

**CITY COMMISSION
WORKSHOP MINUTES
APRIL 5, 2005**

Mayor Quesinberry called the workshop to order at 6:30 p.m. with the following in attendance:

CITY COMMISSION: Mayor Jack Quesinberry, Commissioners Theo Graham, Mildred Dixon (arrived at 6:33 p.m.), and Carol Nichols

CITY STAFF: Acting City Manager Michael Bollhoefer, Police Chief George Brennan, City Planner Mark Cechman, City Clerk Kathy Golden, Senior Planner Kelly Randall, Assistant to the City Manager Marshall Robertson

Mayor Quesinberry announced that the purpose of this workshop is for the City Commission to discuss the proposed Winter Garden Shopping Village at Fowler Groves to be located on 172 acres at CR 535 and the Western Beltway (SR 429). The workshop will not include public comments at this time. Two public hearings are schedule for the public.

Mr. Cechman stated that staff has received the Objections, Recommendations and Comments Report (ORC) from the Department of Community Affairs (DCA) concerning the city's Comprehensive Plan as it relates to the proposed village. Staff and the Sembler Company are reviewing the report and are preparing responses. On March 16, 2005, the East Central Florida Regional Planning Council (ECFRPC) approved the project, with recommendations that have been incorporated into the proposed Development Order ordinance. The public hearings for the related ordinances are scheduled to be held later this month. Last night, the Planning and Zoning Board (P&Z) conducted a public hearing for the proposed project that is a development of regional impact (DRI) and has a large amount of public interest. Of the 17 speakers at the public hearing five were totally against the project no matter what, nine were against specific issues; and three were in favor. The P&Z board did recommend approval by a vote of six in favor and one opposed. The board recommends approval and requests the City Commission consider three additional items; 1) require the developer to provide a crosswalk, probably in the form of a bridge for pedestrians crossing Daniels Road, 2) include some type of transitional housing between existing housing and the future Fowler Mall; and 3) move all the "big boxes" to the east side of Daniels Road away from the existing CR 535. The next step is the public hearings, which are scheduled for April 14, 2005 and April 28, 2005. Staff has distributed to the Commission the four related documents.

Ms. Rebecca Furman of Lowndes Drosdick Doster Kantor & Reed, P.A., Orlando, Florida introduced the team working on the proposed project and distributed a booklet of information about the Sembler Company. Ms. Furman first addressed the recommendations made by the Planning and Zoning Board last night as follows:

- 1) **Walkover bridge:** MI Homes built a portion of Daniels Road as a 4-lane divided highway going through the Stone Crest residential development in anticipation of future segments. The city and county had an agreement to extend the road north and south to connect it with South 535. It currently ends in a cul-de-sac at the Fowler Grove. The Stone Crest community is divided by this road and what they have heard from the residents is that they would like to have some sort of walkover so the west side can get to the east side and enjoy the amenities without crossing the

highway. This division was not an event related to the Sembler Company wanting to do this project. The road alignment has been set for some time and they are stuck with the alignment through their project as well. The Sembler Company does not feel they are in a position to build a walkover on the MI Homes property. The Sembler Company is already obligating \$11.2 million in impact fees, with a portion being refunded, but the city is set to net \$5.5 million. The cost of the walkover bridge has not yet been determined, but a portion of the netted impact fees could be allocated to such a project for Stone Crest. Other crossings have not yet been discussed but there are other ways in which to help the community. The Sembler Company does not believe they can build a walkover bridge.

- 2) Big box stores: They have tried other configurations but in order to make it economically viable and attract tenants, certain stores desire to be located next to certain other stores (i.e. shoe store next to a clothing store). Another factor is that the shape of the property that is not square. Changes have also been made to meet the Lake Apopka rule. They have made changes to buffer the big boxes from the adjacent neighborhoods that have included moving them further into the site, putting the dry and wet ponds around the buffer. They have also flipped a garden center to other side; architecturally treated the back of the buildings to include berms, walls, and landscaping to shield a lot from the neighbors. The loading docks will be screened and truck deliveries will be limited. Additionally, they have restrictive lighting and will not allow storage behind buildings. They cannot be moved as suggested.
- 3) Residential Transition: The team was not clear where they wanted the transitional housing but she is assuming it was between Country Lakes and Bay Isle on the northwest corner. Residential use was not included in the DRI application submitted. The study and analysis was done with mix uses with residential being in the second phase. Sembler does not believe that there is a current market for residential use on this site but once the project matures; there will be a market for multi-family.

Mayor Quesinberry stated that it was his understanding from their last workshop that the residents accepted a block wall on each side of CR 535, moving the buildings back with a high mound of trees and landscaping, and improving the architecture of the back of the buildings. Ms. Furman replied it was their goal and many of the neighbors are satisfied but some still are not satisfied. The Country Lakes Estates Homeowner's Association did pass a resolution approving certain agreed buffers.

Mr. Kurt Ardaman of Ardaman & Associates, 170 E. Washington Street, Orlando, Florida stated that he represents the Fowler family who has owned the property since 1888. They objected years ago to CR 535 going to their property and now a regional road, the beltway, goes right through their property and they objected to the acquisition by the Expressway. There are two major roads intersecting this property at this location and it is the best location for this type of opportunity for Winter Garden. Many people have approached the Fowlers to buy their property but they have said no. Of all the developers, the Sembler Company is the best he has seen and the Fowlers think it is a great opportunity for the City of Winter Garden. Yes, there will be some negative comments but there are a lot of people who think this is a great project that has a lot of positives.

Mr. Dan Waguespack, Sembler Company, 5858 Central Avenue, St. Petersburg, Florida gave a PowerPoint presentation (*see attached*).

Mr. John Percy with Glatting Jackson, 33 E. Pine Street, Orlando, Florida stated the Sembler Company has heard all the concerns of neighbors and have done a wonderful job in responding to each and every concern. He described the buffer component and the four types of vegetation that surround the project (*see attached*).

Mr. Dan Waguespack displayed exhibits of the signage, building elevations and the architecture. Every item has been defined right down to the types of planters and lighting.

Mr. Tom Hareas, Sembler Company, 5858 Central Avenue, St. Petersburg, Florida addressed the consumer needs identified through market analysis relating to open-air shopping centers. He thanked the city staff, residents, and homeowner associations for their participation. It is acknowledged that there is more to be done and they are very excited about the project. They have addressed most of the concerns and they look forward to meeting with residents. Concerns have been expressed about what would happen if a tenant leaves. The Sembler Company is a very tenant/user driven company. Mr. Sembler was a retailer and having been a tenant understands a tenant's position and will address their needs. There has been major tenant input into this project. They are currently negotiating with the best of the best in their class and the tenants are also an author in the project.

Ms. Furman invited questions from the City Commission at this time.

Mayor Quesinberry asked how many top quality restaurants are planned, not including hamburger stands or food courts. Mr. Hareas replied that there would be between 12 and 18 different sit-down eating establishments that breakdown as fine dining sit down, family casual dining, some high quality fast food eateries. Mayor Quesinberry specifically asked how many white linen establishments taking reservations would there be. Mr. Hareas replied two or three.

Commissioner Dixon stated that she favors economic development and is glad to hear job will be generated. She has previously toured the location and some of the residents in Stone Crest spoke about their concerns regarding the noise, and she would like to know what has been done to address this concern. Ms. Furman stated that the Sembler Company has addressed the noise issue by agreeing to limit the hours of operation for buildings that are with a certain distance of the homes and limit the hours for delivery. She added that they met with Lynx last week and as part of their development order must also provide five different pads for Lynx to put in the stops. Sembler will provide funding to bring in a current Lynx line. Commissioner Graham stated that he read in the report that Sembler was only going to provide the pad areas. Ms. Furman read paragraph 28 from the transportation component of the development order that at a minimum the developer shall facilitate, with funding if necessary, at least one transit route to be operational to the site for a period of two years. Mayor Quesinberry clarified that Lynx agreed that if there were an average of so many riders per route, the city would not have to pay and the city has exceeded those expectations. Commissioner Dixon stated that she was glad to hear about the transportation plans that will assist those employed at the mall. Mayor Quesinberry stated that Stone Crest now has a wood fence but he has heard there would be brick wall and landscaping buffer. Mr. Hareas replied that along the northern property line there would be a six-foot masonry wall. Commissioner Graham asked what the distance was from the wall to the nearest building and what type of landscaping would be between the wall and the building. Mr. Hareas replied that from a backyard to a building would be

60 feet with heavy landscaping. Commissioner Graham asked about the landscaping to the north side. Mr. Percy replied that there would be a variety of vegetation with the largest being from 100-gallon containers with magnolias 11-12 feet high and live oaks 14-15 feet high. Commissioner Dixon asked how many would be generated by the mall. Mr. Waguespack replied about 3,400.

Commissioner Nichols asked what is along the northeast boundary from Daniels Road east. Mr. Waguespack stated that the area is another phase of Stone Crest. There will be a wall and a 40-foot buffer continuing all the way to the wetland. Commissioner Nichols stated she has had questions regarding where the planned 450 residential units would be located. Mr. Waguespack stated that Phase 2 would become denser because where there is parking lots, they would possibly become multi-level and infill the squares. Around the edges of the parking structures could be residential; multi-family, garden apartments or townhouses. Another possibility would be that on the main street the second floor above retailers would be residential. Ms. Furman referenced the potential for a future parking structure similar to what has occurred in Winter Park. Phase 1 does not have the market to include residential and if residential is included in Phase 2, more studies would have to be done. Commissioner Graham noted that the report projects a Phase 2 in 2010 and asked if Phase 2 would include a plan to infill the parking lot as well as next to the Phase 1 commercial. Mr. Hareas replied yes and they could be interlinked with the existing road network and existing pedestrian paths defined in Phase 1. He noted that the Sembler Company is a conservative company and the slots will be flexible. He also stated there is a lot of connectivity planned with the walkways, which should not require people to move their vehicle. Commissioner Nichols referenced a portion of the report that limits the structures to four floors and a maximum height of 68-feet and asked what would be in on four floors. Ms. Furman explained that four floors is not in their PCD zoning and she is not sure what document that information came from. Commissioner Graham noted that the tower is going to be 60-feet. Ms. Furman explained how the process works with the first layer being the comp plan which is the bare bones, the second layer is the development order for the PCD which nails down things such as dates, times, density, intensity, prior to phase 2, and the next layer, the most restrictive layer, is the zoning. They still have to come back and meet with city departments regarding their requirements because if a ladder truck can't be used, then they can't have it. The big box tenants have involved in the process and they have been made aware that they will have to design their buildings according to the PCD. They will bring their designs back to the city to make sure it meets the city code as well.

Commissioner Nichols asked when this project idea started. Ms. Furman responded in January 2003. Commissioner Nichols stated that she personally believes that Sembler has done a good job and seems to be sensitive to concerns and needs of the communities. She knows not everyone can be made happy, but she thinks there are some important items that need to be looked at a little more closely such as traffic. She personally can't see how the exit at 429 can handle that traffic this project will generate. Ms. Furman responded that the traffic question is being researched and they will have an answer regarding just how many cars the project has been designed to accommodate. Mayor Quesinberry shared that the city has already purchased the right-of-way necessary to widen Daniels Road and the State of Florida is building the overpass at the Turnpike. Commissioner Dixon applauded the planned road improvements. Acting City Manager Bollhoefer stated that the referenced \$11.5 million impact fees with a portion being credited back for road improvements will allow the city to pay off the OOCE and free up about \$2.5 million dollars for use on other road

improvements. Staff is confident the funding is to cover all the necessary road improvements. It is incumbent upon staff to ensure there are adequate roadways just as it is incumbent of the developer to ensure the public can easily access the site.

Commissioner Nichols asked if this is the largest project of this type by the Sembler Company. Mr. Hareas replied that it is and a close second would be Palm Beach Gardens "Legacy Place" with 469,000 square feet that has a residential component. Commissioner Nichols stated she knows that a lot of money and time has already been invested but because of the impact to the community, she would like more time to work out the details for the resident's concerns. Mr. Hareas stated that the process does not end here tonight but continues.

Commissioner Graham asked about the transportation figures for determining the level of service on CR 535 south and north of the project. Ms. Furman stated that the information is included in the largest bound report. It is her understanding that the Turnpike is to pay about \$800,000 for the bridge on Daniels Road. Her team is meeting with the county regarding the remaining funding. Apparently, the city is going to build it, Sembler is going to pay for half, and the county is going to pay for the other half. Sembler is entering into a proportionate share agreement with Orange County to pay for the future expansion of CR 535 to the south. Commissioner Graham stated that he can't see why they would say the city couldn't get the \$800,000 because they were going to have to move the bridge anyway for widening the Turnpike to eight-lanes. He read in the report where four-lanes would go all the way back to Chase Road with the county. Ms. Furman stated it would actually be widened to Fiquette Reams Road.

Mayor Quesinberry stated his appreciation for everyone's efforts and noted that he has received positive phone calls from those who could not attend the workshop and announced the City Commission will hear this item on April 14, 2005.

The workshop concluded at 8:17 p.m.