

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, MAY 24, 2004
3:30 P.M.

The regular meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Susan Whelchel at approximately 3:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Susan Whelchel
Vice Chairman Susan Haynie
Commissioner Steven L. Abrams
Commissioner Dave Freudenberg

Commissioner Bill Hager was absent (excused).

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 May 10, 2004

Motion was made by Vice Chairman Haynie, seconded by Commissioner Abrams, to approve the minutes as presented. Motion carried 4-0 on a voice vote; Chairman Whelchel, Vice Chairman Haynie, Commissioners Abrams and Freudenberg voting yes.

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

1. DDRI IDA No. CRP-04-01

An Individual Development Approval of the Boca Raton Community Redevelopment Agency granting the application of Ben Kennedy, Jr., for Individual Development Approval (IDA) to develop a 5,666 square foot office building, at 40 Southeast 7th Street

The City Clerk administered the oath to those who indicated they wished to speak on this petition.

Development Services Senior Planner Darryl Johnson gave the PowerPoint presentation. He explained that this IDA, which had expired, was previously approved with a condition to expand an existing 20-foot wide alley to 22 feet. The current IDA proposed to keep the alley width at 20 feet. Information regarding location, acreage, and zoning was provided. Mr. Johnson advised that this two-story structure would include a lobby area and a surface-parking garage on the first floor; the second floor would be used mainly for office space. Vehicular access was outlined. The building height would be 30 feet as measured from the crown of the road; 17 parking spaces are required and 17 spaces would be provided.

The Community Appearance Board (CAB) voted 7-0 to approve the project with one condition, specifically, that barrel tile would be used for the roof. The Planning and Zoning Board recommended

approval unanimously, as did Development Services, with the condition included in the IDA. Mr. Johnson concluded his presentation and answered questions from members.

Paul Slattery, the architect for the project, advised that this was a re-approval. He stated that this was the identical project approved by the CRA in 2003. It was noted that the only difference was the alley width, which would remain at 20 feet instead of being widened to 22 feet.

Seeing no one else come forward, the public hearing was closed.

Motion was made by Vice Chairman Haynie, seconded by Commissioner Abrams, to approve DDRI IDA No. CRP-04-01. Motion carried 4-0; Chairman Wheelchel, Vice Chairman Haynie, Commissioners Abrams and Freudenberg voting yes.

PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART II - RESOLUTIONS:

There were no items for consideration.

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

There were no items for consideration.

OTHER BUSINESS:

There were no items for consideration.

DIRECTOR'S REPORT:

Executive Director Jorge Camejo distributed copies of a graphic to CRA members and stated that he would be speaking in regard to an existing condition on the east side of Mizner Park, specifically, a platted non-access easement. He explained that the non-access portion had been abandoned in order to accommodate entrance drives into Mizner Park from Mizner Boulevard. Currently, two situations exist where technical violations of that non-access condition are in evidence, 1) at Ruth Chris Steakhouse, and 2) at the eastern side of the central residential tower on the east side of Mizner Park. Mr. Camejo explained that these existing driveways have been approved by the CRA and the Council on a number of occasions in the past. However, technically, these easements need to be modified to accommodate the curb cuts. He also noted that these are not access points into the site; they are actually drop-off points.

Mr. Camejo then explained that The Rouse Company was in the process of obtaining financing and was asking for estoppel letters from the City, confirming the conditions currently in place today. Mr. Camejo concluded his report by stating that the Rouse Company was also requesting that the CRA pass a motion, indicating that CRA members would likely recommend in favor of the abandonment petitions. Additional information was provided to members as requested. The City Attorney also provided clarification related to non-access lines. Further discussion revealed that the applications necessary to correct the violations had been submitted.

The City Attorney explained that the applications would be processed and a formal decision by the CRA, and possibly the City Council, would be rendered at that time. She stated that the CRA could not make a legal decision at this point; the concern, as outlined by Mr. Camejo, was whether any objections would exist in regard to this issue.

Wendy Larsen, the attorney representing The Rouse Company, stated that a position by CRA was critical, due to the financing her client was attempting to obtain. She stated that she needed a motion stating that the CRA would not pursue this default at this time.

In response to Ms. Larsen's comments, Ms. Frieser explained that this was a separate issue and there were separate issues regarding default under the existing leases. She stated that Ms. Larsen was asking for confirmation that, to the extent this would constitute a technical default under the leases, the CRA would take no action at this point to enforce that default. Additional details were provided.

Motion was made by Commissioner Abrams, seconded by Vice Chairman Haynie, to adopt a motion that would provide generally as follows: the CRA expresses no intention to pursue this technical default; will recommend to the City Council approval of this abandonment when the petition is presented to them; and acknowledges that this default is technical in nature. Motion carried 4-0 on a voice vote; Chairman Whelchel, Vice Chairman Haynie, Commissioners Abrams and Freudenberg voting yes.

Responding to members, the City Attorney clarified that this motion was an expression of intent.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

Commissioner Freudenberg referred to the Downtown Development Regional Impact Report and requested a list of approved residential projects to be constructed and the amount of square footage, which has already been used in construction. He voiced concern about building mass and the need to look at roads in connection with this growth.

Vice Chairman Haynie stated that Dairy Queen is gone and asked what happened to it. Mr. Camejo is to follow up.

ADJOURNMENT:

Motion was made by Commissioner Freudenberg, seconded by Chairman Whelchel, to adjourn the meeting. Motion carried 4-0 on a voice vote; Chairman Whelchel, Vice Chairman Haynie, Commissioners Abrams and Freudenberg voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 3:50 p.m., Monday, May 24, 2004.

Susan Whelchel, Chairman

ATTEST:

Sharma Carannante, City Clerk