

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, JANUARY 9, 2006
3:30 P.M.

The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Bill Hager at approximately 3:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Bill Hager
Vice Chairman Susan Whelchel
Commissioner Steven L. Abrams
Commissioner Peter R. Baronoff
Commissioner Susan Haynie

Also attending the meeting were:

CRA Executive Director Jorge Camejo
Boca Raton City Manager Leif J. Ahnell
Boca Raton City Attorney Diana Grub Frieser, Attorney to the Agency

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Meeting of December 12, 2005

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

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

1. DDRI IDA No. CRP-05-02

An Individual Development Approval of the City of Boca Raton Community Redevelopment Agency granting an Individual Development Approval with a transfer of authorized development between subareas to permit a mixed use development that includes residential, retail and office uses with a parking garage; located at 855 South Federal Highway

a. Resolution No. 2005-08-CRA

A resolution of the Community Redevelopment Agency ("Agency") to recommend approval of AB-04-05 / 04-65000005, the petition of Altman Development Corporation for the abandonment of George A. Long Alley (right-of-way) located between S.E. 8th and S.E. 9th Streets, west of Federal Highway, in the Community Redevelopment Area; providing for severability; providing for repealer; providing an effective date

The City Attorney outlined the quasi-judicial procedure to be followed; the City Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Commissioner Haynie advised that she met with Mr. Garcia and Mr. Altman; Vice Chairman Whelchel advised that she had met with Mr. Garcia; Commissioner Abrams stated he met with the petitioner, and Chairman Hager stated that he met with Mr. Garcia and his staff.

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation, explaining that this was a request for IDA approval with a transfer of development rights between subareas for 224 residential units, 11,000 square feet of retail space, 6,000 square feet of office space, and a 4-story parking garage containing 395 spaces. He also advised that a related application for recommendation of abandonment of a portion of George A. Long Alley was also submitted; in addition, a separate application for abandonment of utility easements would be submitted to City Council for review and approval.

Mr. Kerr provided background information on previous IDAs for this property, stating that they are all expired. Location of the property, along with the existing building and parking, was then outlined. He explained that the petitioner planned to demolish the building and redevelop the entire site; acreage, land use designation, and zoning were identified. Mr. Kerr then gave the floor to the City's Property Specialist/Appraiser, Lynn Bodor, who reviewed the proposed alley abandonment.

Ms. Bodor stated that the portion of George A. Long Alley to be abandoned was located between SE 8th and 9th Streets and was 20 feet wide and 250 feet long, or a total of 5,000 square feet. She then reviewed the criteria for right-of-way abandonment and provided statements in support of the abandonment in question, advising that 1) the current alley was not traversable, 2) the area of abandonment would be open to both pedestrian and vehicular traffic, 3) the abandonment would allow for improved building and site design, and 4) arcades, landscaping, and open space would be provided in the proposed development. Ms. Bodor explained that all franchised utility companies, the City's Civil Engineer, and the Utility Services Director were contacted, and they agreed to the abandonment with conditions; details were provided. In conclusion, staff recommended approval of the abandonment contingent upon the conditions outlined in the resolution, which included payment of a monetary contribution of \$112,931, the recording of a unity of title, and the relocation or encasement of utilities with new easements provided.

Mr. Kerr resumed his presentation and reviewed the site plan. Details related to a private driveway, the parking garage, curb cuts, and location of the commercial and residential components were provided. Of the 224 residential units, 168 will be 2- and 3-bedroom units; 50 will be 1-bedroom units. Amenities included a pool and fitness center; information regarding a bus shelter, open space, and trip generations was also reviewed.

Regarding the transfer, Mr. Kerr advised that the proposed development is comprised of 99,072 square feet of office equivalency, of which only 59,766 square feet exists in Subarea F; therefore, the petitioner was requesting a transfer from Subarea G of 39,306 square feet of office equivalency. Mr. Kerr noted that the transfer met the requirements of Ordinance No. 4035.

The appropriate City Boards reviewed the petition and all of them recommended approval; the Parks and Recreation Board also recommended a fee of \$542,752 in lieu of land dedication. Mr. Kerr summarized his presentation and concluded his remarks by advising that staff recommended approval of the IDA with the conditions listed in the IDA; he added that the abandonment recommendation, if approved, would still need to come before the City Council. Mr. Kerr and the City's Traffic Engineer, Douglas Hess, then answered questions from Agency members related to a video vehicle detection system (Condition 12.d) and whether the retail component would be occupied.

Richard McFarland, an attorney with Broad and Cassel, advised that he was representing the petitioner and then introduced his client, who provided commentary in support of the project.

Jorge Garcia, the petitioner, provided a slide presentation and spoke to the architectural details of the proposed building. He advocated support for the project and responded to Agency members' apprehension that the ground-floor retail element would remain empty; he indicated that exposure for the retail use is very accessible and visible at almost 360 degrees, which should be attractive to retailers.

Jeff Roberts, President of Altman Development Corporation, stated that his company had contracted with a third party to market the building. He advised that there was interest on the part of several retail groups – a day spa being one – to occupy the retail space. However, his company would not request proposals from prospective tenants until the entitlement/approval process is completed with the City.

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

Motion was made by Commissioner Abrams, seconded by Commissioner Haynie, to adopt DDRI IDA No. CRP-05-02. Motion carried unanimously; Chairman Hager, Vice Chairman Whelchel, Commissioners Abrams, Baronoff and Haynie voting yes.

Motion was made by Commissioner Haynie, seconded by Vice Chairman Whelchel, to adopt Resolution No. 2005-08-CRA. Motion carried unanimously; Chairman Hager, Vice Chairman Whelchel, Commissioners Abrams, Baronoff and Haynie voting yes.

2. DDRI IDA No. CRP-05-04

An Individual Development Approval of the City of Boca Raton Community Redevelopment Agency granting the petition of Lofts at Boca, LLC for an Individual Development Approval to permit a mixed use development that consists of residential and office uses, with an internal parking garage, located at 335 and 353 North Federal Highway

Chairman Hager advised that quasi-judicial procedure was still in effect; the City Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Commissioners Haynie and Abrams, and Chairman Hager and Vice Chairman Whelchel, advised that they had spoken with Wendy Larsen.

Development Services Senior Planner Jim Bell gave the PowerPoint presentation, explaining that this was a request to build a mixed-use development, known as Mizner Lofts, with a 3-story internal parking garage containing 122 spaces. The building is proposed to be nine stories, 100 feet high, with 68 residential units and over 3,000 square feet of office space. Mr. Bell noted that the original application included a request for a technical deviation for a driveway reservoir off of Dixie Highway. However, based on comments made by the Planning and Zoning Board, the applicant revised the site plan to eliminate the need for the technical deviation. Acreage, zoning, land use designation, and location were provided; compatibility with surrounding properties was also reviewed.

The existing businesses, specifically, a lawn and garden business and a brick and paver business, would be demolished. Mr. Bell then reviewed the site plan; details related to access, landscaping, architectural design, building heights, building floor assignments, setbacks, open space, and parking were presented. Due to the mixed uses in the area, a bus shelter is being provided on Federal Highway at this location. Traffic and concurrency were then discussed; over 469 new total daily trips are projected. Mr. Bell noted that a tentative plat is required for this site; the applicant chose not to submit same. Staff has conditioned the project to require this tentative plat. Aesthetic and pedestrian-friendly components were then reviewed.

Mr. Bell advised that no transfer of development rights was required; however, a conversion of 25,000 square feet of office equivalency to residential, within Subarea B, was being requested for 60 of the 68 residential units to be constructed. The appropriate City Boards reviewed the project. The Community Appearance Board (CAB) recommended approval with a condition regarding the material used to screen the parking garage; the Planning and Zoning Board recommended approval on a 3-2 vote, including all of staff's conditions and the condition listed by the CAB. Mr. Bell summarized his presentation and advised that staff recommended approval with the conditions outlined in the IDA. He then answered questions from Agency members related to scale, density, and compatibility with existing development and future redevelopment.

Wendy Larsen, an attorney with Siemon & Larsen and representing the applicant, provided a PowerPoint presentation and spoke in support of the project.

Juan Caycedo, the architect for the project, spoke to the architectural design of the building and landscaping; attention was given to pedestrianism. During discussion, Deputy Mayor Whelchel stressed that landscaping is a necessary component of this project.

Robert Wolfson, representing the applicant, Lofts at Boca, LLC, responded to a query from Agency members, advising that this was the first project his company would be constructing in Florida; they are working on a project in Chicago and six more projects in Michigan. He indicated that his company is one

of the largest subdivision developers and "big box" shopping developers in Michigan. However, in Boca Raton, their focus is loft units, which will start in the \$400,000 range. Quincy Johnson, an architect residing in Mizner Park, spoke in support of the project.

Executive Director Jorge Camejo advised that Mrs. Richard Kleinman, whose husband formerly owned the brick and paver business located on the subject site, asked him to forward her positive comments to the CRA for the record. Her comments were accepted by the Agency, and seeing no one else come forward to speak, the public hearing closed.

Motion was made by Commissioner Baronoff, seconded by Commissioner Abrams, to adopt DDRI IDA No. CRP-05-04. Motion carried unanimously; Chairman Hager, Vice Chairman Whelchel, Commissioners Abrams, Baronoff and Haynie voting yes.

Direction was given to Mr. Camejo to ask the Community Appearance Board to evaluate the landscaping as discussed.

PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART II - RESOLUTIONS:

3. Resolution No. 2006-01-CRA

A resolution of the Boca Raton Community Redevelopment Agency ("Agency") canceling the first regular meeting in March 2006; rescheduling the first regular meeting in October 2006; and canceling the second regular meeting in December 2006; providing for severability; providing for repealer; providing an effective date

No presentation was given.

Motion was made by Commissioner Haynie, seconded by Commissioner Baronoff, to adopt Resolution No. 2006-01-CRA. Motion carried 4-0; Chairman Hager, Vice Chairman Whelchel, Commissioners Baronoff and Haynie voting yes. Commissioner Abrams left the meeting prior to the vote.

OTHER BUSINESS:

There were no items for consideration.

DIRECTOR'S REPORT:

Mr. Camejo reported on a meeting last week between Chairman Siemon of the Mizner Park Cultural Arts Association (MPCAA), Palm Beach County (PBC) Commissioner Mary McCarty, and representatives of the Palm Beach County Recreation staff to discuss details and issues related to the cartoon museum building proposal and the \$3 million anticipated to be provided by the County. The intricacies of the relationship between the lessee (MPCAA) and the sub-lessee (General Growth Properties) and their relationship to the CRA were explained to County staff. Mr. Camejo advised Ms. McCarty that the project should be presented to the CRA at the second January meeting; she appeared pleased with that information. Mr. Camejo added that the project has been presented to both the Community Appearance Board and the Planning & Zoning Board. The agreement relating to the \$3 million should be ready for consideration by all parties by February 15, 2006, if all goes well; it will involve three parties, specifically, the MPCAA, PBC, and the CRA.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

Commissioner Haynie advised that the DDRI Transportation Task Force was meeting Wednesday; she asked Mr. Camejo to provide an update on the agenda. Mr. Camejo explained that this task force was appointed by the CRA to oversee and advise Agency members with regard to the anticipated amendment to the DDRI Development Order. He advised that many delays have been encountered for a number of reasons primarily related to traffic issues; details were provided. This meeting was set up to reconvene the group and start fresh, as there are new elected officials and new appointees to the body. The data and information are now available and the task force should be able to move forward expeditiously.

Commissioner Baronoff referred to the pedestrian spine and asked for an update on the schedule in regard to meetings and a decision by the downtown property owners. Mr. Camejo advised that he had a draft schedule; he planned to review it with the City Manager and then forward same to Agency members. He then explained that a detailed meeting was held with the Downtown Visions Committee to review the documents referred to in the schedule, and the amendments and modifications that need to be considered with respect to those documents. He is working with the Committee to identify changes and fine-tune issues.

Vice Chairman Whelchel also referred to the pedestrian spine and questioned whether issues raised by the Boca Raton Historical Society could be included in the schedule. Mr. Camejo explained that he gave a presentation to the Historical Society several months ago at which time he explained issues associated with some of the buildings. He advised that their concern is that some buildings have historical merit and should be preserved in some fashion; however, it would be very difficult to try to preserve same given what the spine is anticipated to look like. He stated that the Agency would continue to work with the Historical Society but cautioned that their expectations and the market realities were not in sync. Ms. Whelchel then asked Mr. Camejo as to when, roughly, some agreement might be reached and construction begun. Mr. Camejo stated that this is a complicated issue, involving many variables; however, many private citizens, and certainly the City, have expressed a desire to see the spine constructed.

ADJOURNMENT:

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

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 4:49 p.m., Monday, January 9, 2006.

Bill Hager, Chairman

ATTEST:

Sharma Carannante, City Clerk