

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, MAY 12, 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 April 7, 2003

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 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. Under ex-parte disclosures, Commissioner Abrams and Council Member Haynie advised they had spoken with Chris Wheeler. Deputy Mayor Whelchel stated she, too, had spoken with Mr. Wheeler and also to Edward Weinstein and Richard Brooks. Chairman Freudenberg advised that he had submitted his disclosures to the City Clerk. The City Clerk administered the oath to those who indicated they wished to speak on the petition.

Executive Director Jorge Camejo noted that the petition was continued from the meeting of April 7, 2003 and, per the Board's instructions, had been re-noticed. In the interim, the petitioner revised the site plan to address issues that were brought forward during discussion of the proposal. Those issues were the access drive on Mizner Boulevard, the cross-connection between the parcel and Townsend Place, and the Banyan tree.

In regard to Mizner Boulevard access, the revised site plan provides for ingress only with a double stripe white line without any barriers prohibiting crossover traffic. However, staff felt this would create an unsafe situation and, therefore, added a condition to the IDA that would eliminate the Mizner Boulevard driveway from the site plan.

To address the second issue, the cross-connection of the parcel to Townsend Place, the petitioner's revised site plan provides gated access to the retail center. Mr. Camejo noted that, although the revised plan shows the driveway as 14 feet wide, the petitioner has agreed to staff's condition that it be redesigned to accommodate two-way traffic for use by emergency and other large vehicles.

The revised site plan also maintains the existing Banyan tree and eliminates four parking spaces. Staff added a condition to the IDA that states that, should the Banyan tree be kept in place, the sidewalk located adjacent to the tree shall not be expanded; the rationale being that to do so would hamper the survivability of the Banyan tree. Without significant measures to save the Banyan tree, staff recommended replacement with other trees such as live oaks.

City Traffic Engineer T. Douglas Hess responded to questions regarding the traffic issues. Additional discussion occurred regarding the Mizner Park Boulevard driveway and the cross access between the two parcels.

The public hearing was then opened.

Christopher Wheeler, attorney for the petitioner, noted the successful resolution of "four and one half" of the five issues, but added that Eckerd's is inflexible on the elimination of the Mizner Boulevard driveway. Joseph Pollock, a traffic engineer with Kimley-Horn and Associates, provided further comment. He reviewed the proposed modification of the radius of the intersection, asserting that it should lower the speed to 20 mph. Mr. Pollock agreed that, should the Mizner Boulevard driveway be approved, the separator should be constructed for safety purposes, as recommended by staff. He also spoke of measures that could be taken to reduce the possibility that the right-turn in only driveway would be used for egress. Mr. Pollock responded to additional questions.

Attorney Henry Handler noted his firm was present to represent Concerned Residents of Townsend Place – 55 residents of the 92 units in Townsend Place Phase I. He stated they have submitted a petition in support of the proposed project, as recommended by staff, i.e. no Mizner Boulevard driveway and the expanded cross access between the parcels.

(At approximately 5:12 p.m. the meeting was unavoidably recessed for approximately three minutes due to a power outage.)

Lisa Bernstein, a traffic engineer with McMahon and Associates, who was retained by the Concerned Residents of Townsend Place, elaborated on why the Mizner Boulevard driveway should be eliminated.

Robert MacLaren, representing Boca Developer's Inc., urged approval of the project as proposed by the petitioner. He noted the tenant's requirement for Mizner Boulevard access and added that the petitioner has addressed all expressed concerns.

Several residents of Townsend Place commented during the public hearing. Edward Weinstein stated he was not against the project but felt the Mizner Boulevard entrance would be a safety hazard. He also supported saving the Banyan tree. Ralph Solomon spoke against saving the Banyan tree, stating it was an eyesore and a health hazard. Gerald Dicker stated he was speaking on behalf of the mobility challenged. He said he was in favor of the proposed revised site plan and for reconfiguration of the intersection to slow down traffic. Werner Hecker asked that no driveway access be provided on Mizner Boulevard. John Zion also stated he was in support of staff's recommendations, including no driveway on Mizner Boulevard. Trudi Helfand advised she was in favor of the project, but her preference was that the Banyan tree be removed, stating that it attracted vermin, vagrants and trash. Saralyn Dicker inquired if there would be a pedestrian walkway to Eckerd's and would Townsend Place have the responsibility of more security details. Stuart Feder, sales director of Townsend Place for the past 14 months, stated that there has been full disclosure to unit owners regarding what could be built on the subject parcel. Harry

Exler, President of Townsend Place Condominium Association, stated that the latest survey of Townsend Place residents indicates 71 of 78 respondents approved of the revised site plan. He stated they would also be in favor of the project with staff's added conditions.

During closing comments, Mr. Wheeler stated his client's willingness to construct the aforementioned barrier and, although the bus stop was not on their property, to work to address safety concerns related to same.

George Clyer, with Eckerd's Drugs, stated his company's desire to be a good corporate resident and noted the concessions that they had made in that regard. In response to questions that had arisen, Mr. Clyer stated that hours of operation are currently 8:00 a.m. to 9:00 p.m., but at the new site they anticipate remaining open until possibly midnight. Regarding pedestrian access, Mr. Clyer stated that they had no problem in providing some type of direct access. He also confirmed that Eckerd's would not pursue the lease without the Mizner Boulevard access driveway.

The public hearing was closed.

Mr. Hess responded to whether or not the proposed reconfiguration that would reduce traffic to 20 mph and provide a driveway would be safer than the existing condition that has a 25-30 mph turning radius and no driveway. He said statistics do not reflect a safety problem as is, but a tighter radius would slow traffic; however, he stated that staff still recommends no driveway on Mizner Boulevard as being the safest alternative. Regarding the separator, Mr. Hess said it would not violate any standards, but would be less convenient for residents. Much discussion followed.

Motion was made by Vice-Chairman Haynie, seconded by Commissioner Abrams, to approve DDRI IDA No. CRP-02-05, as revised May 12, 2003.

(Amendment #1) Motion was made by Commissioner Abrams, seconded by Vice-Chairman Haynie, to amend DDRI IDA No. CRP-02-05, as revised May 12, 2003, by adding a new condition using language generally consistent with the following: "The petitioner shall be required to provide pedestrian access to Townsend Place along the eastern property line of the project, subject to PWRC review and approval." Motion carried on a 4-1 vote; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, and Whelchel voting yes. Commissioner Hager voted no.

(Amendment #2) Motion was made by Chairman Freudenberg, seconded by Commissioner Abrams, to amend DDRI IDA No. CRP-02-05, as revised May 12, 2003, by adding a new condition using language generally consistent with the following: "No retailer in the project shall operate except during the hours of 8:00 a.m. to 10:00 p.m." Motion carried unanimously; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Whelchel voting yes.

(Amendment #3) Motion was made by Commissioner Hager, seconded by Commissioner Abrams, to amend DDRI IDA No. CRP-02-05, as revised May 12, 2003, to return "Condition 8.h." to the original language, which states: "Install a median separating the eastbound lanes on Mizner Blvd. east of Federal Highway. The median shall extend 30 feet east of the property line adjacent to the driveway."

Motion was made by Commissioner Hager, seconded by Commissioner Abrams, to amend the above amendment by adding language generally consistent with the following to the original language of Condition 8.h.: "However, the angles of the Mizner Boulevard driveway, its relocation westward and the length of the median separator shall be revised and incorporated into the design of the entrance to effectuate a modification of the entrance driveway and a reduction in the length of the median separator so as to increase the distance between the median separator and the entrance to Townsend Place, subject to PWRC review and approval." Motion to amend amendment #3 carried unanimously; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Whelchel voting yes.

Motion was made by Commissioner Whelchel, seconded by Vice-Chairman Haynie, to amend DDRI IDA No. CRP-02-05 by adding a new condition using language generally consistent with the following: " The petitioner shall install a pedestrian warning signal and/or signage at the crosswalk at the entrance of Townsend Place, subject to PWRC review and approval." Motion carried on a 4-0 vote; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Hager and Whelchel voting yes. Commissioner Abrams was not present for the vote.

The vote on the main motion to adopt DDRI IDA No. CRP-02-05, as revised and amended, carried unanimously; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Whelchel voting yes.

PUBLIC REQUESTS:

Carl Jacobs again commented on the condition of the fountain in Mizner Park.

City Attorney Clarification Regarding Approval of DDRI IDA No. CRP-02-05

The City Attorney referenced the earlier approval of DDRI IDA No. CRP-02-05, noting that the approval contemplates the Banyan tree not being there any longer. Ms. Frieser made specific reference to language in Condition 8.I. that stated "...however, the sidewalk located adjacent to the Banyan tree shall not be expanded." She added that presumably, since the Banyan tree is not to be maintained, that the sidewalk can be consistent with the remainder of the sidewalk. That correction will be made.

REGULAR BUSINESS - PART II - RESOLUTIONS:

There was no business to consider.

OTHER BUSINESS:

There was no other business to consider.

DIRECTOR'S REPORT:

2. Request for Extension of Temporary Cessation of Operations -
(International Museum of Cartoon Art)

The Executive Director referenced the International Museum of Cartoon Art's request to extend the Temporary Cessation of Operations Agreement until October 1, 2003.

Motion was made by Commissioner Abrams, seconded by Commissioner Whelchel, to approve extension of the Agreement until October 1, 2003. Motion carried 4-0; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams and Whelchel voting yes. Commissioner Hager was not present for the vote.

ATTORNEY'S REPORT:

The City Attorney had no report.

COMMISSIONERS' REPORTS:

Commissioner Whelchel commented favorably on activity in Mizner Park.

ADJOURNMENT:

Motion was made by Vice-Chairman Haynie, seconded by Commissioner Hager, to adjourn the meeting. Motion carried 4-0; Chairman Freudenberg, Vice-Chairman Haynie, Commissioners Abrams, Hager and Whelchel voting yes. Commissioner Hager was not present for the vote.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 7:08 p.m., Monday, May 12, 2003.

Dave Freudenberg, Chairman

ATTEST:

Sharma Carannante, City Clerk