operation of the traffic signal at the primary entry to the
336 project on State Road 7.
337
- 338 g. The cross-access connection to the project along the south (Wellington Regional
339 Medical Center-WRMC) shall be constructed in conjunction with the north/south
340 spine drive aisle. The north/south drive aisle cross access point connection to the
341 south will require construction of a new road on the WRMC property, the Lotis
342 Wellington developer/owner shall provide information on the road construction
343 planning progress with submittal of the Land Development Permit/Plat
344 applications and shall use good faith and reasonable efforts to coordinate with
345 WRMC on construction of the road to ensure completion within one (1) year of
346 the north/south drive aisle completion.
347
- 348 h. The cross-access connection to the projects/properties along the north shall be
349 constructed to the storage facility location prior to operation of the traffic signal,
350 and prior to issuance of CO for future development of the ~~current vacant Lotis~~
351 ~~Wellington 2~~ property to the north ~~(Four Four One Partners Inc.)~~.
352
- 353 i. Access connection(s) to the Greenway shall be constructed to the property along
354 the north and south prior to issuance of the final CO for the residential buildings
355 in ~~Phase 3 Pod B (north access) and Pod C (south access)~~, or as required by
356 Wellington prior to the build-out ~~of the pod with the access connection date for~~
357 ~~the project, for future development of the current vacant properties/projects to~~
358 ~~the north (Four Four One Partners Inc.) and south (WRMC)~~.

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j. Access connection to the ~~Cypress Preserve Area~~ walking path within Pod E shall be constructed prior to issuance of CO for any office building within Pod ~~B-D~~ of the project, for future development of the current vacant property/project to the south (WRMC).

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

19. An enhanced crosswalk system shall be provided for anticipated heavy traffic flow roadway/intersections at the ~~three (3)~~ two (2) locations as illustrated on the approved plans to ensure a safer environment for pedestrians of this project. At minimum, the enhanced crosswalk system should include paver/stamped concrete crosswalk, detectable warning, and LED solar powered flashing crosswalk signs and in-pavement indicator lights that are activated via braille push buttons and/or automatic activation methods. At minimum, the other crosswalk locations throughout the site shall be paver/stamped concrete and include detectable warning. (PLANNING)

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

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

b. In order to request release of the surety for the traffic signal for the above intersection, the Property Owner shall provide written notice to the County Traffic Division stating that the final certificate of occupancy has been issued for the development and requesting that ~~the~~ a signal warrant study be conducted at the intersection. The County Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the signal or release the monies. In the event that the property is sold, the surety may be returned once the County Traffic Division receives written documentation of the sale and replacement surety has been provided to the County Traffic Division by the new Property Owner. The surety will also be released if the Property Owner constructs

400 the signal and the signal has been accepted by the County after final inspection.
401 (TRAFFIC)

402
403 21. The Property Owner shall construct i) a right-turn lane north approach ii) left-turn
404 lane north approach and iii) left-turn lane south approach on SR-7 at the project
405 entrance. The south approach left-turn lane shall be a minimum of ~~500~~ 475 feet plus
406 50-foot taper. The existing U-turn lane, south of the project entrance may need to
407 be closed or modified. All the above shall be as approved by FDOT.

408
409 a. Permits required from FDOT for ~~these~~ construction shall be obtained prior to
410 issuance of any building permit.

411
412 b. Construction shall be completed prior to the issuance of the first certificate of
413 occupancy. (TRAFFIC)

414
415 22. The Property Owner shall construct two (2) ingress lanes and four (4) egress lanes
416 (dual left and dual right-turn lanes) on the eastbound approach of the project
417 access driveway on SR 7 to maximum extent feasible to accommodate the
418 forecasted traffic demands. Construction shall be completed prior to the issuance
419 of the first certificate of occupancy. (TRAFFIC)

420
421 23. Developer is responsible for the funding and construction of all on-site and off-site
422 improvements/upgrades necessary to existing lift stations, water distribution
423 systems, sanitary systems, and force main systems to support the project densities.
424 (UTILITIES)

425
426 24. Developer shall enter into Developer Agreement with ~~the Village of~~ Wellington to
427 reserve water, sewer and fire system capacity. ~~The Village~~ Wellington cannot
428 guarantee capacity until the Developer Agreement has been fully executed and
429 approved by Council and all capacity fees paid in full. (UTILITIES)

430
431 25. Water, Sewer and Fire Line Capacity fees, based on current rates, shall be paid at the
432 time the Developer Agreement is executed and before any applications for
433 construction of water and sewer facilities are made to the Palm Beach County Health
434 Department. (UTILITIES)

435
436 26. Lift stations serving the project will be required to be upgraded to meet current
437 ~~Village of~~ Wellington standards. Specifically, Lift Station 101 will be impacted and
438 will require upgrades. Upgrades to the Master Lift Station 92 may be required as
439 well. (UTILITIES)

440

- 441 27. Site soil conditions may prohibit any proposed trenches to be dewatered effectively
442 due to the previous use of the site. As such, water and sewer utilities may not be able
443 to installed "in the dry" in accordance with Village of Wellington Utilities
444 Department and AWWA standards. All installation methods that are not in
445 accordance with Wellington Utilities Department and AWWA standards shall be
446 subject to approval by the Wellington Utilities Department. (UTILITIES)
447
- 448 28. All water mains will be public up to the point of service. All wastewater mains,
449 subject to approval by the Wellington Utilities Department, will be public up to the
450 point of service. Utility facilities must be located in the rights-of-way or in a
451 dedicated exclusive water main or wastewater easement. Easement widths shall
452 comply with the Village of Wellington Water and Wastewater Systems Construction
453 and Standards Manual (current edition). All utility easements shall provide for un-
454 hindered access to all facilities and mains in accordance with the standards manual.
455 (UTILITIES)
456
- 457 29. The developer/applicant must apply for and obtain a Major Utility Permit prior to
458 the development of the proposed improvements. (UTILITIES)
459
- 460 30. A looped water main system will be required. Connections with adjacent parcels to
461 the north and south will be required. Dead-end water mains will not be allowed
462 including temporary dead-ends between phases of construction, unless approved
463 by the Village Utilities Director. (UTILITIES)
464
- 465 31. A covered school bus shelter (minimum 10' X 15') shall be provided for ~~the~~ each
466 multi-family residential pod (Pod B and C), with bicycle racks (8 station),
467 benches/seating (8 person), trash receptacles (at bench locations) and continuous
468 paved access shall be provided. Prior to the issuance of the first Certificate of
469 Occupancy for any residential building within each residential pod, the covered
470 school bus shelter shall be constructed with consistent colors, materials and roof
471 treatment as the overall project. (PBC SCHOOL DISTRICT/PLANNING)
472
- 473 32. In order to address the school capacity deficiency generated by the proposed
474 development at the District elementary and high school levels, the property owner
475 shall contribute \$74,546.00 to the School District of Palm Beach County prior to
476 issuance of first residential building permit within Pod B. This school capacity
477 contribution is intended to supplement the required school impact fee. (PBC
478 SCHOOL DISTRICT)
479
- 480 33. An additional contribution of \$253,620 (per SCAD No. 23060501D) shall be paid to
481 the School District of Palm Beach County prior to issuance of first residential
482 building permit within Pod C. ~~Prior to the recordation of the plat, The Property~~

483 ~~Owner shall provide an executed Declaration and Restrictive Covenant which~~
484 ~~prohibits children nineteen (19) years of age or younger from residing in the subject~~
485 ~~property age-restricted units, except for a period of time not to exceed a total of~~
486 ~~sixty (60) days per calendar year per person. The Property Owner shall include this~~
487 ~~occupancy restriction in all leases used for the rental of any age-restricted~~
488 ~~residential unit. This declaration shall be recorded in the public records of Palm~~
489 ~~Beach County in a form and manner acceptable to the School Board and a copy of~~
490 ~~the recorded document shall be sent to the School Board's Planning and~~
491 ~~Intergovernmental Relations Department.~~ (PBC SCHOOL DISTRICT)
492

493 34. The property owner shall post a notice of annual boundary school assignments in
494 the leasing offices and models for the residential development (Pod B and C) per
495 the School District of Palm Beach County school assignments notice requirements.
496 (PBC SCHOOL DISTRICT)
497

498 35. The perimeter landscape buffers are approved to be installed per the Phasing Plan.
499 The landscape buffer along the east property line shall be installed prior to the
500 issuance of the first Certificate of Occupancy for any building within the project.
501 Landscape buffer canopy trees shall be 25 ft. on center and hedge height shall be a
502 minimum of three (3) feet in height at installation. (PLANNING)
503

504 36. The east perimeter landscape buffer shall include multi-tiered landscaping with a
505 berm and continuous hedge, installed and maintained at three (3) feet,
506 shrubs/groundcover on both sides of the hedge at intermittent intervals, along with
507 the required landscaping per the State Road 7 Corridor landscape requirements
508 found in Sec.7.3.6.T. - Special Landscape Regulations of the LDR. (PLANNING)
509

510 37. Developer/owner shall provide a certified cost estimate (by FL. Registered
511 Landscape Architect or Engineer) for the project's perimeter landscape buffer
512 materials, installation, irrigation and labor. A surety/bond in the form acceptable to
513 the Village Wellington in the amount of 110% of the estimate shall be posted for the
514 project's perimeter landscape buffer and interior landscaping in addition to the
515 other bonds required for site improvements per the LDP to the Engineering
516 Department. A landscape permit shall also be required prior to installation.
517 (PLANNING)
518

519 38. Developer is required to pay \$75 per linear foot of frontage along State Road 7 for
520 landscape and plantings to be consistent with ~~Village of~~ Wellington conceptual.
521 (ENGINEERING)
522

523 39. Developer is required to pay \$75 per linear foot of frontage along State Road 7 for
524 boardwalk or construct an 8-ft wide sidewalk. (ENGINEERING)

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40. The landscaping in street corridor, pathways, non-residential pods, recreation areas, etc., within ~~a~~ this Planned Development District shall exceed the minimum landscape requirements for size, height and canopy spread by 20%, and 75% native species and drought tolerant species. (PLANNING)
 41. Additional perimeter trees/palms with additional height required per LDR Sec. 6.5.8.C.3.b. for structures over the 35 ft., and shall be required and shall remain in place as long as the structures remains. The additional trees/palms shall be shown on the site landscape plans to indicate how this requirement will be met. (PLANNING)
 42. Prior to site plan approval, the landscape plans must show adequate compatible landscape buffering between adjacent commercial and residential land uses. The landscape plans shall be approved as a part of the site plan. (PLANNING)
 43. The common areas, landscaping, site amenities, etc., ~~within each Pod shall be completed prior to the issuance of the Certificate of Occupancy for the adjacent building~~ shall be completed in conjunction with the adjacent building(s) within each Pod and prior to the issuance of any Certificate of Occupancy/Certificate of Completion of adjacent building(s)/improvement(s), or as required by Wellington. (PLANNING)
 44. The State Road 7 median and swale along the project's frontage shall be landscaped and maintained by the Lotis Wellington Master POA. An agreement between Wellington and/or FDOT and the master POA ~~may~~ shall be required for maintenance of the median/swale areas. The maintenance agreement shall be executed upon completion of the improvements as approved. (PLANNING)
 45. Shade/canopy street trees (min. 16 ft. OA height), pedestrian street lights, and bicycle lanes shall be provided along both sides of roads/streets that are 25-feet wide or greater. The pedestrian street light poles, and regulatory traffic/street signs and poles shall be a decorative design, and the design shall be submitted for ARB approval prior to permitting. The improvements may be required on only one (1) side of the road/street as determined in the development review process. (PLANNING)
 46. This project shall be designed with central square/focal point that incorporates:
 - a. Pedestrian circulation around the buildings with connections to other buildings/uses.

- 567 b. Arcades, overhead weather protection, etc., that connects all ground level
568 activities and provides direct access to any outparcels, sidewalks or other
569 pedestrian amenities including mass transit facilities, bicycle parking areas, etc.
570
- 571 c. Pedestrian-oriented uses and services on the ground floor with vertical
572 integration of residential and/or non-residential uses on the above-ground
573 floors.
574
- 575 d. Walkways/sidewalks a minimum of 10-feet wide shall be provided.
576
- 577 e. Minimum 100 square feet of shaded area with benches every 100 linear feet in
578 length for the pedestrian walkways.
579
- 580 f. Main Boulevard with a landscaped median divider. (PLANNING)
- 581 47. Prior to site plan approval, provide that five percent (5%) of the parking spaces ~~in~~
582 ~~Pods A, B, and D are designated for preferred parking for alternative fuel vehicles,~~
583 ~~car pool vehicles, rideshare service, etc. in the commercial pods as preferred parking~~
584 ~~for car pool vehicles, rideshare service, etc. The amount may be reduced, as~~
585 ~~determined by Wellington's Development Review Manager for the project, if~~
586 ~~documentation is provided with the site plan review that the intended use(s) will~~
587 ~~not require all the parking spaces per the intent of the condition. Electric vehicle~~
588 ~~(EV) charging stations (Level 2 or Direct-current fast charging) shall be provided for~~
589 ~~a minimum of five (5%) percent of the required parking within the commercial pods,~~
590 ~~common areas of the residential pod, and pods/areas with parking spaces (assigned~~
591 ~~or shared parking). A minimum of one (1) EV charging station (Level 2 or Direct-~~
592 ~~current fast charging) shall be provided at the clubhouse and any recreation areas~~
593 ~~with parking spaces. Each EV charging station shall serve one (1) charging space/EV.~~
594 ~~The residential units with attached garage within the residential pods shall be EV~~
595 ~~capable with electrical panel capacity and conduit for future Electric Vehicle Supply~~
596 ~~Equipment (EVSE) installation. (PLANNING)~~
597
- 598 48. The developer shall ensure this project is developed to be consistent with green
599 certification standards found within Florida Green Building Coalition, US Green
600 Building Council Leadership in Energy and Environmental Design (LEED) or other
601 acceptable environmental, and building standards as determined by Wellington's
602 Development Review Manager for the project during the building permit
603 development approval/inspection process. Documentation indicating which green
604 building standards were met shall be provided after the issuance of CO for the
605 buildings. (PLANNING)
606
- 607 49. All residential buildings without an attached garage shall have reserved parking
608 space for each unit. (PLANNING)

- 609
- 610 50. An agreement shall be recorded to provide cross-access and shared-parking with
- 611 adjacent lot owners of the commercial pods/outparcels within this project as
- 612 required when the property is submitted for subdivision plat approval. The
- 613 agreement shall be provided with the Land Development/Plat applications.
- 614 (PLANNING)
- 615
- 616 51. Restaurants and/or other uses with a drive-thru window/lane shall require a
- 617 Conditional Use specifically approved by Wellington Council. (PLANNING)
- 618
- 619 52. Any businesses operating between the hours of 12:00 AM and 6:00 AM shall be
- 620 located at least 200 feet from any dwelling unit, measured from the closest building
- 621 points of each affected structure. (PLANNING)
- 622
- 623 53. Garbage and recycling pickup, and deliveries shall not occur between the hours of
- 624 9:00 PM and ~~7~~6:00 AM. There shall be no idling of delivery or similar vehicles
- 625 between the hours of 10:00 PM and ~~7~~6:00 AM. Overnight storage or parking of
- 626 delivery vehicles or trucks shall not be permitted on site, except in designated
- 627 loading and delivery areas. All delivery and loading areas built to accommodate
- 628 semi-trucks, tractor trailers, moving vans, etc., shall be screened from view.
- 629 (PLANNING)
- 630
- 631 54. Garbage/recyclable collection for Pods B and C ~~and F~~ shall be provided by
- 632 staff/valet service from each unit to central compactor, no curbside pick-up or
- 633 outside storage of bins shall be permitted. Trash/recyclable bins (for units with
- 634 garage) shall be stored in the garage, and be designated a pick-up area at each unit
- 635 driveway that's not within the roadway. (PLANNING)
- 636
- 637 55. All roof-mounted air conditioning, mechanical equipment, vents, etc., shall be
- 638 completely screened from view on all sides in a manner consistent with the color,
- 639 character and architectural style of the principal structure. (PLANNING)
- 640
- 641 56. All above ground and wall mounted utility/transformer box, mechanical
- 642 equipment, valves, etc., shall be located on-site with required screening on a
- 643 minimum of three (3) sides that provide required screening, while maintaining
- 644 required three (3) feet clearance and height to meet or exceed equipment being
- 645 screened. The screen opening shall be away from public view and/or additional
- 646 shrubs will be required at inspection. The screening shall occur in a manner
- 647 consistent with the color, character and architectural style of the principal structure
- 648 and may incorporate landscaping as one element of screening. (PLANNING)
- 649
- 650 57. The 25' LWDD road easement/ROW shall be abandoned prior to and/or with the

651 plat approval. (PLANNING)

652

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

656

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

662

663 60. A mast arm traffic signal shall be installed by the Lotis Wellington developer at the
664 project's main access/entrance on State Road 7 and be ~~operational~~ completed (as
665 required by FDOT/PBC) prior to issuance of the first CO/TCOP for the project. Palm
666 Beach County (PBC) Traffic has authority over when the traffic signal is operational
667 in accordance with their standards and/or procedures. The developer shall complete
668 all FDOT/PBC requirements for the traffic signal to ensure the signal is operational
669 when required, and shall provide confirmation from PBC Traffic of acceptance of the
670 traffic signal prior to issuance of the first CO/TCOP. (COUNCIL/PLANNING)

671

672 61. The developer/owner shall install a six (6) foot high black vinyl coated chain link
673 fence per one of the following options:

674

675 a. Along the entire west property line if the vacant property along the north submits
676 for development approval prior to the final CO of Phase 3, and that project is
677 required to install a fence along their west property line.

678 b. Along the entire west and north property lines if the vacant property along the
679 north has not received development approval prior to the final CO of this project.

680 (COUNCIL)

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

683

684 ~~1. One (1) daycare facility for up to 210 children is allowed within Pod D. A minimum of
685 two (2) staff members shall be located in the parking area to facilitate pickup and
686 drop-off during the AM and PM peak hours. A central sign in/sign-out location shall
687 be provided to ensure security. The daycare facility owner and/or operator shall
688 obtain all appropriate federal, state, and local permits/licenses prior to operating the
689 daycare facility.~~

690

691 2. ~~One (1) Congregate Living Facilities (CLF) Type 3 is allowed within Pod F. The CLF units~~
692 ~~and beds shall not be converted to multi-family units. The CLF Independent Living~~
693 ~~Facility (ILF) parking rate is reduced from 2.25 to 1.35 spaces per unit as shown in the~~
694 ~~approved Parking Analysis by JFO Group, Inc. Exhibit D) dated September 1, 2020. The~~
695 ~~ILF shall be limited to 104, one (1) bedroom units and 46, two (2) bedroom units, and~~
696 ~~be age restricted to persons 55 years of age or older. A declaration of restrictions in~~
697 ~~compliance with the LDR and this approval shall be recorded prior to plat recordation~~
698 ~~for the CLF pod or within six (6) months of the site plan approval, whichever occurs~~
699 ~~first. The owner and/or operator shall obtain all appropriate federal, state, and local~~
700 ~~permits/licenses prior to operating the CLF. (PLANNING)~~

701

702 **SECTION 2.** This Resolution shall become effective upon approval.

703

704 **PASSED AND ADOPTED** this ____ day of _____, 2023.

705

706 **WELLINGTON**

707

708

709 BY: _____

710 Anne Gerwig, Mayor

711

712

713 **ATTEST:**

714

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716 BY: _____

717 Chevelle Addie, Clerk

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719

720 **APPROVED AS TO FORM AND**

721 **LEGAL SUFFICIENCY**

722

723

724 BY: _____

725 Laurie Cohen, Village Attorney