

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, APRIL 7, 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 Susan Whelchel

Also attending the meeting were:

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

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Meeting of March 24, 2003

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

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

1. DDRI IDA NO. CRP-02-05

An Individual Development Approval of the Boca Raton Community Redevelopment Agency granting Individual Development Approval to develop a 19,074 square foot retail center at 520 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. Under ex-parte disclosures, Vice-Chairman Haynie said she had spoken with Mr. Brooks, Mr. Weinstein and Mr. Wheeler. Commissioner Whelchel & Chairman Freudenberg both stated that they had spoken to a number of people regarding this issue.

Commissioner Abrams mentioned that, while he had not spoken to anyone in regard to this issue, he understood the petitioner might wish to request a postponement at this time. Christopher Wheeler, the attorney representing the petitioner, stated that, while he understood there was some opposition to the project, his client would like to move forward with the presentation. He voiced that it would be beneficial to have the Agency view the project now. In addition, any potential problems with the project could be identified, on the record, and resolved.

Executive Director Jorge Camejo gave opening comments and stated that the subject of today's hearing was actually Phase III of the original Townsend Place approval. He then introduced Development Services Planner Daryl Johnson, who gave the PowerPoint presentation.

Mr. Johnson provided information regarding location, acreage, and zoning. The proposed retail center includes an Eckerd's drugstore and leased retail space, totaling 19,074 square feet of gross floor area. Eckerd's would have a pharmacy drive-through window on the east side of the building. Removal of a large banyan tree was recommended by staff, should this petition be approved; details regarding the banyan were provided. Vehicular access to the site would be from Federal Highway and Mizner Boulevard, which are both "right-turn in" and "right-turn out" driveways, due to the medians that prevent left-hand turns. Pedestrian access, required parking, building height, and architectural design were also outlined.

The Community Appearance Board (CAB) reviewed this project and recommended approval with five conditions, which were read into the record. The Planning and Zoning Board (P&Z Board) also reviewed the project and recommended approval with two conditions: 1) removal of the banyan tree, and 2) construction of an 8-foot-wide sidewalk along Federal Highway and Mizner Boulevard. Mr. Johnson concluded his presentation by stating that staff recommended approval, subject to the conditions listed in the Individual Development Approval, in addition to the recommendations made by the CAB and P&Z Board. He then answered questions from Agency members.

City Environmental Officer, Nora Fosman, spoke to the issue of removing the banyan tree and answered questions from the Agency, as requested.

The City's Traffic Engineer, Douglas Hess, provided information to the Agency regarding the impact of moving the Mizner Boulevard driveway.

Richard Brooks, the architect for the project, distributed architectural renderings and a letter from Kimley-Horn and Associates that addresses concerns about the right-in/right-out driveway along Mizner Boulevard. Mr. Brooks explained the design concept for Eckerd's drugstore, saying that it represented more of a residential look and scale. He then provided additional architectural details including information on exterior arches and an arcade.

Joseph Pollock, from Kimley-Horn and Associates, spoke to the design of the proposed driveway and explained that the petitioner has offered to provide pedestrian signage. He touched on the traffic separator on Mizner Boulevard, the function of Mizner Boulevard as a reliever for Federal Highway, and concluded that a safer position is provided by this proposed driveway design than what is currently available.

Christopher Wheeler acknowledged the challenges inherent in this project and provided concluding remarks in support of the project.

Henry Handler, the attorney representing The Concerned Residents of Townsend Place, approximately 40 residents, voiced concern regarding the driveway on Mizner Boulevard. He stated that the concrete barrier and the proposed turning radius would present a problem. He suggested postponing consideration of this item to allow discussion between the petitioner and Townsend Place residents.

Ruth Block, Werner Hecker, Ralph Solomon, Jason Rothberg, Jerry Winters and Eddie Weinstein, residents of Townsend Place, all voiced concerns with the proposed project. Concerns centered on safety issues, increased traffic, removal of the banyan tree and a negative impact on their investment.

Dr. Philip Barenfeld and Harry Exler, President of the Townsend Place Association, spoke in support. Dr. Barenfeld questioned what could be proposed in place of this project if it was not approved. He and Mr. Exler stated a second access to Townsend Place is needed.

Mr. Wheeler expressed that if the Agency shares these concerns, his client would be amenable to a postponement. The Agency agreed that a postponement would be in order.

Commissioner Hager stated he would like the record to reflect that he would like further information regarding his concern over the banyan tree. Also for the record, Commissioner Haynie asked that the petitioner address controlled access to Townsend Place, security, and a separator between the residential and retail, as well as the traffic concerns. Commissioner Abrams requested information related to Eckerd Drugs, asking for hours of operation, delivery times, merchandise to be sold, etc. Commissioner Whelchel also voiced concern regarding the second service entrance and asked that its location be re-evaluated.

In regard to how Eckerd's intends to use this facility, Mr. Wheeler stated it is spelled out in a letter he has from Eckerd's that he will share with the Agency at a later time.

Motion made by Vice-Chairman Haynie, seconded by Commissioner Hager, to continue the public hearing to May 12, 2003 with the condition that the petitioner bear the cost of re-noticing. Motion carried unanimously; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Whelchel voting yes.

PUBLIC REQUESTS:

No one wished to speak.

REGULAR BUSINESS - PART II - RESOLUTIONS:

There were no items for consideration.

OTHER BUSINESS:

There was no other business to consider.

DIRECTOR'S REPORT:

The Director had nothing to report at this time.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

The Commissioners had nothing to report at this time.

ADJOURNMENT:

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

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 6:20 p.m., Monday, April 7, 2003.

Dave Freudenberg, Chairman

ATTEST:

Sharma Carannante, City Clerk