

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, JANUARY 13, 2003
4:30 P.M.

The regular meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Dave Freudenberg at 4:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Dave Freudenberg
Vice-Chairman Susan Haynie
Commissioner Steven L. Abrams
Commissioner Bill Hager
Commissioner Carol Hanson

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
Executive Director Jorge Camejo
City Clerk Sharma Carannante

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Meeting of December 9, 2002.

Motion was made by Commissioner Hager, seconded by Commissioner Abrams, to approve the minutes as presented. Motion carried unanimously on a voice vote; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Hanson voting yes.

REGULAR BUSINESS - PART I - QUASI-JUDICIAL PUBLIC HEARINGS:

1. DDRI IDA No. CRP-02-03

An Individual Development Approval of the Boca Raton Community Redevelopment Agency granting Individual Development Approval to develop a 5,666 square foot office building at 40 Southeast 7th Street

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition. No ex-parte disclosures were made.

Development Services Planner Daryl Johnson made the staff presentation. The petitioner is seeking approval for a 30-foot two-story, 5,666 square foot office building on an approximate 0.2 acre parcel. The first floor will consist of a lobby area and a surface-parking garage with office space on the second floor. Due to a vehicular access point from the existing 20-foot alley, the City's traffic engineer has provided a condition that the owner must repave and reconstruct the northern half of the alley to widen it to 22 feet. Seventeen parking spaces are being provided, which exceeds the seven required by Code. Conditions recommended by the Community Appearance Board (CAB) and the Planning and Zoning

Board (P&Z) are included in the IDA. The two boards conflicted with their recommendation regarding the alley width: the P&Z recommending the alley width increase from 20 to 22 feet and the CAB recommending that landscaping be installed in the additional two feet. Staff recommended approval of the project.

Architect Paul Slattery commended staff and provided clarification regarding the under-grounding of the power lines.

Motion was made by Vice-Chairman Haynie, seconded by Commissioner Abrams, to adopt DDRI IDA No. CRP-02-03.

Motion was made by Vice-Chairman Haynie, seconded by Commissioner Abrams, to amend DDRI IDA No. CRP-02-03 to reduce the alley width to 20 feet with the other 2 feet dedicated to landscaping. Motion carried 4-1 on a voice vote; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Hager and Hanson voting yes. Commissioner Abrams voted no.

The vote on the main motion to adopt DDRI IDA No. CRP-02-03, as amended, carried unanimously; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Hanson voting yes.

2. DDRI IDA No. CRP-02-04

An Individual Development Approval of the Boca Raton Community Redevelopment Agency granting the petition of Richard K. Brooks on behalf of Bari Investment Group, Inc. for Individual Development Approval for a 154,350 square foot retail, office and residential project at 855 South Federal Highway.

The City Attorney reviewed the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who indicated they wished to speak on the petition. There were no ex-parte disclosures.

Development Services Senior Planner Alejandro Zurita made the staff presentation. The petitioner is requesting approval to construct a nine-story, 154,350 square foot building, 100-foot in height that would consist of retail and office use on the first floor, office use exclusively on the second and third floors, and 58 residential units on the fourth through ninth floors. A four-level parking garage is also planned for the approximate 2.7 acre parcel. The parcel is zoned Downtown Development of Regional Impact with a compatible Comprehensive Downtown Future Land Use designation of Central Business District. The two-story building now on the site will be demolished. The IDA includes a condition that the abutting alleyway requires abandonment and under-ground relocation of the existing aboveground power lines prior to issuance of a building permit. Mr. Zurita provided additional information regarding pedestrian amenities; pedestrian and vehicular access points, and setbacks. The conditions imposed by the Community Appearance Board (CAB) and the Planning and Zoning Board (P&Z Board) were reviewed, and it was noted that they had been incorporated into the IDA, with the exception of the CAB condition imposing a five-foot rear yard setback, which the P&Z Board did not support. Staff concurred with the P&Z Board regarding this condition and recommended approval of the project.

Richard Brooks, project architect, responded to questions that had arisen regarding landscaping and the pedestrian arcade. He also took issue with several of the CAB conditions.

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to adopt DDRI IDA No. CRP-02-04.

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to amend DDRI IDA No. CRP-02-04 on Page 7, Condition (r), adding "if feasible" after "project." Motion carried unanimously on a voice vote; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Hanson voting yes.

The vote on the main motion to adopt DDRI IDA No. CRP-02-03, as amended, carried 4-1; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams and Hager voting yes. Commissioner Hanson voted no.

PUBLIC REQUESTS:

No one spoke under public requests.

REGULAR BUSINESS - PART II - RESOLUTIONS:

There were no resolutions to consider.

OTHER BUSINESS:

There was no other business to consider.

DIRECTOR'S REPORT:

3. Request for Extension of Cessation of Operations - International Museum of Cartoon Art.

The Executive Director noted the request from Attorney Michael Kotler, on behalf of Mort and Catherine Walker of the International Museum of Cartoon Art, asking that the deadline granted for cessation of operations of the facility be extended from April 2003 to October 2003.

Mr. Kotler then provided a short history of what occurred from the time the City requested proposals using the Cartoon Museum as a venue. He stated that the Museum had entered into an enforceable contract with the Mizner Hotel Group as a result of their meeting the qualifications of a Request for Proposal issued by the City. He contended that their proposal had been "side-lined," due to the County's proposal to allot \$3,000,000 towards the purchase of the Museum by the City, if the County recreational and cultural bond issue, slated for the November 2002 ballot, was approved. He appealed to the Agency to grant the extension to allow time for the Walkers to negotiate with the Mizner Hotel Group. The Chairman clarified that the Mizner Hotel Group was not in substantial compliance with the RFP because it did not meet the public use criteria of the RFP, and their deposit had been refunded. The City Attorney commented that the only matter before the Agency at this meeting was consideration of extension of the cessation of operations. Ms. Frieser added that while preliminary conversations regarding an overall strategy for the Cartoon Museum have taken place among staff, it would be inappropriate and premature for the City to comment at this time.

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to extend the period for the cessation of operations until October 1, 2003.

Motion was made by Chairman Freudenberg, seconded by Commissioner Hanson, to amend the deadline date to July 1, 2003, with the requirement that any application for further extension be submitted by May 1, 2003. Motion carried on a 3-2 vote; Chairman Freudenberg, Vice-Chairman Haynie and Commissioner Hanson voting yes. Commissioners Abrams and Hager voted no.

The vote on the main motion, as amended, carried unanimously; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Hanson voting yes.

The City Manager advised that the City has received draft guidelines from the County regarding the bond issue, but is still awaiting the official documents.

ATTORNEY'S REPORT:

There were no attorney reports.

COMMISSIONERS' REPORTS:

Commissioner Hanson commented on complaints received regarding the quality of indoor air at the First Bank of America Building, which is near a construction site, that have resulted in inspections by OSHA and the Palm Beach County Health Department. Due to violations that have been noted, Ms. Hanson suggested future development approvals might include a requirement for on-site inspection for indoor air quality, with the cost borne by the developer.

In response to a query from Vice-Chairman Haynie regarding the status of the DDRI Transportation Task Force, Mr. Camejo advised that updated information has been received from Kimley-Horn, and the task force should be meeting again in the next two to three weeks.

Mr. Camejo also responded to the Chairman's inquiry relating to the substantial noise associated with the concerts held at the amphitheater; the impact is being monitored and staff is working with the Centre for the Arts (CFA) to find a solution to mitigate the noise.

ADJOURNMENT:

Motion was made by Commissioner Abrams, seconded by Vice-Chairman Haynie, to adjourn the meeting. Motion carried unanimously on a voice vote; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Hanson voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 5:50 p.m., Monday, January 13, 2003.

Dave Freudenberg, Chairman

ATTEST:

Sharma Carannante, City Clerk