



LAKE MARY CITY COMMISSION

**Lake Mary City Hall
100 N. Country Club Road**

**Regular Meeting
AGENDA
THURSDAY, MAY 21, 2026 7:00 PM**

- 1. Call to Order**
- 2. Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Approval of Minutes**
 - A. Approval of Draft City Commission Meeting Minutes for May 7, 2026**
- 6. Special Presentations**
- 7. Citizen Participation - This is an opportunity for anyone to come forward and address the Commission on any matter relating to the City or of concern to our citizens. This also includes: 1) any item discussed at a previous work session; 2) any item not specifically listed on a previous agenda but discussed at a previous Commission meeting or 3) any item on tonight's agenda not labeled as a public hearing. Items requiring a public hearing are generally so noted on the agenda and public input will be taken when the item is considered.**
- 8. Unfinished Business**
 - A. Ordinance No. 1724 - Amending the Purchasing Policy (Public Hearing - Legislative - Second Reading) (Brent Mason, Finance Director)**
 - B. 2025-RZ-03, A request to consider the Third Amendment to the Griffin Farms at Midtown Planned Unit Development (PUD) Developer's Agreement revising Section C. Land Uses and Other Restrictions for Lot 1 to make certain uses optional and not required for a proposed ALDI Grocery Store located at 211 Wheelhouse Ln. Applicant: Mr. Joseph Kovecses, Esq., Lowndes Law Firm. (Quasi-Judicial – Public Hearing – Continued from April 2, 2026) (Sabreena Colbert, Project Manager)**

9. New Business

A.

2025-SP-06, A request for site plan approval with variances for the construction of Lake Emma Gateway, a proposed +/- 158,305 sq. ft. office/warehouse flex development and associated parking and utilities, located at 3210 Lake Emma Rd. Applicant: Mr. Sam Sebaali, Thomas and Hutton. (Quasi-Judicial – Public Hearing) (Sydney Boswell, Project Manager)

10. Other Items for Commission Action

11. City Manager's Report

A. Items for Approval

B. Items for Information

a. Monthly Finance Report

C. Announcements

12. Mayor and Commissioners Report - 4

13. City Attorney's Report

14. Adjournment

UPCOMING MEETINGS: June 4, 2026

THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE

Per the direction of the City Commission on December 7, 1989, this meeting will not extend beyond 11:00 P. M. unless there is unanimous consent of the Commission to extend the meeting.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY ADA COORDINATOR AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (407) 585-1424.

If a person decides to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Per State Statute 286.0105.

NOTE: If the Commission is holding a meeting/work session prior to the regular meeting, they will adjourn immediately following the meeting/work session to have dinner in the Conference Room. The regular meeting will begin at 7:00 P. M. or as soon thereafter as possible.



LAKE MARY CITY COMMISSION

Lake Mary City Hall
100 N. Country Club Road

Regular Meeting
MINUTES
THURSDAY, MAY 21, 2026, 7:00 PM

NO VIDEO RECORDING WAS MADE FOR THIS MEETING.

1. The meeting was called to order by Mayor Mealor at 7:00.
2. **Moment of Silence**
3. **Pledge of Allegiance**
4. **Roll Call**

David Mealor, Mayor
Colleen Taylor, Deputy Mayor
Jordan Smith, Commissioner
Nicholas Carlin, Commissioner
Justin York, Commissioner
Kevin Smith, City Manager
Darren Elkind, City Attorney
Kevin Pratt, Police Chief
Michael McDowell, Fire Chief
Brent Mason, Finance Director
Sabreena Colbert, Community Development Director
Bryan Nipe, Parks and Recreation Director
Dave Dovan, Assistant Public Works Director
Robert Judges, Police Lieutenant
Sydney Boswell, Planner
Marlene Mercer, Code Enforcement Officer

Rachel Demasi, Human Resources Risk Generalist
Pedro Ramos, Information Technology Administrator

5. Approval of Minutes

A. Approval of Draft City Commission Minutes for May 7, 2026

Commissioner Carlin made a motion to approve the Draft City Commission Minutes for May 7, 2026. Commissioner Smith seconded the motion, and the motion was approved unanimously.

6. Special Presentations

None.

7. Citizen Participation - This is an opportunity for anyone to come forward and address the Commission on any matter relating to the City or of concern to our citizens. This also includes: 1) any item discussed at a previous work session; 2) any item not specifically listed on a previous agenda but discussed at a previous Commission meeting or 3) any item on tonight's agenda not labeled as a public hearing. Items requiring a public hearing are generally so noted on the agenda and public input will be taken when the item is considered.

Marge Smith, of 1057 Surrey Wood Lane, came forward to discuss the File of Life program during EMS Week. Mayor Mealor thanked Ms. Smith and asked Fire Chief McDowell to meet with her regarding the program.

No one else came forward, and the citizen participation section was closed.

8. Unfinished Business

A. Ordinance No. 1724 – Amending the Purchasing Policy (Public Hearing – Legislative – Second Reading) (Brent Mason, Finance Director)

Darren Elkind, City Attorney, read Ordinance No. 1724 by title only.

Brent Mason, Finance Director, came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

The item was then opened for public hearing. No one came forward and the public hearing section was closed.

Commissioner Smith made a motion to approve Ordinance No. 1724 - Amending the Purchasing Policy. Commissioner York seconded the motion, and the motion carried 5-0 by roll-call vote, Commissioner Smith, Yes; Commissioner Carlin, Yes; Deputy Mayor Taylor, Yes; Commissioner York, Yes; Mayor Meador, Yes.

- B. 2025-RZ-03, A request to consider the Third Amendment to the Griffin Farms at Midtown Planned Unit Development (PUD) Developer's Agreement revising Section C. Land Uses and Other Restrictions for Lot 1 to make certain uses optional and not required for a proposed ALDI Grocery Store located at 211 Wheelhouse Ln. Applicant: Mr. Joseph Kovacs, Esq., Lowndes, Law Firm. (Quasi-Judicial – Public Hearing – Continued from April 2, 2026) (Sabreena Colbert, Project Manager)**

Darren Elkind, City Attorney, noted that the hearing had been continued from the April 2, 2026, meeting and previous presentations were part of the record. He further stated that new testimony may be provided.

Sabreena Colbert, Community Development Director, came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

Commissioner Carlin inquired whether a third-party vendor could operate within the space. Ms. Colbert clarified that the applicant had indicated that a non-affiliated provider was not part of ALDI's business plan. Commissioner Carlin stated that a third-party vendor may address the issue and noted examples of other stores with third-party vendors.

Commissioner York inquired whether Winn-Dixie had raised written concerns regarding alcohol service, insurance, licensing, or related issues. Ms. Colbert clarified that there was no record of concerns being raised by Winn-Dixie.

Joseph Kovacs, Esq., of Lowndes Law Firm, 215 N Eola Dr, Orlando, FL, came forward on behalf of the applicant. He discussed ALDI's position and proposed concessions.

Mr. Elkind inquired whether ALDI would agree to remove only the requirement to serve alcohol and maintain a restaurant, coffee shop, or other amenity beyond a standard grocery store. Mr. Kovacs stated that would not be possible.

Deputy Mayor Taylor stated that she's viewed this matter as a request to remove a negotiated benefit that was a part of the prior agreement with Winn-Dixie. She further stated that Commission had previously indicated that alcohol was not the focus and that the concern was the loss of an amenity within the grocery store.

The item was then opened for public hearing.

Carla Trujillo, of 255 Wheelhouse Ln, came forward and offered her support for ALDI.

No one else came forward and the public hearing section was closed.

Mayor Mealor inquired whether ALDI had participated in a first step meeting with staff. Ms. Colbert clarified that ALDI had a first step meeting after submitting a building permit application to convert the Winn-Dixie to ALDI.

Commissioner York inquired regarding the original language for Section DD and whether similar concepts existed elsewhere. Ms. Colbert stated that Winn-Dixie had proposed the prototype store with the tap room and café concept, and that other grocery stores include similar concepts. She further stated that the city has multiple PUD zoning districts with detailed requirements that the city enforces.

Commissioner Carlin expressed further disappointment that a third-party vendor was not considered. Ms. Colbert reaffirmed that the issue had been raised with the applicant, and the applicant was firmly against it.

Commissioner Smith stated that the issue was not the tap room or alcohol, but that the City was being asked to remove a negotiated PUD commitment without receiving a meaningful public benefit or enhancement in return. Deputy Mayor Taylor agreed and stated that the matter concerned how the city conducts business with applicants. Commissioner York stated that the city had negotiated for a unique grocery experience and that the applicant's proposal did not provide a comparable benefit.

Commissioner Carlin made a motion to deny 2025-RZ-03, A request to consider the Third Amendment to the Griffin Farms at Midtown Planned Unit Development (PUD) Developer's Agreement. Commissioner York seconded the motion, and the motion was carried 5-0 by roll-call vote, Commissioner Carlin, Yes; Deputy Mayor Taylor, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Mayor Mealor, Yes.

9. New Business

- A. 2025-SP-06, A request for site plan approval with variances for the construction of Lake Emma Gateway, a proposed +/- 158,305 sq. ft. office/warehouse flex development and associated parking and utilities, located at 3210 Lake Emma Rd. Applicant: Mr. Sam Sebaali, Thomas and Hutton. (Quasi-Judicial – Public Hearing) (Sydney Boswell, Project Manager)**

Sydney Boswell, Planner, came forward to discuss the information as presented in the Staff Report, which was included in the agenda packet for review.

The item was then opened for public hearing. No one came forward and the public hearing section was closed.

Commissioner Smith made a motion to approve 2025-SP-06, A request for site plan approval with variances for the construction of Lake Emma Gateway. Deputy Mayor Taylor seconded the motion, and the motion was carried 5-0 by roll-call vote, Deputy Mayor Taylor, Yes; Commissioner York, Yes; Commissioner Smith, Yes; Commissioner Carlin, Yes; Mayor Mealor, Yes.

10. Other Items for Commission Action

None.

11. City Manager's Report

A. Items for Approval

None.

B. Items for Information

a. Monthly Finance Report

Kevin Smith, City Manager, stated that the monthly financial report was included in the informational package and that all appeared to be trending normally.

C. Announcements

None.

12. Mayor and Commissioners Report – 4

a. Commissioner York

No report.

b. Commission Smith

He congratulated Ms. Colbert on her graduation from Leadership Seminole and Lake Mary residents graduating from kindergarten through college. He also thanked Lake Mary school resource officers for keeping students and schools safe and recognized the completion of the 2026 Lake Mary Little League spring season.

c. Commissioner Carlin

He thanked Deputy Mayor Taylor for her comments during the Griffin Farms item. He also thanked Fire Chief McDowell for his leadership during EMS Week and welcomed the city's new Battalion Chief. He further thanked Police Chief Pratt for his leadership during National Police Week and Peace Officers Memorial observances, and congratulated Ms. Colbert and other local graduates.

d. Deputy Mayor Taylor

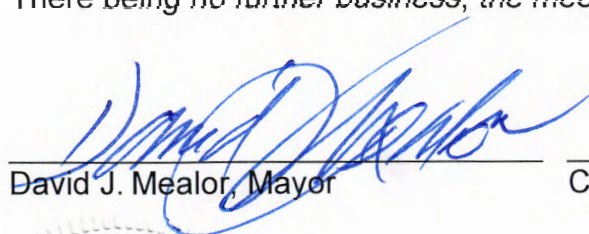
She congratulated Ms. Colbert on her Leadership Seminole graduation. She reported that she attended a Florida League of Cities legislative update and stated that the budget process had not yet come together and may keep the City and Finance Director busy. She wished everyone a happy start to summer and encouraged residents to take time during Memorial Day week to remember those who gave their lives in the Armed Services.

13. City Attorney's Report

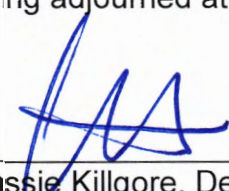
No report.

14. Adjournment

There being no further business, the meeting adjourned at 8:20.



David J. Meador, Mayor



Cassie Killgore, Deputy City Clerk

ATTEST:



Amber Branton, City Clerk



LAKE MARY

COMMUNITY DEVELOPMENT DEPARTMENT

Building Division | Planning Division

MEMO

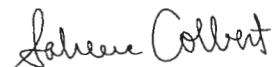
To: Mayor and City Commission
From: Sabreena Colbert, AICP, Community Development Director
Date: May 20, 2026
RE: Receipt of Follow-Up Correspondence – Griffin Farms at Midtown PUD Amendment
(2025-RZ-03)

Staff received a follow-up letter dated May 14, 2026, from the applicant's attorney regarding the proposed Third Amendment to the Griffin Farms at Midtown PUD Developer's Agreement. This letter was received subsequent to the agenda cut-off timeline discussed with the applicant during a meeting with staff on April 29, 2026, and following the agenda item being finalized for distribution. The correspondence further outlines ALDI's proposed alternatives and the applicant's position regarding consistency with the City's Comprehensive Plan and Land Development Code.

The letter generally reiterates the alternatives discussed during meetings between staff and the applicant following the April 2, 2026, continuance.

Staff has reviewed the correspondence and determined that the information provided does not alter the findings or recommendation contained within the staff report.

Sincerely,



Sabreena Colbert, AICP
Community Development Director
City of Lake Mary
(407) 585-1459
scolbert@lakemaryfl.com

Attachment: Letter to S. Colbert re Continued ALDI Hearing

CC: Mr. Kevin Smith, City Manager
Mr. Darren Elkind, City Attorney
Mrs. Amber Branton, City Clerk
File 2025-SP-04



JOSEPH A. KOVECSES, JR.

Shareholder

joseph.kovecses@lowndes-law.com

215 North Eola Drive, Orlando, FL 32801-2028

T: 407-418-6704 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



May 14, 2026

VIA EMAIL

Sabreena Colbert, AICP
Community Development Director
City of Lake Mary
Community Development Department
911 Wallace Ct.
Lake Mary, FL 32746
scolbert@lakemaryfl.com

**Re: Aldi Rezoning – Griffin Farms PUD
2025-RZ-03**

Dear Sabreena:

Please allow this correspondence to serve as a follow up from our discussions during the virtual meetings held on April 20, 2026, and April 29, 2026. We are submitting this letter in advance of the continued City Commission first reading hearing scheduled for May 21, 2026. Sections I & II below include the prior concessions and current proposals Aldi presented during the April meetings. Section III represents our position on how our proposals address the requirements in the City’s Code and Comprehensive Plan.

As previously indicated, Aldi is seeking to remove or replace the “Taproom” requirement within the PUD Agreement that requires a grocery store operating on Lot 1 to serve beer, wine, and pub style food to store patrons.

I. Aldi’s Prior Concessions to the City

As stated during the meetings, Aldi has already made several concessions as part of the rezoning process to account for removal of the taproom requirement:

1. Nearly 6,000 square feet of additional future tenant space is being created due to the reduction in the Aldi grocery store footprint to accommodate another user, which total space is much larger than the existing taproom.



2. Shopping carts which are currently stored outside along the front of the store and in the parking lot are being moved inside with the Aldi conversion. This change improves pedestrian vehicular and vehicular circulation around the site, increases available parking, and improves the aesthetic of the relevant areas of the PUD.
3. Aldi agreed to reduced signage with channel lettering below what the code and PUD permits.

II. Aldi's Additional Proposals

Aldi proposed doing one of the following in addition to the three items noted above:

- One-time financial contribution or paid sponsorship to the City for a City designated project or initiative.
- In-store marketing graphics/artwork highlighting Lake Mary (little league, events, buildings, or similar); areas and types agreed to up front and city to have approval rights at time of design.
- A permanent dedicated unmanned shelving set with unique graphics for seasonal charcuterie products. The type and variety of products would change seasonally, but the area would be accessible during all hours of store operation.

III. Compliance with Code and Consistency with Comprehensive Plan

City Code Section 154.61(C)(2)

City Code Section 154.61(C)(2) requires that site development standards for PUDs are established to:

1. "insure [sic] adequate levels of light, air, and density to maintain and enhance locally recognized values of community appearance and design"
2. "to promote functional compatibility of uses"
3. "to promote the safe and efficient circulation of pedestrian and vehicular traffic"
4. "to provide for the orderly phasing of development"
5. "to otherwise protect the public health, environment, safety, and general welfare"

The existing property and the proposed modifications meet with the City's appearance and design requirements. Moving the shopping carts indoors and upgrading the signage further enhances appearance and design.

The proposed grocery store use is compatible with the mixed-use PUD, including the residential development within the PUD.

The rezoning application does not impact the existing pedestrian or vehicular traffic circulation.

The property is already constructed and no phasing is required.

Removing the Taproom requirement furthers the City's goal of protecting the public health, environment, safety and general welfare by restricting alcohol consumption. Replacing the Taproom with the new tenant space user and/or the charcuterie station will provide for alternate means of community engagement, which is not specifically required by the Code.

Comp Plan FLU Element Policy 1.1

FLU Policy 1.1 provides as follows:

POLICY 1.1

The land development regulations and codes shall be enforced equally for all similarly situated property within Lake Mary.

This policy requires that development regulations “be enforced equally for all similarly situated property within Lake Mary.” As far as we have discovered, the Aldi site is the only similarly situated property within Lake Mary being forced to operate with a Taproom. Removing the Taproom requirement in favor of one of the alternate suggestions will thus bring the zoning into compliance with Policy 1.1. Nothing within Policy 1.1 requires community engagement through unique offerings.

Comp Plan FLU Element Policy 1.4

FLU Policy 1.4 provides as follows:

POLICY 1.4

The functional definitions and uses provided for each of the following future land use designations shall be regulated through the Land Development Code to promote compatibility between land uses, protect natural resources when appropriate, and to provide for efficient use of land and public and private facilities and services. This will be implemented through regulating the allowable zoning districts within specific future land use districts and site specific design criteria.

...

Mixed Use Midtown (MUMT): This land use designation allows for mixed use development by requiring an integration of a full range of commercial uses as well as mid to high density residential uses through compatible design encouraging convenience and walkability for project residents. Development within this designation may also provide for entertainment, recreational, dining, and shopping opportunities. A development within this category must have the Planned Unit Development (PUD) zoning classification, be a minimum of 25 acres in size, and be located East of Rinehart Road, West of Longwood Lake Mary Road, and South of Lake Mary Boulevard. The intensity of this land use requires that it be located where there is convenient access to collector and arterial roadways.

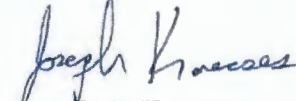
The MUMT land use designation may permit up to 415 dwelling units throughout the City based on a density not to exceed 60 dwelling units per acre, per pod/parcel. A maximum impervious coverage of 65% and a minimum open space of 35% is required throughout the entire PUD. Proposed residential development shall reduce travel and promote bicycle/pedestrian trips for recreation and shopping through pedestrian friendly design and internal capture. Development shall also promote multi-modal transportation options through strategic placement of sidewalks, coordination with LYNX for future bus connections, and other actions deemed appropriate by the City Commission.

Nothing within Policy 1.4 requires a Taproom or unique community engagement or unique customer experience. The Policy requires that “**residential** development shall reduce travel and promote bicycle/pedestrian trips for recreation and shopping through pedestrian friendly design and internal capture” but that requirement does not exist for commercial development such as the Aldi site. There is no requirement in Policy 1.4 for Aldi to provide a unique experience for community engagement. That being said, the proposed alternate options fulfill the spirit of the City’s goals for this PUD.

IV. Conclusion

The Taproom requirement is not required under the City’s Code or Comprehensive Plan and the alternatives proposed by Aldi, together with the concessions already made, further the intent and purposes of both.

Regards,



Joseph A. Kovacs, Jr.
Shareholder



Third Amendment to Griffin Farms PUD Agreement

Aldi, Inc. | 211 Wheelhouse Lane, Lake Mary, FL

Rezoning Application 2025-RZ-03

City of Lake Mary City Commission
First Reading (Continued from 4.2.26)
May 21, 2026

Joseph A. Kovacs, Jr.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.



Monument A

History of PUD

- 2016 - Griffin Farms at Midtown PUD Agreement
 - Mixed Use
 - Lots 1 through 3 = Commercial (Grocery Stores Permitted)
- 2018 – Ground Lease to Lucky's Market Operating Company, LLC
- 2020 (April) – Ground Lease assigned to Winn-Dixie Stores, Inc.
- 2020 - First Amendment to Griffin Farms at Midtown PUD Agreement
 - Amended Commercial uses to
 - ALLOW = 1 liquor store associated with grocery store
 - REQUIRE = Tap Room in Grocery Store
- 2023 - Second Amendment to Griffin Farms at Midtown PUD Agreement
 - Amended to allow an animal hospital
- 2023/24 – Aldi purchased Winn-Dixie stores
- 2025 – Ground Lease assigned to Aldi
- 2025 – Aldi sold about 170 Winn-Dixie stores including all liquor stores

Original PUD Language

- Grocery Stores PERMITTED with no restriction
- Liquor Stores PROHIBITED

c. Prohibited uses within the Commercial classification are:

- i. Theaters and drive-in theaters.
- ii. Nursing homes.
- iii. Animal hospitals/veterinary clinics.
- iv. Funeral Homes.
- v. Convenience stores.
- vi. Automobile service stations.
- vii. Package stores or liquor stores.
- viii. Hotels or motels.

C. Land Uses and Other Restrictions. The land uses within the Final PUD Plan shall be restricted to the permitted uses set forth in this section of the Agreement. This Agreement does not include any conditional uses.

1. Lots 1 through 3 - Commercial.

- a. The total commercial square footage to be developed shall not exceed 150,000 square feet.
- b. Permitted uses for Lots 1 through 3 are:
 - i. General office uses.
 - ii. Restaurants, delicatessens and establishments for the retail sales of prepared foods, including establishments which serve alcohol for the consumption on premises.
 - iii. Retail sales establishments including, but not limited to, grocery stores, bakeries, hardware stores, florists, gift shops, department stores, drug stores, and other similar businesses.
 - iv. Child care centers.
 - v. Personal service establishments.
 - vi. Banks and financial institutions with drive-thru facilities.

First Amendment to PUD

- Amended Commercial uses to
 - ALLOW = 1 liquor store associated with grocery store
 - REQUIRE = Tap Room in Grocery Store

xiv. One liquor store up to a maximum of 1,550 square feet and located at 223 Wheelhouse Lane, Unit 1111 on Lot 1 as depicted on the site map attached hereto as Exhibit "F" (the liquor store must be associated with and operated by the grocery store owner located on Lot 1; the liquor license must be in the name of either the grocery store owner or an affiliate of the grocery store owner that is under common ownership and control, and the liquor store must be operated using a trade name that contains the trade name of the grocery store).

vii. Package stores or liquor stores (except for one up to 1,550 square foot liquor store located at 223 Wheelhouse Lane, Unit 1111 on Lot 1 which must be associated with and operated by the grocery store located on Lot 1).

DD. Grocery Store Amenities. The grocery store located on Lot 1 shall include a dedicated "Tap Room" style space for the sale of beer and wine for on-premises consumption. The Tap Room will feature dedicated pub-style seating areas with televisions, and patrons will also be permitted to "sip and stroll" throughout the grocery store as they shop. The Tap Room will also serve pub-style food such as pizza, subs, and wings for on-premises consumption or to-go.

The Amendment — Section DD

Section DD:

Grocery Store Amenities. The grocery store located on Lot 1 ~~shall~~ may, but is not required to, include a dedicated “Tap Room” style space for the sale of beer and wine for on-premises consumption. The Tap Room, if operated, will feature dedicated pub-style seating areas with televisions, and patrons will also be permitted to “sip and stroll” throughout the grocery store as they shop. The Tap Room, if operated, will also serve pub-style food such as pizza, subs, and wings for on-premises consumption or to-go. The grocery store is permitted but not obligated to operate the Tap Room as set forth herein. If it chooses not to provide a Tap Room, the grocery store shall provide a seasonal sampling cart with items available for purchase within the store.

Current Status

- Aldi and Winn-Dixie are owned and operated separately
- This Winn-Dixie location will close later this year when its operating agreement ends, regardless of the PUD Amendment decision.
- Aldi holds the lease with a 10-year based term remaining
 - Option for several additional 5-year extensions
 - Aldi's policy is to not sublease or assign to a competitor
- Nothing in the PUD requires a grocery store in this location
 - Tap Room requirement only applies if a grocery store is present
 - Space could remain vacant or sublease to a non-grocery user:
 - Clothing Store
 - Beauty Product Store
 - Dollar Store
 - Furniture Store
 - Thrift Store
- We think Aldi better serves the Griffin Farms PUD without the Tap Room

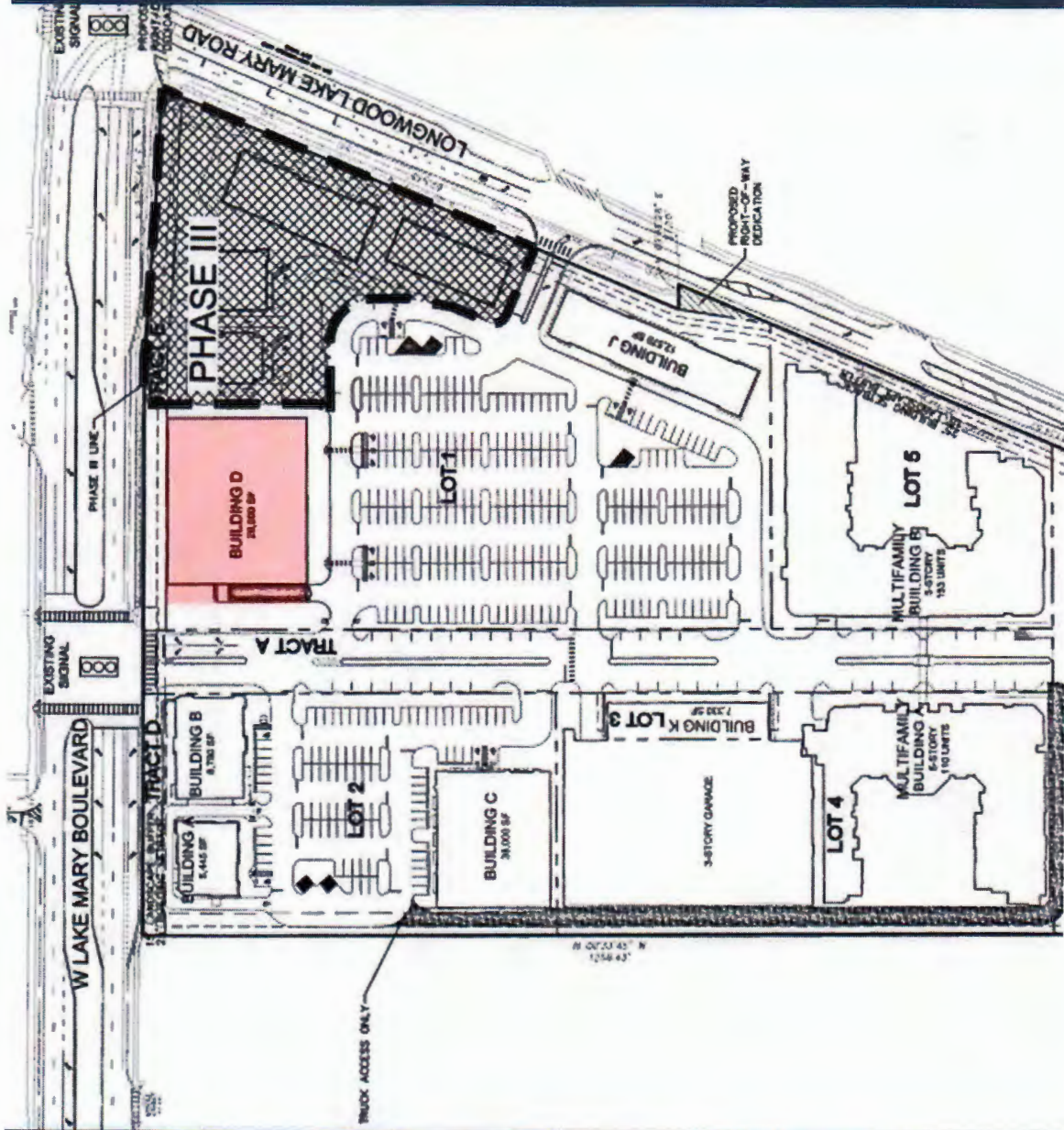
Tap Room Requirement Not Enforceable

- (1) Zoning is Restrictive, Not Compulsory
 - Grounded in law of nuisance - *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926)
 - Police Power is negative: exists to protect public from harmful uses, not to compel specific private use
 - “Local governments have no inherent right to restrict the use of land through zoning; such right is limited by the statute or ordinance creating the same.” Fla. AGO 2012-32 (Sept. 18, 2012)
- (2) Fails Essential Nexus and Rough Proportionality Requirement under *Nollan* and *Dolan* = Taking
- (3) State Pre-emption under Florida’s Beverage Law (Ch. 561-569)
 - §561.02 = state retains regulatory authority over sale of alcohol
 - §562.02(2) = local governments may only regulate hours of business and location; no power to license

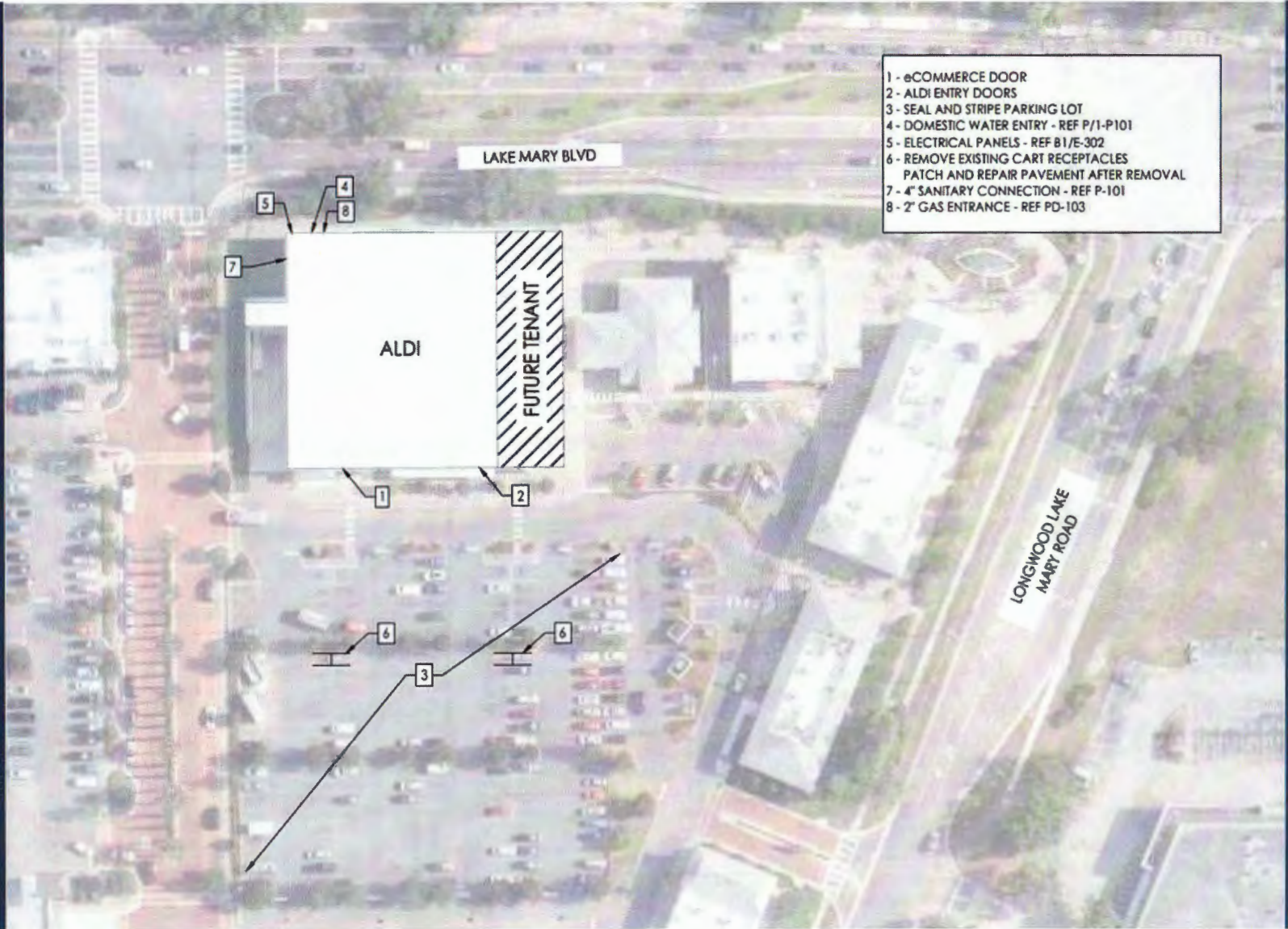
Concessions by Aldi

- (1) Future Tenant Space
 - Substantially larger than current Tap Room
- (2) Shopping Cart Storage Moved Inside
 - Improved aesthetics and pedestrian circulation
- (3) Reduced Signage
 - Well below what code allows

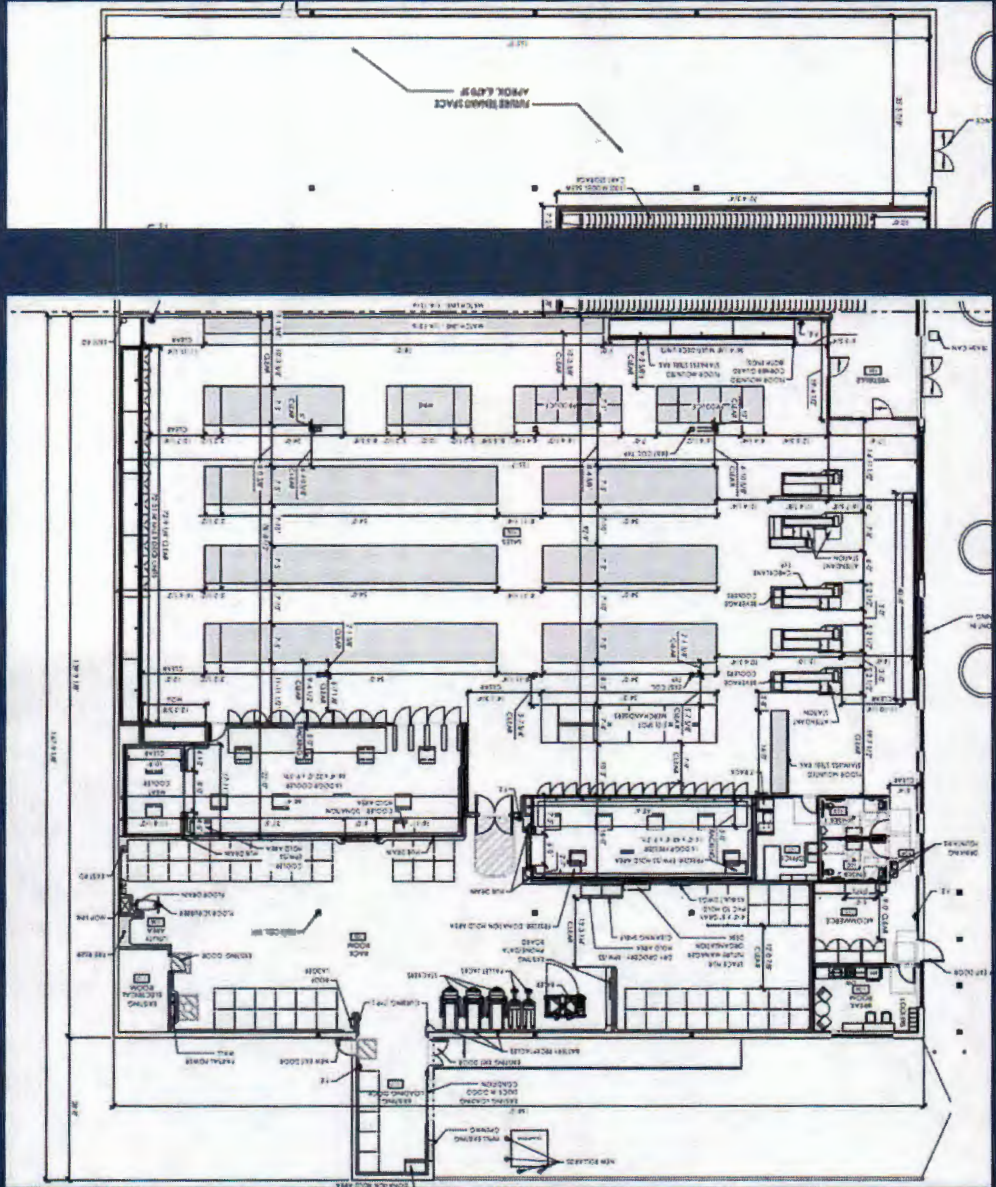
Site Plan



Site Plan



Site Plan



Sign Plan

- Only using 34.1% of allowable signage on the west side of building
- No signage on east side
- Only 14% on rear/street facing side

- CITY GOAL TO MINIMIZE SIGNAGE FROM STREET

Signage Summary

1. Total Building Signage Allowed (sqft and quantity of signs):

4 Allowed (each facade) | Shall not exceed max of 293sf ea elevation.

2. A-201 ALDI Signage (dimensions and sq ft):

7' x 32' | 224 sq ft (front), 293sf allowed

5' x 20' 100 sq. ft. (side), 293 sf allowed

3' x 13' 11" 41 sq. ft. (rear) 293 sq. ft allowed

3. Total Building Signage Allowed for Future Tenant (sq ft):

69 sq ft (front), 193 sq. ft. (side), 252 sq. ft. (rear)

4. Proposed ALDI Pylon/Monument Signage (dimensions and sq ft):

Sign 4: 2' 6" x 5' 6" | 14 sq ft

Sign 5: 1' 2 1/2" x 5' 6" | 9 sq ft

5. Proposed Future Tenant Pylon/Monument Signage (dimensions and sq ft):

Sign 4: 1' 6" x 2' 2 3/8" | 4 sq ft

Sign 5: 1' 2 1/2" x 2' 2 3/8" | 3 sq ft

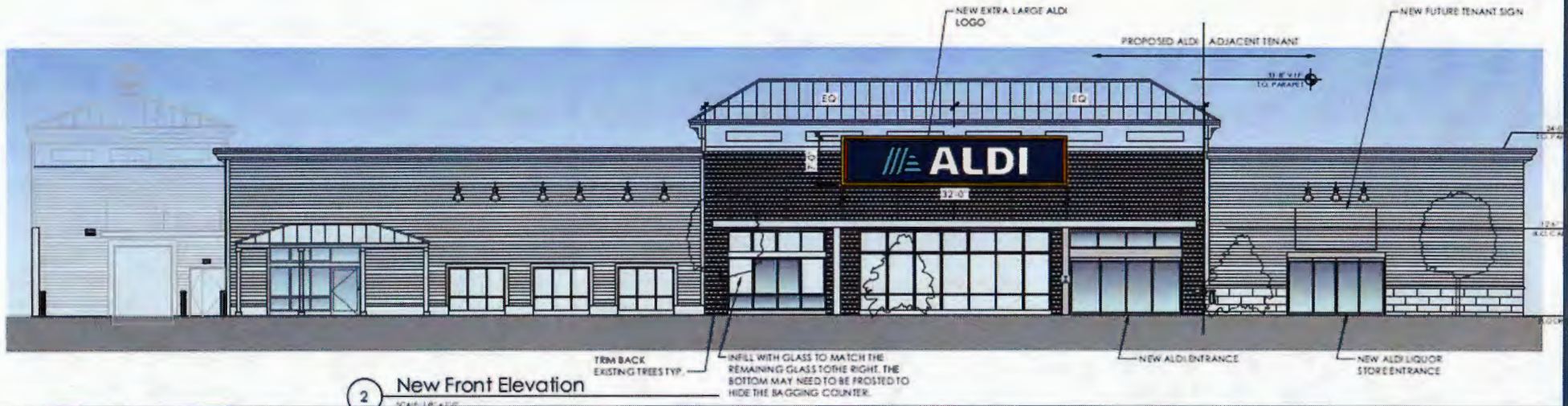
Additional Proposals by Aldi

- Aldi proposes doing one (1) of the following:
 - (1) One-time financial contribution or paid sponsorship to a City designated project.
 - (2) In-store marketing graphics/artwork highlighting Lake Mary
 - Areas and types agreed to up front with City final approval
 - (3) Charcuterie Station
 - Permanent unmanned station
 - Open during all store hours of operation
 - Unique graphics
 - Products rotate seasonally
 - (4) Upgraded Channel Letter Signs

Sign Plan - Original



3 Existing Elevation
SCALE: 1/8" = 1'-0"

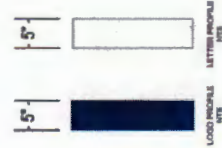
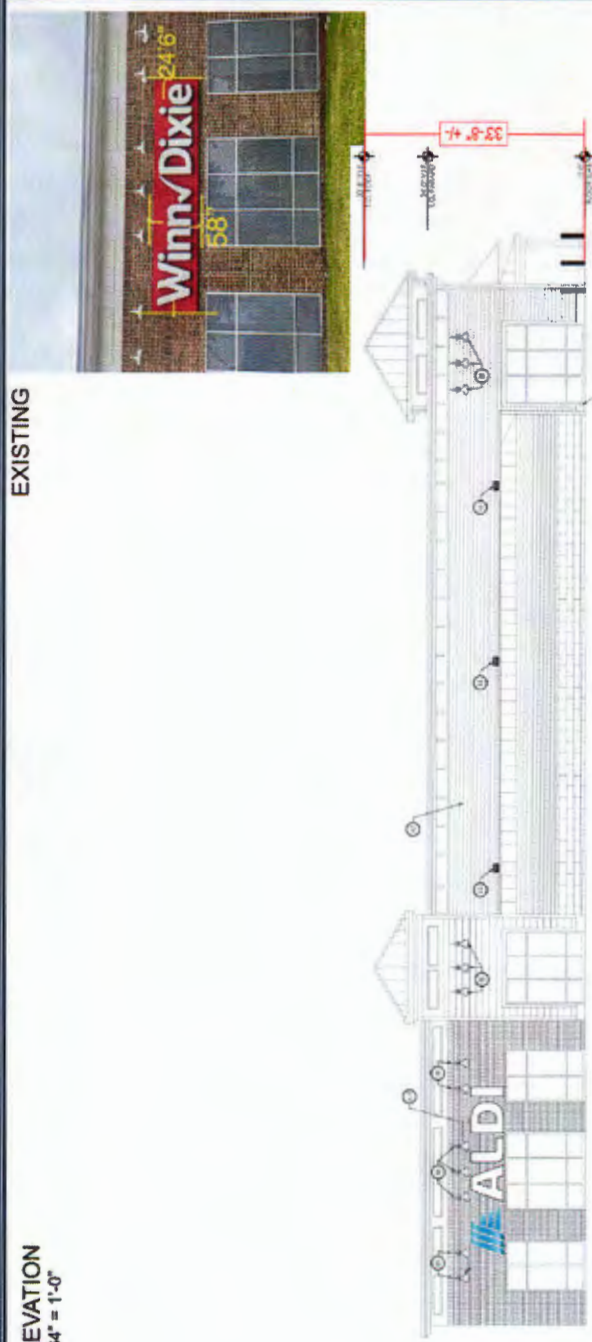


Sign Plan – Channel Lettering

3

SIDE ELEVATION
SCALE: 3/64" = 1'-0"

EXISTING



CHANNEL LETTER DETAIL
SCALE: 1/4" = 1'-0"

Code, Comprehensive Plan, and City Goals

- § 154.61(C)(2) – PUD Planned Unit Development
 - Site development standards shall be established for Planned Unit Developments in order to insure adequate levels of light, air, and density to maintain and enhance locally recognized values of community appearance and design, to promote functional compatibility of uses, to promote the safe and efficient circulation of pedestrian and vehicular traffic, to provide for the orderly phasing of development, and to otherwise protect the public health, environment, safety, and general welfare.

Code, Comprehensive Plan, and City Goals

- Comp. Plan Future Land Use Element

POLICY 1.1

The land development regulations and codes shall be enforced equally for all similarly situated property within Lake Mary.

Code, Comprehensive Plan, and City Goals

- Comp. Plan Future Land Use Element

POLICY 1.4

The functional definitions and uses provided for each of the following future land use designations shall be regulated through the Land Development Code to promote compatibility between land uses, protect natural resources when appropriate, and to provide for efficient use of land and public and private facilities and services. This will be implemented through regulating the allowable zoning districts within specific future land use districts and site specific design criteria.

Mixed Use Midtown (MUMT): This land use designation allows for mixed use development by requiring an integration of a full range of commercial uses as well as mid to high density residential uses through compatible design encouraging convenience and walkability for project residents. Development within this designation may also provide for entertainment, recreational, dining, and shopping opportunities. A development within this category must have the Planned Unit Development (PUD) zoning classification, be a minimum of 25 acres in size, and be located East of Rinehart Road, West of Longwood Lake Mary Road, and South of Lake Mary Boulevard. The intensity of this land use requires that it be located where there is convenient access to collector and arterial roadways.

The MUMT land use designation may permit up to 415 dwelling units throughout the City based on a density not to exceed 60 dwelling units per acre, per pod/parcel. A maximum impervious coverage of 65% and a minimum open space of 35% is required throughout the entire PUD. Proposed residential development shall reduce travel and promote bicycle/pedestrian trips for recreation and shopping through pedestrian friendly design and internal capture. Development shall also promote multi-modal transportation options through strategic placement of sidewalks, coordination with LYNX for future bus connections, and other actions deemed appropriate by the City Commission.

Code, Comprehensive Plan, and City Goals

- Nothing in the City's Code or Comprehensive Plan requires a
 - Taproom
 - Unique Experience
- Nothing permits the City to force a specific use
- Comp. Plan requires
 - Equal Treatment of Property
 - Residential development must reduce travel and promote pedestrian trips
 - NOT Commercial development.

Code, Comprehensive Plan, and City Goals

- Insistence on mixed-use engagement WITHIN grocery store vs. PUD-wide
 - Requires ALDI to create a new business
 - Allows another operator to have shared ingress/egress
- Goes well beyond scope of Comprehensive Plan
- Future Tenant Space
 - Promotes mixed-use engagement within PUD
 - Facilitates walkability and reduces external trips
 - Satisfies requirements of PUD
- Number of Restaurants already within PUD
- Losing a grocery anchor will hurt nearby businesses and residents substantially more than any marginal gain associated with a taproom or unique experience within the grocery store
- Current Tap Room language does not require any specific operating hours
 - Winn-Dixie could open it for an hour a month and meet the requirement

Code, Comprehensive Plan, and City Goals

- Losing Grocery Store Anchor = Wider Negative Impact on 30+ businesses



Trees

- No trees will be lost regardless of cart storage location



Our Request

Approval of the Third Amendment to the Griffin Farms PUD Agreement

Make the Tap Room requirement permissive — not mandatory

Allow Aldi to operate a family-friendly grocery store at 211 Wheelhouse Lane

We are happy to answer any questions.

