

RESOLUTION CLARIFYING AND CORRECTING RESOLUTION R-96-1194
APPROVING ZONING PETITION DO96-40
(WELLINGTON COMMONS DRI)

WHEREAS on August 26, 1996 the Palm Beach County Board of County Commissioners approved a petition by Henry V. Murphy for a DRI Development Order; and

WHEREAS, Resolution R-96-1194, adopted on August 26, 1996 confirming the action of the Board of County Commissioners requires clarification and corrections; and

WHEREAS, Resolution R-96-1194 should have contained reference to a 24 screen/120,000 square foot movie theater, referenced the DRI Master Plan as Exhibit B, referenced the Public Facilities Agreement as Exhibit D, and reflected the movie theater in Condition 1. and Phase 1 of Condition 3A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified;
2. The following WHEREAS clauses in Resolution R-96-1194 are hereby clarified and corrected as follows:

WHEREAS, said Applicant proposes to construct a 1,776,000 square foot regional mall, ~~520,000~~ 368,000 square feet of retail/commercial, 65,000 square feet of office, 125 room/90,000 square foot hotel, ~~24 screen/120,000 square foot movie theater,~~ and 700 residential units consisting of 400 multi-family units and 300 congregate living facility units, consistent with the preliminary development plan DRI Master Plan for the Wellington Commons DRI dated July 26 October 18, 1996, attached as Exhibit B hereto, constituting a DRI on the real property legally described in Exhibit A, attached hereto; and

WHEREAS, the Board of County Commissioners, TJ Palm Beach Associates Limited Partnership and BreFrank, Inc., have entered into a Public Facilities Agreement dated August 26, 1996 to provide for construction of the necessary roadways for the development to meet the County Traffic Performance Standards Ordinance and the requirements of Rule 9J-2.045, Florida Administrative Code, which agreement is incorporated in this Development Order (DO) as Exhibit B D, attached hereto; and

3. The DRI Master Plan dated October 18, 1996, attached hereto, replaces Exhibit B in Resolution R-961194; and
4. Exhibit C, Conditions 1. and 3A., are clarified and corrected as attached hereto.

Commissioner McCarty moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson, and upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

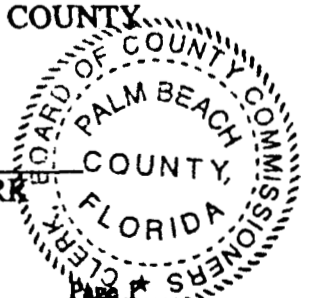
The Chair thereupon declared the resolution was duly passed and adopted on October 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Bambur Allen*
COUNTY ATTORNEY

BY: *Joan Hawley*
DOROTHY H. WILKEN, CLERK



DRI MASTER PLAN

SITE DATA

	GFA Square Footage/Dealing Unit		Acres
	Phase 1	Phase 2	
Regional Shopping Center	1,518,000	758,000	1,776,000
Residual Commercial			
Retail	203,000	65,000	368,000
Office	0	65,000	78.0
Hotel	0	125 rooms	5.5
Movie Theater*	24 Screens	24 Screens	3.0
	6000 Seats	6000 Seats	25.0
Lake Tract			18.6
Wetland w/buffer			9.5
Subtotal	203,000	290,000	433,000
Residential Areas			
Multi-Family	400 units	0	400 units
ACLF	300 units	0	35.0
Lake Tract			102.5
Wetland/Buffer			18.6
Subtotal	700 units	0	700 units
Park			10.0
Access Road			12.8
			466.5

Regional Shopping Center

Residual Commercial

Retail
Office
Hotel
Movie Theater*

Lake Tract
Wetland w/buffer

Residential Areas

Multi-Family
ACLF
Lake Tract
Wetland/Buffer

Subtotal
Park
Access Road

Internal street (conceptual location)

..... Approximate boundary of mitigation area and fern preserve

* Movie Theater is approximately 120,000 sf.

† Streets illustrated are conceptual only and may vary at time of final site planning.

BREFRANK INC. AND THE TAUBMAN COMPANY

WILLIAMS, HATFIELD & STONER, INC.

THOMAS LUCIDO & ASSOCIATES, P.A.

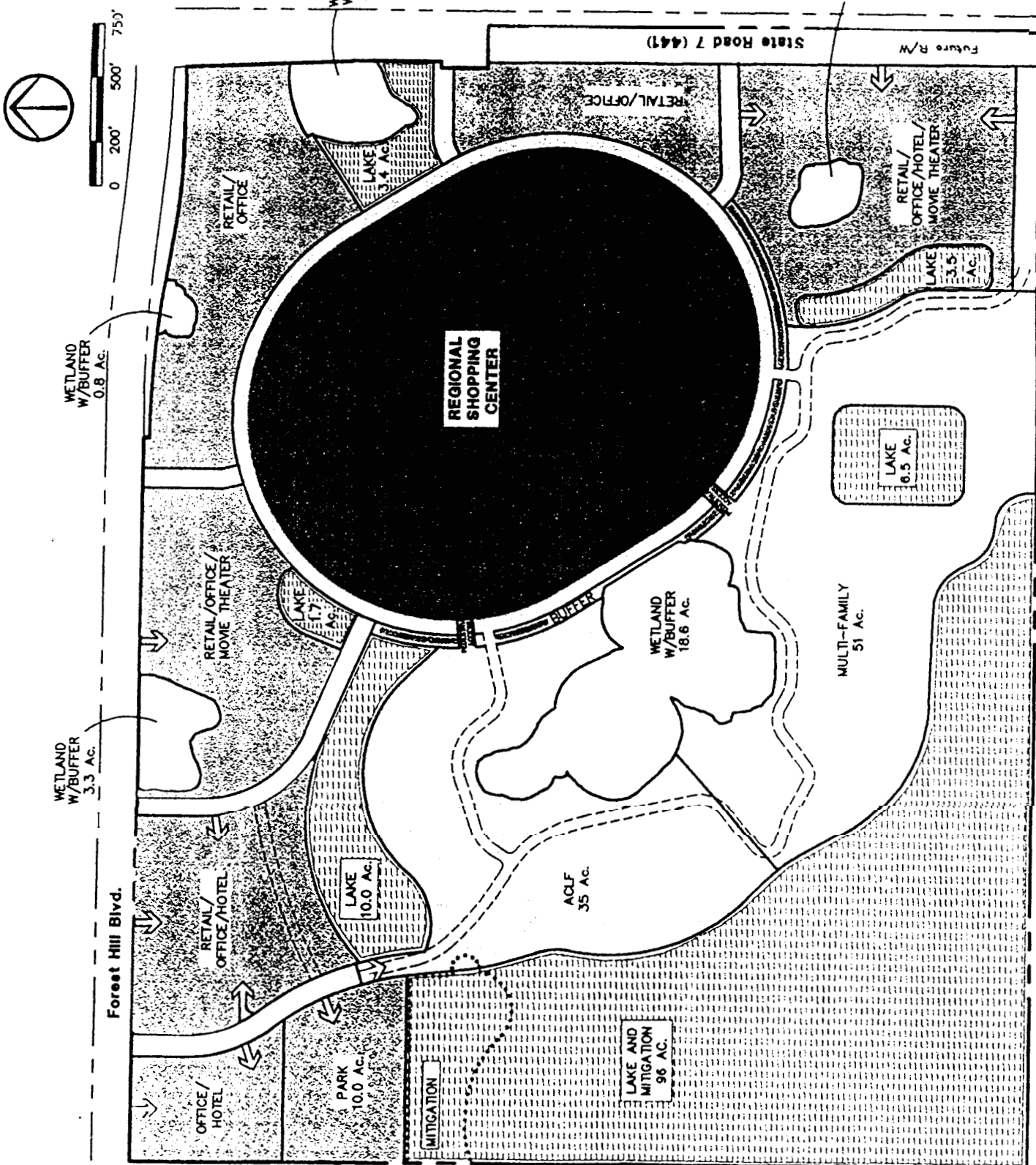
D.K.S. ASSOCIATES, INC.

RESOURCE ASSESSMENT, INC.

CCI ENVIRONMENTAL SERVICES, INC.

FOREST HILL/SR 7 DRI

DRI MASTER PLAN EXHIBIT B



C:\EV\21\Map-103.dwg

Revised October 16, 1996

KS

EXHIBIT C
REGIONAL, CONDITIONS

A. APPLICATION FOR DEVELOPMENT APPROVAL

1. The **Forest Hill/SR7 (a.k.a. Wellington Commons) ADA** is incorporated herein by reference. It is relied upon, but **not to the exclusion of other** available information, by the parties in discharging their statutory duties **under** Chapter 380, Florida Statutes. **Substantial compliance with the representations contained in the ADA, as modified by DO conditions, is a condition for approval. Substantial compliance with the ADA shall be determined by Palm Beach County.**¹

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

- a. **The** Application for Development Approval dated September 14, 1995;
 - b. supplemental information **submitted** December 27, 1995;
 - c. supplemental information submitted February 14, 1996; **and**
 - d. **Letter** from Brian C. Johnson to Sally Black dated November 6, 1995;
 - e. DRI Master Plan dated October 18, 1996; and
 - f. supplemental information submitted October 21, 1996, from Brian Johnson to Maria T. Palombo, P.E..
2. If significant physical development of **the** site fails to commence prior to August 26, 1999, then development approval **shall** terminate. For **the purposes** of this condition, significant physical development *shall* be deemed to have been initiated after placement of permanent evidence **of a** 50,000 square foot structure or significant infrastructure on the site such as internal roadways, internal utility and water management facilities, building slabs or footings, and/or sub-grade for parking lots or other work beyond the stage of excavation or land clearing. (DATE: MONITORING - Bldg / Eng)
- 3A. The development is approved to occur in **two (2)** phases commencing in 1996 or as soon thereafter as building permits may be obtained consistent with the provisions of this DO. Development *shall* occur in sub-phases consistent with the requirements contained herein. In no case, however, is **any** other development to occur until construction has commenced on the regional mall (MUPD G). Given those restrictions, phasing **is limited as follows:**

¹ "Palm Beach County" or "County", as herein means Palm Beach County until December 31, 1999. After that date, the local governing body for the purpose of regulating the development of this project shall be the Village of Wellington. (See Section 9.P.1, Village of Wellington Charter. Chapter 95-496, Law 6 of Florida.)

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

Use	Phase 1 1996 - 1999	Phase 2 2000 - 2004	Buildout 2004
MUPDs A-F			
Retail/Commercial	355,000 <u>203,000</u>	165,000	520,000 <u>368,000</u>
Office	0	65,000	65,000
Hotel Rooms/SF °	0	125/90,000	125/90,000
Movie Theater *****	<u>120,000</u>	0	<u>120,000</u>
Subtotal	355,000 <u>323,000</u>	320,000	675,000 <u>643,000</u>
MUPD G			
Regional Mall **	1,518,000 (1,235,000)	258,000 (210,000)	1,776,000 (1,445,000)
TOTAL NONRESIDENTIAL SF	1,873,000 <u>1,841,000</u>	578,000	2,451,000 <u>2,419,000</u>
RESIDENTIAL PUD			
Multifamily Units CLF Beds/Residents ***	400 300/390	0 0	400 300/390
Public Park (ac)	10.00	0	10.00
Preserve (ac) ****	24.10	0	24.10

- * Maximum 75,000 square foot hotel and 15,000 square feet of ancillary uses (90,000 gross square feet of floor area total).
- ** Number in parenthesis indicates maximum gross leasable area.
- *** CLF and ancillary uses are limited to a maximum of 300,000 gross square feet of floor area.
- **** See Conditions 18 and 30.
- ***** Movie theater limited to a maximum of 24 screens and 6,000 seats. Traffic generation is based on the number of screens but may be converted to square feet using an equivalency ratio approved by the County Engineer. (ONGOING: DRC/BLDG/ENG)

- 3B. Phase 2 land uses may be developed in Phase 1 subject to approval of a trip generation analysis by the County Engineer, in accordance with Condition E.1. of the local conditions of approval for this project. (DRC: ENG)
- 4. The project buildout date shall be December 31, 2004. (DATE: MONITORING - TCRPC)
- 5. Except as stated in Condition 6 below, this DO shall terminate on December 31, 2009. (DATE: MONITORING - TCRPC)
- 6A Palm Beach County hereby agrees that prior to December 31, 2009 the Wellington Commons DRI shall not be subject to down zoning, unit density reduction, or intensity reduction, unless the County demonstrates that substantial changes in the conditions underlying the approval of the DO have occurred, or that the DO was based on substantially inaccurate information provided by the developer, or that the change is clearly established by the County to be essential to the public health, safety, or welfare. (DATE: MONITORING - Planning)

6B. Palm Beach County and the developer hereby agree that, notwithstanding any provision of ~~this DO or~~ any provision of Chapter 380, Florida Statutes, the following shall constitute changes in the conditions underlying approval of ~~this DO~~ and shall result in the automatic abandonment and termination of ~~this DO~~ which shall result in ~~this DO~~ hereby becoming completely void without need for action on the part of the County or the developer:

- i) A failure of the developer to comply with any of the terms set forth in the Public Facilities Agreement, which is that agreement being an instrument which ensures **concurrent** provision of **road** infrastructure for the project consistent with Chapter 163, Florida Statutes and the requirements of the Transportation Standard Rule 9J-2.045, Florida Administrative Code; or
- ii) ~~The Royal Palm Mall DRI has~~ met all of the following criteria prior to ~~this~~ project meeting the **same criteria**:
 1. obtained a **DRI DO** for a **regional mall**;
 2. secured department store commitments from a minimum of 3 **department stores** each committing to occupy at least **125,000** square feet of **gross** leasable area within the **regional mall**;
 3. ~~obtained one or more~~ building permits for ~~the~~ vertical construction of the core of the **regional mall** which permit(s) authorize(s) the construction of a minimum of **350,000** square feet of **gross** leasable area. ~~The total gross~~ leasable area of the department stores reflected in ~~the department store commitments~~ and ~~the core of the regional mall~~ authorized by ~~the building permit(s)~~ shall be a minimum of **800,000** square feet; and
 4. **commenced** physical vertical construction of the core of the **regional mall** which, for ~~the purposes hereof~~, shall mean the commencement of the pouring of the foundation and footings in connection with a continuous program of construction. ~~The~~ TCRPC shall have the responsibility of informing Palm Beach County of compliance with this condition. (ONGOING: TCRPC)
- iii) For the purposes of this condition ~~the~~ following are defined in the **DRI Agreement**, attached as Exhibit F to ~~the~~ Public Facilities Agreement approved by the Palm Beach County Board of County Commissioners concurrent with this DO, and shall apply: "core of the **regional mall**", "department store", "~~department store commitments~~", "**gross leasable area**", and "**regional mall**". (ONGOING: TCRPC)
- iv) The above conditions, 6.B.i and 6.B.ii, are necessary to ensure that an acceptable level of **service** is **maintained** on the regional roadway network, most particularly State Road 7 and Forest Hill Boulevard. Another **DRI** within the **same** market area has been approved. Both the **ADA** for ~~that~~ **project** and the **ADA** for the Forest Hill/SR 7 acknowledge that the market is **only sufficient** to support **one** regional **mall**. Traffic analyses project that the regional roadway network cannot support two projects generating the quantity of traffic associated with the two regional malls without **major** additional improvements **not** included in ~~this DO~~. ~~Since~~ the market studies for both ADAs indicate 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. (ONGOING: TCRPC)

6C. Upon abandonment or termination of the DO, Palm Beach County 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 Palm Beach County and Village of Wellington Comprehensive Plans 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 Palm Beach County shall enter into a cooperative process to reassess the appropriateness of that previous land use. (ONGOING: PLANNING)

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, the Florida Department of Community Affairs, the Florida Department of Environmental Protection, the Florida Department of Transportation, the South Florida Water Management District, 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 Palm Beach County 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)
8. The DRI Annual Report shall be submitted each year on the anniversary date of the adoption of the DO (**August 26, 1996**). (DATE: MOMTORING)
9. Any modification or deviations from the approved plans or requirements of this DO shall be submitted to the Palm Beach County Zoning Director. 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)
10. The definitions found in Chapter **380, F.S., 1995 Edition**, shall apply to this DO. In case of ~~conflicts~~, Chapter **380** shall apply. (ONGOING: CO ATT - TCRPC)
11. Reference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated as a successor in interest to, or which otherwise possesses the powers and duties to any referenced governmental agency in existence on the effective date of this DO. (ONGOING: CO ATT - TCRPC)
12. This DO shall be binding upon the property owner(s) and its assignees or successors in interest. (ONGOING: CO ATT)

B. ENVIRONMENTAL AND NATURAL RESOURCES OF REGIONAL SIGNIFICANCE

- 13A. Prior to March 1, **1997**, the developer shall complete a carbon monoxide air quality study. Before conducting the study the developer shall meet with the Palm Beach County Public Health Unit (PBCPHU), DEP and Treasure Coast Regional Planning Council to establish parameters for the study. This study is to be submitted to the DEP and PBCPHU within fifteen days of its completion. The air quality study is to be completed to the satisfaction of DEP and PBCPHU. The study results shall be provided to Palm Beach County Remediation for any problems projected by the study shall be undertaken consistent with the **DCA Air Quality Uniform Standard Rule 9J-2.046**, Florida Administrative Code. (DATE: MONITORING - Health)
- 13B. Approval of the study by DEP and PBCPHU must be obtained before final site plan approval. (DRC: HEALTH - DEP)
14. During land clearing and site preparation, soil treatment techniques appropriate for controlling unconfined particulate emissions shall be undertaken. If construction on a parcel will not begin within thirty (30) days of clearing, the soil is to be stabilized until construction on that parcel begins. Cleared areas may be sodded, seeded, landscaped or mulched to stabilized to soil. Minimal clearing for access roads, survey lines, fence installation, or construction trailers and equipment staging areas is allowed without the need for soil stabilization. The purpose of this condition is to minimize dust and dirt production during land clearing and to prevent soil from becoming airborne between the time of clearing and construction. (ONGOING: HEALTH)

15. The final site and building designs shall comply with the Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes. To the maximum extent feasible the project shall also incorporate measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan dated May 1979, and the Regional Comprehensive Policy Plan. Energy-efficient lighting shall be used for all exterior areas of the project where lighting is needed. If natural gas is available to the project, it shall be used to the maximum extent feasible to serve the energy needs of the project. (BLDG PERMIT: BLDG)
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)
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)
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 one-hundred (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 Palm Beach County 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. (PLAT: ENG - ERM / Co Att)
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) methods to 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 Treasure Coast Regional Planning Council. Any deficiencies in the plan identified by those entities must be corrected. Approval of the plan must be obtained from Palm Beach County and Treasure Coast Regional Planning Council before site clearing activities begin. (VEG REMOVAL PERMIT: ERM / TCRPC)
20. Temporary fencing of the area around each hand fern bearing cabbage palm and the preserve area shall be installed by the developer. This fencing shall be inspected and approved by the County before site clearing begins. Such fencing shall be of a type that will clearly identify the area as a preserve and minimize the potential disturbance to it during land clearing and construction. The temporary fencing shall be established at least 100 feet from the nearest hand fern bearing cabbage palm tree. Temporary fencing shall stay in place until it is necessary to remove it. For any tree subject to transplanting, this would be at the time of transplanting. For the preserve this would be necessary for finish grading, planting buffers, and/or constructing permanent fencing. (VEG REMOVAL PERMIT: ERM / TCRPC)

21. If, during construction of the project but before establishment of the wetland mitigation areas, any additional state **or** federally listed plant **or** animal species (**as specified on those** lists applied in **the** ADA) is found to live **or** otherwise significantly depend upon the ~~site~~, then all activities that might negatively affect that individual or population shall ~~cease~~. The developer shall immediately notify Palm Beach County and Treasure Coast Regional Planning Council of the finding. Protection for that species shall be provided by the developer to the satisfaction of the County. The County shall consult with Treasure Coast Regional Planning Council, United States Fish and Wildlife Service and the Florida Game and Fresh Water Fish Commission in determining what constitutes appropriate protection. (ONGOING: ERM)
22. The project shall utilize ultra low volume water use plumbing fixtures and where appropriate self-closing and/or metered water faucets. The project shall also use other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the ACME by the SFWMD. Should another utility provider be approved, the project shall conform to the water conservation plan of that provider. (BLDG PERMIT: BLDG)
23. To reduce irrigation water demand, landscaping shall be done according to Xeriscape principles. At a minimum, 30 percent of all areas requiring landscaping shall be landscaped with drought and cold tolerant native **or** non-invasive exotic species. (CO: LANDSCAPE)
24. Prior to approval of the first plat, the DRI Hazardous Materials Management Plan shall be incorporated into the covenants and restrictions of the project. Each business choosing to locate within Forest Hill/SR 7 DRI shall be required to comply with the Plan. The Plan shall be updated as necessary to reflect changes due to local, State and Federal rules. (PLAT: ENG - Health)
25. All site plans and layouts for Forest Hill/SR 7 DRI must be according to the requirements of State and local wellfield protection ordinances (Section 9.3 of the ULDC), if applicable. All site plan applications shall note what development is within the zone of influence of any private **or** municipal wellfield. (DRC: ERM)
26. The surface water management system shall be designed to maximize the shallow aquifer recharge potential of the site. To help achieve this, grassed swale conveyances and depressed grassed water collection areas within the parking areas, which do not conflict with required landscaping, may be used. This may also be accomplished by the extensive system of exfiltration trenches planned and by the size of the project's retention/detention system. (DRC: ENG)
27. To improve the quality of water discharge from the site, the following shall apply:
 - a. All parking and road surfaces within the MUPD's shall be swept as necessary, but in no case less frequently than once per week. Sweeping shall be accomplished by vacuum type **or** vacuum regenerative type sweepers. (ONGOING: CODE ENF)
 - b. Wheel stops and/or speed bumps shall not be permitted in areas that may collect and concentrate contaminants **or** which would interfere with efficient sweeping of parking surfaces. (DRC: ZONING)
 - c.i. A vegetated littoral zone shall be established for the all lakes constructed on site in accordance with Section 7.6 of the ULDC. The petitioner shall prepare a master plan for planting (which may include wetland inoculant) and maintain a zone of wetland vegetation so that a minimum of eight (8) square feet of vegetated littoral zone per linear foot of lake shoreline is planted. The plan shall be submitted to Palm Beach County, SFWMD and Treasure Coast Regional Planning Council for review prior to DRC certification of the first site plan, and approved by SFWMD and ERM prior to issuance of the first building permit for any permanent primary structure in MUPD G. (BLDG PERMIT: MONITORING - ERM)

- c.ii Deficiencies in ~~the~~ plan identified by ~~the~~ reviewing agencies must be corrected and plan approval obtained from Palm Beach County and SFWMD in consultation with the Treasure Coast Regional Planning Council. Approval must be obtained by the developer before lake excavation **begins**. Planting **shall be** completed within **one year** of surface water management system construction. Operational permits for that portion of **the surface** water management system **shall** not be utilized until such time as the plantings are found to be in **conformance** with approval plans. The **purpose** is to provide vegetation ~~that will~~ take up nutrients and contaminants in ~~the~~ water. The use of Cypress ~~trees~~ and native hardwoods is encouraged. (ONGOING: ERM)
 - 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. (PLAT: ENG)
- 28. No building permits *shall be* issued until the ACME confirms ~~that it will~~ supply drainage service in accordance with an adopted "Plan of Reclamation", ~~or~~ its equivalent. (BLDGPERMIT: MOMTORING - ACME)
 - 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. (BLDG PERMIT: MONITORING - ACME)
 - 30. Prior to December 31, 1999, ~~the~~ developer shall preserve and enhance **23 axes** of wetland habitat as identified and described in pages **13-6 and 13-14** of the ADA, subject to SFWMD permits. (DATE: MOMTORING - ERM)
 - 31 A. ~~The~~ petitioner shall prepare a Master Wetland Mitigation Plan for the mitigation of wetlands ~~that~~ are to be eliminated. The plan *shall* describe the location, methodology and timetable for implementation of the mitigation. The plan shall be submitted to Palm Beach County, SFWMD, and Treasure Coast Regional Planning Council 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~~ Treasure Coast Regional Planning Council, prior to issuance of the first building permit **for** a permanent primary structure in MUPD G. (BLDG PERMIT: MONITORING - ERM)
 - 31 B. The developer **shall** establish and **maintain a** buffer zone of native upland edge vegetation around created 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 (10) square feet **per** linear foot of wetland habitat. (DRC / ONGOING: ERM)

C. TRANSPORTATION

- 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 (5) convenient bus pull-outs to the **mall and** residential development;
 - b. covered shelter(s) for a minimum of 40 people; and
 - c. **easy** access for buses along the **ring** access drive on the interior of the site. (DRC: ENG)

33. No building pennits shall be issued until right-of-way within the **project** along **SR 7 and Forest Hill Boulevard**, and all intersections thereof, have been conveyed **free and clear of all liens and encumbrances to the FDOT and Palm Beach County as necessary and consistent with the Palm Beach County Thoroughfare Right-of-way Identification Map.** (BLDG PERMIT: MONITORING - Eng)
34. **As** a minimum, the developer shall pay a fair share contribution consistent with the road **impact** fee **ordinance** of Palm Beach County and/or the **Viage** of Wellington, as applicable. **The** contribution shall be made according to the fee schedule(s) in effect at the time building permits are issued. Chapter 380, Florida Statutes, also requires that any Development Order **exaction or fee required shall be credited toward** an impact fee or exaction imposed by local ordinances for the same need. Any exaction receiving credit for impact fees must be in accordance with agreements between the **developer** and Palm Beach County, and between the developer and the Village of Wellington provided that there shall be no duplication of the exactions. (BLDG PERMIT: IMPACT FEE COORD)
35. No building permits shall be issued until contracts have been let for the following roadway improvements:
- a. **Six** lane of Forest Hill Boulevard from South Shore Boulevard to **SR 7.** (BLDG PERMIT :MONITORING - Eng)
36. Surety shall be provided to Palm Beach County prior to February 24, 1997, sufficient to construct the following roadway improvements:
- a. **Six** lane of Forest Hill Boulevard from South Shore Boulevard to **SR 7.** (DATE: MONITORING - Eng)
37. No certificates of occupancy shall be issued until the following roadway improvements are under construction:
- a. **Six** lane of Forest Hill Boulevard from South Shore Boulevard to **SR 7** (CO: MONITORING - Eng)
38. No building permits shall be issued for more than 1,490,000 square feet GLA of retail after December 31, 2002, 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, F.S., 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 Florida Department of Transportation 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.** (DATE: MONITORING - Eng)
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 Way.** (DATE: MONITORING - Eng)
40. No building permits shall be issued after December 31, 2000, for more than 1,615,000 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, F.S., 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 Florida Department of Transportation that sufficient funds will be available to complete the following improvement:
1. Six lane of Southern Boulevard (SR 80) from Big Blue Trace to Forest Hill Boulevard. (DATE: MONITORING - Eng)
41. No certificates of occupancy shall be issued after December 31, 2000, for more than 1,685,000 square feet GLA of retail until the following roadway improvement is under construction:
- a. Six lane of Southern Boulevard (SR 80) from Big Blue Trace to Forest Hill Boulevard. (DATE: MONITORING - Eng)
42. No building permits shall be issued for more than 2,120,000 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, F.S., 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 Florida Department of Transportation that sufficient funds will be available to complete the following roadway improvement:
 1. Six lane of Southern Boulevard (SR 80) from Royal Palm Beach Boulevard to SR 7. (BLDG PERMIT: MONITORING - Eng)
43. No certificates of occupancy shall be issued for more than 2,120,000 square feet GLA of retail until the following roadway improvement is under construction:
- a. Six lane of Southern Boulevard (SR 80) from Royal Palm Beach Boulevard to SR 7. (CO: MONITORING - Eng)
44. No building permits shall be issued for more than 1,725,000 square feet GLA of retail or after December 31, 2004, whichever occurs first, until contracts have been let for the following roadway improvement:
- a. Lake Worth Road and Jog Road
 1. West Approach - Right-turn lane.

The above configuration shall be permitted and constructed in accordance with County and State criteria. (BLDG PERMIT/DATE: MONITORING - Eng)
45. Surety shall be provided to Palm beach County by December 31, 2000, sufficient to construct the following roadway improvement:
- a. Lake Worth Road and Jog Road
 1. West Approach - Right-turn lane. (DATE: MONITORING - Eng)
- 46A. Beginning the first peak season after a Certificate of Occupancy has been issued, the developer may undertake an Annual Monitoring Program at the intersection of Lake Worth Road and Jog Road and intersection of Forest Hill Boulevard and North Wdlington Trace. This annual monitoring program may be implemented in lieu of Condition 44 above and 47 below. The program shall be conducted during the months of January through March on an annual basis. It shall be submitted as part of DRI Annual Report, and shall be discontinued at buildout. The following analyses shall be performed:

- a. Perform PM **peak** hour turning movement counts for one hundred **and** twenty **(120)** minutes to capture the maximum **sixty (60)** minutes peak period. The counts **shall** be performed in fifteen **(15)** minutes increments. The **peak** one **hundredtwenty** minutes shall be determined from twenty-four **(24)** hours of traffic volume counts at the intersection roadways;
 - b. Perform an analysis to determine the existing level of **service** at the intersection in accordance with the **Florida** Department of Transportation **(FDOT) methodology;**
 - c. Forecast traffic demand using background traffic as well as projected development within the Wellington Commons DRI for **one** year;
 - d. Perform an analysis to **determine the future level of service** at the intersection according to **FDOT methodology; and**
 - e. If the intersection analysis shows the level of **service** exceeds **or is** projected to exceed **the LOS D,** identify intersection improvements **necessary** to maintain LOS D. (ONGOING: ENG)
- 46B. No further **building** permits **shall** be issued if the intersection improvements identified in the **Annual Monitoring Program** are not let for construction within one year of the date of the DRI Annual Report. **The** County Engineer **shall** have the responsibility of informing the Palm Beach County Building Official to **stop** issuing permits. (ONGOING: ENG)
47. No **building** permits shall be issued for more than **1,720,000** square feet GLA of retail **or after December 31, 2004,** whichever occurs first, until contracts have been let for the following intersection improvement:
- a. Forest Hill Boulevard and North Wellington Trace
 1. South Approach - **Second** left-turn lane. **This** improvement shall be permitted **and** constructed in accordance with County criteria. (BLDG PERMIT / DATE: MONITORING - Eng)
48. **Surety** shall be provided to Palm Beach County by December **31, 2000,** sufficient to construct the following roadway improvement:
- a. Forest Hill Boulevard and North Wellington Trace
 1. South Approach - **Second** left-turn lane. (DATE: MONITORING - Eng)
49. No more than **one** **signalized** intersection and **one** **full** median opening designed in accordance with FDOT standards shall be allowed along **SR 7** to provide access to the Forest Hill/SR 7 DRI unless otherwise approved by the FDOT and Palm Beach County. (DRC: ENG)
50. No more than two **signalized** and three **full** median openings designed in accordance with Palm Beach County standards shall be **allowed** along Forest Hill Boulevard to **provide access** to the Forest Hill/SR 7 DRI unless otherwise approved by Palm Beach County. (DRC: ENG)
51. No **certificates** of occupancy shall be issued **until** construction has been completed for the following improvements:
- a. Forest Hill Boulevard and Western Project Driveway
 1. South Approach - Right-turn lane, one thru lane **and** one left-turn lane;
 2. West Approach - Right-turn lane; **and**
 3. **East** Approach - Left-turn lane.

- b. **Forest Hill Boulevard and Center Project Driveway**
 - 1. South Approach - Right-turn lane and dual left-turn lanes;
 - 2. West Approach - Right-turn lane;
 - 3. East Approach - **Dual** left-turn lane; and
 - 4. Installation **of** a traffic signal.
 - c. **Forest Hill Boulevard and Eastern Project Driveway**
 - 1. **South** Approach - Right-turn lane, thru lane **and** dual left-turn lanes;
 - 2. **West** Approach - Right-turn lane;
 - 3. **East Approach** - Dual left-turn lane; **and**
 - 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; and
 - 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; **and**
 - 4. Installation **of** a traffic signal.
- * Concurrent with the **first** plat, the property **shall** grant a construction easement to Palm Beach County 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. (PLAT: ENG)
- f. **SR 7 and Southern Project Driveway**
 - 1. North Approach - Right-turn lane; **and**
 - 2. West Approach - Right-turn lane.

All above configuration shall be permitted and constructed in accordance with County and State criteria. (CO: MONITORING - Eng)

- 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, Treasure Coast Regional Planning Council and the Department of Community Affairs 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)
- 53. **No further** building permits shall be issued **at** the time the Annual Status Report **reveals that any** needed **transportation** improvement included in the DO is no longer scheduled **or** guaranteed, **or** has been delayed in **schedule** such that it **is** not **guaranteed** to be in place **and** operational **or** under **actual** construction **for** the entire improvement consistent with the timing criteria **established** in this DO. **The** County **Engineer** shall have the responsibility **of informing** the Palm Beach County **Building Official** to stop issuing permits. (ONGOING: ENG)

54. In the event the project is not completed by January 1, 2005, no additional building permits shall be issued until contracts have been let for the following roadway improvement:
- a. **Si** lane construction of Forest Hill Boulevard from Pinehurst Drive to SR 7. (DATE: MONITORING - Eng)
55. In the event the project is not completed by January 1, 2005, surety shall be provided to Palm Beach County for the following roadway improvement:
- a. **Si** lane construction of Forest Hill Boulevard from Pinehurst Drive to SR 7. (DATE: MONITORING - Eng)
56. In the event the project is not completed by January 1, 2006, no additional building permits shall be issued until contracts have been let for the following roadway improvement:
- a. Four lane construction of Lake Worth Road from 120th Avenue to SR 7. (DATE: MONITORING - Eng)
57. In the event the project is not completed by January 1, 2006, surety shall be provided to Palm Beach County for the following roadway improvement:
- a. Four lane construction of Lake Worth Road from 120th Avenue to SR 7. (DATE: MONITORING - Eng)
58. In the event the project is not completed by January 1, 2008, no additional building permits shall be issued until contracts have been let for the following roadway improvement:
- a. Six lane of Forest Hill Boulevard from South Wellington Trace to South Shore Boulevard. The applicant may elect to submit a traffic impact analysis approved by the County Engineer which demonstrates that an alternative to this requirement will provide an acceptable level of service for Forest Hill Boulevard. The County Engineer, at his/her option, may waive the construction of Forest Hill Boulevard and require alternative construction. (DATE: MONITORING - Eng)
59. In the event the project is not completed by January 1, 2008, surety shall be provided to Palm Beach County for the following roadway improvement:
- a. Six lane of Forest Hill Boulevard from South Wellington Trace to South Shore Boulevard or some other alternative which relieves the need to expand Forest Hill Boulevard to six lanes which shall be reviewed by the County prior to commencement of construction of the improvement. (DATE: MONITORING - Eng)
60. In the event the completion of Phase I (1,640,000 GLA square feet of retail) of the Project does not occur by December 31, 1999, or the completion of Phase II (2,130,000 GLA square feet of retail) of the Project does not occur by December 31, 2004, the Developer shall thereafter be required to provide the County Engineer with satisfactory evidence that the roadway links and intersection improvements listed on Exhibit "E" of the Public Facilities Agreement (the Additional Roads), applicable to the particular Phase and the anticipated delay in completion of the Phase, are Assured Construction. If Performance Security must be provided by the Developer in order for an Additional Road to be Assured Construction, then the Developer shall provide the needed Performance Security for the applicable roadway link or intersection improvement on or before the deadline identified therefore in Exhibit "E" of the Public Facilities Agreement. In the alternative, the Developer may elect to provide the County with a new Traffic Impact Study showing that Phase I (1,640,000 GLA square feet of retail) or Phase II (2,130,000 square feet of retail) of the Project, as applicable, complies with the Traffic Performance Standards in effect as of the date of such updated study without the construction of the Additional Roads identified for

such Phase. **Based** upon the Traffic Impact Study, if the County Engineer finds that (i) Phase I (1,640,000 GLA square feet of retail) of the Project ~~will~~ satisfy the requirements of TPS after December 31, 1999, or (ii) Phase II (2,100,000 GLA square feet of retail) of the Project will satisfy the requirements of TPS after **December 31, 2004**, as applicable, without the construction of **some or all of the Additional Roads** identified for such Phase in Exhibit " E of the Public Facilities Agreement, ~~then the~~ development of such Phase shall thereafter be tied to an amended phasing schedule for construction of any required roadway improvements disclosed in the new Traffic Impact Study, as approved by the County Engineer. The Developer recognizes that the construction of the Additional Roads for Phase I (1,640,000 GLA square feet of retail) or Phase II (2,130,000 GLA square feet of retail), as applicable, may be required if final certificate(s) of occupancy for development that will generate 80% or more of the net external traffic trips approved for such phase of the Project has not been received by December 31, 1999 for Phase I (1,640,000 GLA square feet of retail) or by December 31, 2004 for Phase II (2,130,000 GLA square feet of retail). Further, the Developer recognizes that the construction of the required Additional Road(s) for a particular Phase ~~will~~ have to be commenced before any further certificate(s) of occupancy or building permits will thereafter be issued for either Phase I (1,640,000 GLA square feet of retail) or Phase II (2,130,000 GLA square feet of retail), as applicable. (DATE: MONITORING - Eng)

61. **Surety, for the purposes contained herein, shall be based on 110% of the certified cost estimate provided by the developers engineer, and approved by the County Engineer. (ONGOING - ENG)**

D. HUMAN RESOURCE IMPACTS

62. If any archaeological artifacts are discovered during the development of the site, work in that area ~~will~~ cease. Palm Beach County or the Village of Wellington and the Division of Historic Resources in the Florida Department of State shall be immediately notified of any finds. Proper protection shall be provided to the satisfaction of the Division. (ONGOING: PLANNING)
63. Prior to December 31, 1998, a site acceptable to Palm Beach County Fire and Rescue shall be conveyed to Palm Beach County in accordance with their physical and locational requirements. (DATE: MONITORING - PREM)
64. Prior to the issuance of the first building permit, the developer shall provide the Zoning Division with written confirmation that adequate public services are available for the entire development. These services shall include law enforcement and fire/emergency medical services adequate to cover any needs generated by the development. (BLDG PERMIT: MONITORING - Concurrency)
65. **The developer shall dedicate the 10.0acre public park, as described in the ADA, to the ACME Improvement District or Village of Wellington, as appropriate. This dedication shall occur prior to December 31, 1998. (DATE: MONITORING - ACME)**

E. VILLAGE OF WELLINGTON

66. **The County acknowledges that the petitioner is executing an agreement with the Village of Wellington addressing certain contributions and commitments to be made by the petitioner. This agreement, or its components, are not to be considered as conditions of approval and are not enforceable by the County. (MONITORING NOT REQUIRED)**