

RESOLUTION NO. R-99- 329

RESOLUTION APPROVING ZONING PETITION EAC96-40(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF BREFRANK, INC.  
BY JEAN LINDSEY, AGENT  
(WELLINGTON GREEN DRI (AKA WELLINGTON COMMONS DRI))

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC96-40(B) was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1999; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC96-40(B), the petition of BreFrank, Inc., by Jean Lindsey, agent, for a Development Order Amendment/Expedited Application Consideration to modify Condition A.2 of Resolution R-98-1787 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 25, 1999.

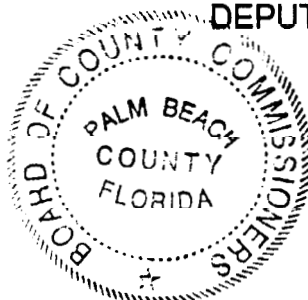
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

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

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13;

THENCE **S87°44'43"** E ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF **2643.75** FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE CONTINUE **S87°44'43"**E A DISTANCE OF **684.73** FEET;

THENCE **S02°15'17"** W A DISTANCE OF **27.00** FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF **N02°15'17"** E;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF **4443.66** FEET AND A CENTRAL ANGLE OF **09°33'35"** FOR AN ARC DISTANCE OF **741.42** FEET TO THE POINT OF TANGENCY;

THENCE **S78°11'08"** E A DISTANCE OF **217.67** FEET TO A POINT CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF **2687.05** FEET AND A CENTRAL ANGLE OF **10°14'28"** FOR AN ARC DISTANCE OF **480.29** FEET TO A POINT ON A NON-TANGENT LINE;

THENCE **S86°25'05"** E A DISTANCE OF **186.37** FEET;

THENCE **N89°02'07"** E A DISTANCE OF **70.31** FEET;

THENCE **S00°22'03"** E A DISTANCE OF **503.00** FEET;

THENCE **S01°58'00"** W ALONG A LINE PARALLEL WITH AND **252.00** FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 13 A DISTANCE OF **1246.38** FEET;

THENCE **S88°02'00"** E A DISTANCE OF **11.66** FEET;

THENCE **S01°53'53"** W A DISTANCE OF **1312.60** FEET;

THENCE **S01°53'57"** W A DISTANCE OF **827.17** FEET;

THENCE **N88°05'25"** W ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SECTION 13 A DISTANCE OF **5044.51** FEET TO THE WEST LINE OF SAID SECTION 13;

THENCE **N01°52'59"** E A DISTANCE OF **1360.77** FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE **N01°54'01"** E A DISTANCE OF **2720.56** FEET TO THE POINT OF BEGINNING;

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

EXHIBIT B  
VICINITY SKETCH

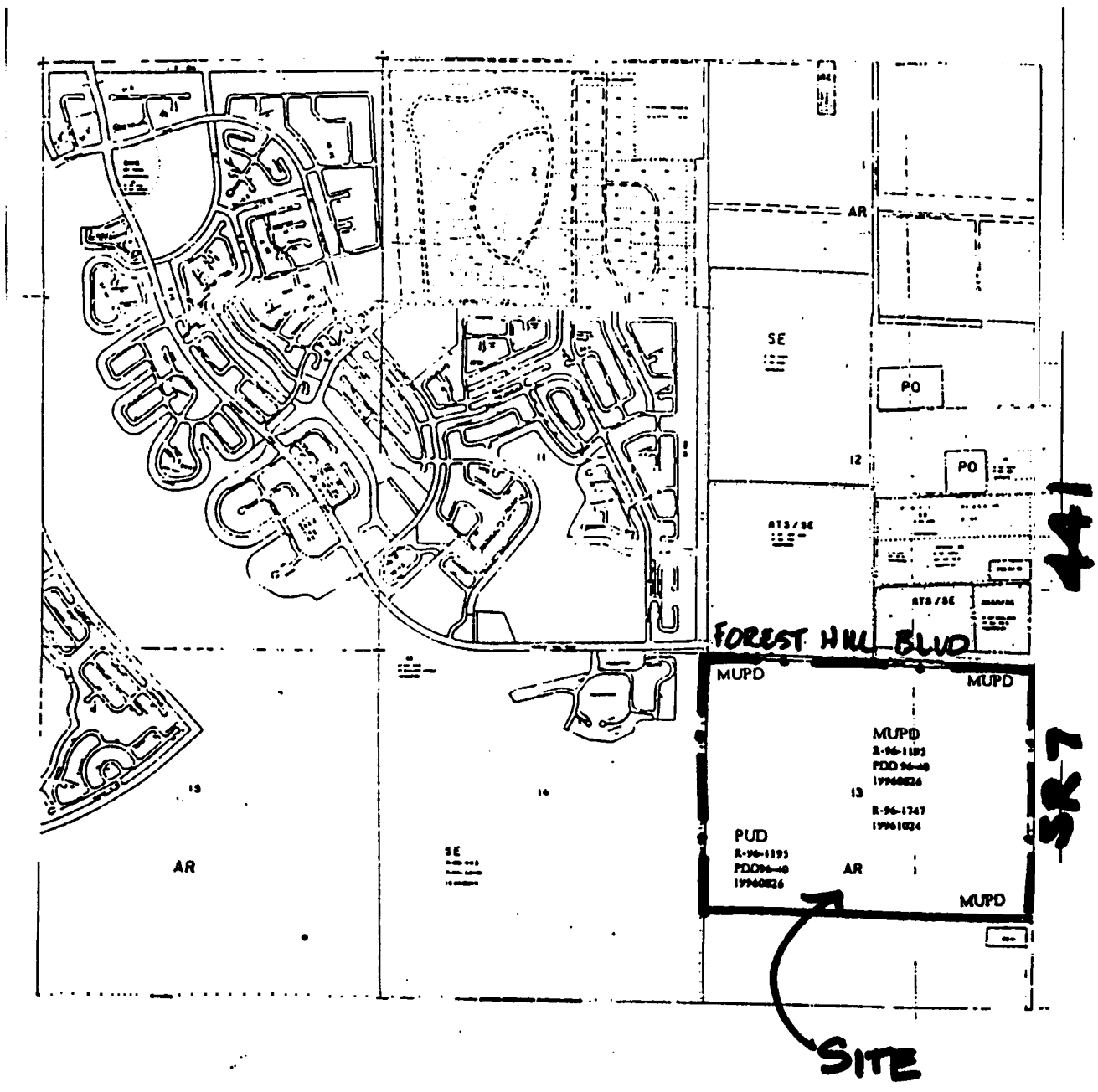


EXHIBIT C.1

CONDITIONS OF APPROVAL  
(REGIONAL CONDITIONS)

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. APPLICATION FOR DEVELOPMENT APPROVAL

1. The Forest Hill/SR7 (a.k.a. Wellington Green) 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 condition 1, is a condition for approval. Substantial compliance with the ADA shall be determined by Palm Beach County.<sup>1</sup>

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;
  - 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.. (Previously Condition A. 1 of Resolution R-98-1787, Petition DOA96-040(A))
2. Condition A.2 of Resolution R-98-1787, Petition DOA96-040(A) which currently states:

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.

Is hereby amended to read:

If significant physical development of the site fails to commence prior to August 26, 2000, 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

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<sup>1</sup> "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.F.1, Village of Wellington Charter. Chapter 95-496, Laws of Florida.)

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/Planning)

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:

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	203,000	165,000	368,000
Office	0	65,000	65,000
Hotel Rooms *	0	125	125
Movie Theater *****	120,000	0	120,000
Subtotal	323,000	230,000	553,000
MUPD G			
Regional Mall **	1,518,000 (1,235,000)	258,000 (210,000)	1,776,000 (1,445,000)
TOTAL NONRESIDENTIAL SF	1,841,000	488,000	2,329,000
<b>RESIDENTIAL PUD</b>			
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 total floor area of ancillary uses shall not exceed fifteen (15) percent of the gross floor area of hotel.
- \*\* 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. (Previously Condition A.3A of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition A.3B of Resolution R-98-1787, Petition DOA96-040(A)) (DRC: ENG)

4. The project buildout date shall be December 31, **2004**. (Previously Condition A.4 of R-98-1787, Petition DOA96-040(A)) (DATE: MONITORING-TCRPC)

5. Except as stated in Condition 6 below, this DO shall **terminate** on December 31, 2009. (Previously Condition A.5 of Resolution R-98-1787, Petition DOA96-040(A)) (DATE: MONITORING - TCRPC)

6A. Palm Beach County hereby agrees that prior to December 31, 2009, the Wellington Green 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. (Previously Condition A.6A of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition A.6B of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition A.6C of Resolution R R-98-1787, Petition DOA96-040(A)) (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 **95-2.024**, 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**. (Previously Condition A.7 of Resolution R-98-1787, Petition DOA96-040(A)) (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**). (Previously Condition A.8 of Resolution R-98-1787, Petition DOA96-040(A)) (DATE: MONITORING)
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 **95-2**, Florida Administrative Code, or as otherwise permitted by law. (Previously Condition A.9 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition A.10 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition A.11 of Resolution F-98-1787, Petition DOA96-040(A)) (ONGOING: CO ATT - TCRPC)
12. This DO shall be binding upon the property owner(s) and its assignees or successors in interest. (Previously Condition A.12 of Resolution F-98-1787, Petition DOA96-040(A)) (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 **95-2.046**, Florida Administrative Code. (Previously Condition B.13A of Resolution R-98-1787, Petition DOA96-040(A)) (DATE: MONITORING - Health)

138. Approval of the study by DEP and PBCPHU must be obtained before final site plan approval. (Previously Condition B.13B of Resolution R-98-1787, Petition DOA96-040(A)) (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 stabilize the 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. (Previously Condition B.14 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.15 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.16 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.17 of Resolution R-98-1787, Petition DOA96-040(A)) (CO: MONITORING-ERM)

18. The developer shall establish a 1.1 acre preserve to accommodate the handfern (*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 handfern bearing cabbage palm in place; and (3) It is buffered from development so that the handfern bearing trees are not within one-hundred (100) feet of an open developed area (e.g., road, parking lot, yard). Other handfern 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. (Previously Condition B.18 of Resolution R-98-1787, Petition DOA96-040(A)) (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 handfern 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 plans 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. (Previously Condition B.19 of Resolution R-98-1787, Petition DOA96-040(A)) (VEG REMOVAL PERMIT: ERM/TCRPC)
20. Temporary fencing of the area around each handfern 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 handfern 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. (Previously Condition B.20 of Resolution R-98-1787, Petition DOA96-040(A)) (VEG REMOVAL PERMIT: ERM/TCRPC)

21. If, during construction of the project but before establishment of the wetland preserve 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. (Previously Condition B.21 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.22 of Resolution R-98-1787, Petition DOA96-040(A)) (E LDC 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. (Previously Condition B.23 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.24 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.25 of Resolution R-98-1787, Petition DOA96-040(A)) (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**. (Previously Condition B.26 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.27.a of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.27.b of Resolution R-98-1787, Petition DOA96-040(A)) (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**. (Previously Condition B.27.c.i of Resolution R-98-1787, Petition DOA96-040(A)) (**BDG** 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 **approved** 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. (Previously Condition B.27.c.ii of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition B.27.d of Resolution R-98-1787, Petition DOA96-040(A)) (PLAT: ENG)

28. **No** building permits shall be issued until the ACME Improvement District confirms that it will supply drainage service in accordance with an adopted "**Plan of Reclamation**", or its equivalent. (Previously Condition B.28 of Resolution R-98-1787, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - 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. (Previously Condition B.29 of Resolution R-98-1787, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - ACME)
30. Prior to December **31, 1999**, the developer shall preserve and enhance **23** acres of wetland habitat as identified and described in pages **13-6** and **13-14** of the ADA, subject to SFWMD permits. (Previously Condition B.30 of Resolution R-98-1787, Petition DOA96-040(A)) (DATE: MONITORING - ERM)
- 31A. The petitioner shall prepare a Master Wetland and Deep Water Habitat Plan for the preservation of wetlands and lake littoral zones to be created. The plan shall describe the location, methodology and timetable for implementation of the preservation of wetlands to remain and the construction of littoral zones around the lakes. The plan shall be submitted to Palm Beach County, SFWMD, and 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 MUPDG. (Previously Condition B.31A of Resolution R-98-1787, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - ERM)
- 31B. The developer shall establish and maintain a buffer zone of native upland edge vegetation around preserved wetlands on site. These shall be in accordance with the following provisions. The buffer zone shall include canopy, understory and ground cover of native species only. The edge habitat shall begin at the upland limit of the wetland habitat. It shall include a total area of at least ten (**10**) square feet per linear foot of wetland habitat. (Previously Condition B.31B of Resolution R-98-1787, Petition DOA96-040(A)) (DRC / ONGOING: ERM)

C. TRANSPORTATION

32. Prior to DRC certification of the site plan for MUPDG, 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. (Previously Condition C.32 of Resolution R-98-1787, Petition DOA96-040(A)) (DRC: ENG)
  
- 33. **No** building permits 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. (Previously Condition C.33 of Resolution R-98-1787, Petition DOA96-040(A)) (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 Village 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. (Previously Condition C.34 of Resolution R-98-1787, Petition DOA96-040(A)) (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**. (Previously Condition C.35 of Resolution R-98-1787, Peition DOA96-040(A)) (BLDG PERMIT: MONITORING - Eng)
  
- 36. Surety shall be provided to Palm Beach County prior to **February 24, 1997**, sufficient to construct the following roadway improvement:
  - a. Six lane of Forest Hill Boulevard from South Shore Boulevard to **SR 7**. (Previously Condition C.36 of Resolution R-98-1787, Peition DOA96-040(A)) (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**. (Previously Condition C.37 of Resolution R-98-1787, Peition DOA96-040(A)) (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**. (Previously Condition C.38 of Resolution R-98-1787, Petition DOA96-040(A)) (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**. (Previously Condition C.39 of Resolution R-98-1787, Petition DOA96-040(A)) (DATE: MONITORING - Eng)
40. **No** building permits shall be issued after December **31, 2000**, for more than **1,685,000** square feet GLA of retail until either:
- a. Contracts have been let for the following roadway improvement; or
  - b. A local government development agreement consistent with Sections **163.3220** through **163.3243, 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. (Previously Condition C.40 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.41 of Resolution R-98-1787, Petition DOA96-040(A)) (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**. (Previously Condition C.42 of Resolution R-98-1787, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - Eng)
43. **No** certificates of occupancy shall be issued for more than **2,120,1100** 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**. (Previously Condition C.43 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.44 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.45 of Resolution R-98-1787, Petition DOA96-040(A)) (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 Wellington 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 hundred twenty 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 Green 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**. (Previously Condition C.46A of Resolution R-98-1787, Petition DOA96-040(A)) (ONGOING: ENG)
- 46B. No further building permits shall be issued if the intersection improvements identified in the Annual Monitoring Program are not **started** 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. (Previously Condition C.46B of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.47 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.48 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.49 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.50 of Resolution R-98-1787, Petition DOA96-040(A)) (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,
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. (Previously Condition C.51 of Resolution R-98-1787, Petition DOA96-040(A)) (PLAT: ENG)

f. SR 7 and Southern Project Driveway

1. North Approach • Right-turn lane; and
2. West Approach • Right-turn lane and
3. South Approach • Left Turn lane.

All above configuration shall be permitted and constructed in accordance with County and State criteria. (Previously Condition C.51f of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.52 of Resolution R-98-1787, Petition DOA96-040(A)) (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 Engineers shall have the responsibility of informing the Palm Beach County Building Official to stop issuing permits. (Previously Condition C.53 of Resolution R-98-1787, Petition DOA96-040(A)) (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. Six lane construction of Forest Hill Boulevard from Pinehurst Drive to SR 7. (Previously Condition C.54 of Resolution R-98-1787, Petition DOA96-040(A)) (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. Six lane construction of Forest Hill Boulevard from Pineturst Drive to SR 7. (Previously Condition C.55 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.56 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.57 of Resolution R-98-1787, Petition DOA96-040(A)) (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 **wave** the construction of Forest Hill Boulevard and require alternative **construction**. (Previously Condition C.58 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.19 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition C.60 of Resolution R-98-1787, Petition DOA96-04C (A)) (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. (Previously Condition C.61 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition D.62 of Resolution R-98-1787, Petition DOA96-04C (A)) (ONGOING: PLANNING)
63. **Prior to December 31, 1999**, 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. (Previously Condition D.63 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition D.64 of Resolution R-98-1787, Petition DOA96-040(A)) (BLDG PERMIT: MONITORING - Concurrency)
65. The developer shall dedicate the **10.0** acre 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, 1999. This dedication will occur in a manner consistent with the **requirements** in Local Conditions T.1-3, however, the infrastructure **noted** in Conditions T.1-3 may be put in place after the dedication of the land occurs in accordance with the development of the PUD or of the **park** site by the Village of Wellington. In the event that the Village is **prepared** to develop the park prior to the construction of the noted **infrastructure**, those facilities will be financed and constructed in a manner **agreed**

upon by the Developer and the Village of Wellington. (Previously Condition D.65 of Resolution R-98-1787, Petition DOA96-040(A)) (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. (Previously Condition E.66 of Resolution R-98-1787, Petition DOA96-040(A)) (MONITORING NOT REQUIRED)

**F. LAND USE CONVERSIONS**

67. The conversions of up to 50% of any approved land uses to another approved land uses is permitted without additional Regional review in accordance with the following table of land use equivalencies. The use of this trade-off mechanism in any given year will be reported in the Annual Report required by Regional Condition A.7:

**PHASE 1 CONVERSION FACTORS BASED ON GREATEST RELATIVE IMPACT**

To (b)	SF Residential Unit	MF Residential Unit	ACLF Unit	1000 SF Retail	1000 SF Office	Hotel Room	Park Acres	Medical Office
From (a)								
1 SF Residential Unit	1.00	1.20	1.20	0.28	0.24	1.30	0.90	0.25
1 MF Residential Unit	0.26	1.00	1.00	0.07	.010	0.78	0.32	0.10
1 ACLF Unit	0.18	0.29	1.00	0.06	0.04	0.23	0.16	0.04
1,000 SF Retail	0.33	0.40	0.40	1.00	0.50	0.67	1.00	0.50
1,000 SF Office (1)	0.67	0.80	0.80	0.77	1.00	1.33	2.00	1.07
1 Hotel Room	0.30	0.60	0.60	0.09	0.07	1.00	0.36	0.07
1 Acre Park	0.33	0.40	0.40	0.24	0.26	0.67	1.00	0.28
1,000 SF Medical Office	0.67	0.80	0.80	0.77	0.94	1.33	2.00	1.00

**PHASE 2 CONVERSIONS FACTORS BASED ON GREATEST RELATIVE IMPACT**

To (b)	SF Residential Unit	MF Residential Unit	ACLF Unit	1000 SF Retail	1000 SF Office	Room	Acres
From (a)							
1 SF Residential Unit	1.00	1.20	1.20	0.28	0.23		

<b>1 MF Residential Unit</b>	<b>0.26</b>	<b>1.00</b>	<b>1.00</b>	<b>0.07</b>	<b>0.10</b>	<b>0.76</b>	<b>0.32</b>	<b>0.10</b>
<b>1 ACLF Unit</b>	<b>0.18</b>	<b>0.29</b>	<b>1.00</b>	<b>0.07</b>	<b>0.04</b>	<b>0.22</b>	<b>0.16</b>	<b>0.04</b>
<b>1,000 SF Retail</b>	<b>0.33</b>	<b>0.40</b>	<b>0.40</b>	<b>1.00</b>	<b>0.50</b>	<b>0.67</b>	<b>1.00</b>	<b>0.50</b>
<b>1,000 SF Office (1)</b>	<b>0.67</b>	<b>0.80</b>	<b>0.80</b>	<b>0.77</b>	<b>1.00</b>	<b>1.33</b>	<b>2.00</b>	<b>1.06</b>
<b>1 Hotel Room</b>	<b>0.30</b>	<b>0.60</b>	<b>0.60</b>	<b>0.09</b>	<b>0.07</b>	<b>1.00</b>	<b>0.36</b>	<b>0.07</b>
<b>1 Acre Park</b>	<b>0.83</b>	<b>0.40</b>	<b>0.40</b>	<b>0.24</b>	<b>0.26</b>	<b>0.67</b>	<b>1.00</b>	<b>0.28</b>
<b>1,000 SF Medical Office</b>	<b>0.67</b>	<b>0.80</b>	<b>0.80</b>	<b>0.77</b>	<b>0.94</b>	<b>1.33</b>	<b>2.00</b>	<b>1.00</b>