

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
TUESDAY, JANUARY 22, 2008
*1:30 P.M.

*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Baronoff at approximately 1:48 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Peter R. Baronoff
Vice Chairman M.J. Mike Arts
Commissioner Steven L. Abrams
Commissioner Bill Hager
Commissioner Susan Whelchel

Also attending the meeting were:

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 January 7, 2008

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

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

1. DDRI IDA No. CRP-06-05

An Individual Development Approval of the City of Boca Raton Community Redevelopment Agency; to allow the development of a mixed use building consisting of 32 residential units and four (4) retail/office units with an internal parking structure; located at 51 South Federal Highway

Chairman Baronoff advised that quasi-judicial procedure would be followed; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services' Principal Planner Jennifer Simon gave the PowerPoint presentation on the project known as Victoria Square, advising that this application also included an easement abandonment, which Council would consider tomorrow night. Acreage, location, and surrounding properties were then outlined. It was noted that two single-story buildings currently exist on the subject site. They would be demolished and the site would be used for a five-story, mixed-use building consisting of four retail/office units on the first floor and 32 residential units on the second through fifth floors. The retail/office units would front on Federal Highway; the residences would face Royal Palm Road. The proposed site plan was then reviewed; vehicular access, an interior parking structure and parking spaces, an arcade and sidewalks, setbacks, elevations, and residential entrances were delineated. Recreational amenities would be included in the building and the residential units would consist of 1-, 2-, and 3-bedrooms, ranging from approximately 850 square feet to 1,609 square feet. Ms. Simon advised that consideration was given to the appearance of the building façade, adjacent to the interior property lines that don't require setbacks; details were provided. A review of the traffic analysis followed, which revealed a net

increase of 38 daily trips was anticipated. The Community Appearance Board reviewed this project and unanimously recommended approval with conditions related to landscaping; those conditions were incorporated into the IDA. The Planning & Zoning Board also reviewed this project and recommended approval, as did staff.

There followed queries from Agency members regarding the proposed abandonment, specifically, north and south access and placement of utilities. Ms. Simon explained that, in terms of the easement, there was currently no access at this time; the proposed building would be constructed on top of the easement. In addition, utilities would be placed in the garage. Responding to the CRA, Ms. Simon indicated that this was a small site and the applicant had conformed to everything asked of him by staff. In response to another query, she confirmed that staff had not received any complaints from patrons of the nearby Flannigan's.

Bob Currie, of Currie, Sowards, Aguila Architects and representing the applicant, clarified there were no physical access easements anywhere on the site - this was a utility easement; details were provided. He concluded his comments by advising that his client had worked with all City departments, and City staff was satisfied that everything had been resolved.

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

Responding to Agency members, Ms. Simon explained that there was no start date for construction at this time. Morris Robinson, the developer, indicated that this was a complicated building to construct and also referred to the current housing market. He added that the residential rental market is good and construction would begin as soon as possible.

Motion was made by Commissioner Whelchel, seconded by Commissioner Hager, to adopt DDRI IDA No. CRP-06-05. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager, and Whelchel voting yes.

2. DDRI IDA No. CRP-97-08R4

An amendment to an Individual Development Approval of the City of Boca Raton Community Redevelopment Agency; approving technical deviations for off-site parking to accommodate evening and weekend parking for Mizner Commons through a shared parking agreement with the First Union-Jefferson Building, located at 77 East Camino Real

3. DDRI IDA No. CRP-98-01R1

An amendment to an Individual Development Approval of the City of Boca Raton Community Redevelopment Agency; approving technical deviations for off-site parking to accommodate evening and weekend parking for Mizner Commons through a shared parking agreement with the First Union-Jefferson Building, located at 2 East Camino Real

Chairman Baronoff advised that the above items would be presented jointly and voted on separately. The City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services' Planner Daryl Johnson gave the PowerPoint presentation, advising that the above amendments would allow for a technical deviation to provide off-site parking for Mizner Commons and a technical deviation for exceeding the 25% maximum reduction under the shared parking requirements of the Downtown Development Order (DDO). Location, zoning, and the Future Land Use designation were then provided for the subject parcels.

Mr. Johnson explained that Mizner Commons contains office and restaurant uses. Recently, the petitioner converted 5,000 square feet of office space into a banquet facility, subsequently increasing the parking requirements from 161 spaces to 275. The First Union – Jefferson Building contains a bank, offices, and residential uses, with 588 on-site parking spaces. Mr. Johnson advised that the DDO allows shared parking for parcels that are occupied by two or more uses, which do not typically experience peak parking demands at the same time. The project's engineer submitted a shared parking report, indicating

that adequate parking would be provided for both sites through a shared parking agreement. Consequently, Mizner Commons is requesting the use of 119 parking spaces at the First Union – Jefferson Building in order to accommodate the new banquet facility. Leasing of the parking spaces would be limited to the hours between 6:00 p.m. and midnight evenings, and weekends. Information related to peak parking and total parking spaces was provided. The City's Traffic Engineer reviewed the shared parking study and supports the technical deviation requests. No other modifications are proposed; all previous conditions remain in full effect. The Planning & Zoning Board reviewed the project and recommended approval on a 4-3 vote, with a condition that prohibits any employee, contractor, or agent of the valet service from crossing Camino Real on foot. This condition was included in the IDA. Mr. Johnson then concluded his presentation by indicating that staff recommended approval of both amendments.

Discussion ensued related to the Planning & Zoning Board's condition and the practice of blocking off parking spaces by the valet service at Addison's. CRA members asked for clarity regarding what is and is not allowable in terms of valet parking. Responding to the Agency, Development Services Director Jorge Camejo advised that a City Code action is pending for this particular valet service; he explained that not only has the public been denied access to parking spaces but the valet has blocked the through-lane as well. He clarified that valet services can only block off spaces if there is parking available in excess of what is required by City Code. Mr. Camejo provided additional information to members, as requested, related to blocking off of parking spaces and the status of the aforementioned City Code action. Responding to the Agency, he advised that a written response would be presented to the CRA regarding the County's rules for valet services that members might refer to same when considering those areas of the City that were annexed. The City Manager provided additional commentary as to code enforcement and monitoring of valet parking services. The City Attorney clarified that the intent of the Planning & Zoning Board's condition was to prohibit pedestrian crossing of the road; valet employees would be required to cross Camino Real with a motorized vehicle.

Keith Grant, of John Grant Engineers and Land Surveyors and representing Shoeless Partners Limited, advised that the new banquet facility was the primary reason for requesting the added parking across the street. He advised that when the restaurant is operating on its own, there's no problem with parking. Responding to the CRA, Mr. Grant stated that, regarding the condition, he understood there was to be no pedestrian crossing by the valets and the petitioner was ready to provide a motorized vehicle.

In line with the CRA's consensus, the City Attorney provided language generally consistent with the following in regard to Conditions #5 and #8 of the respective IDAs: "The operator of the valet service shall prohibit any of its employees, contractors or agents from crossing Camino Real on foot except at duly marked pedestrian crossing areas and at times consistent with permitted pedestrian crossing but may utilize a motorized vehicle to lawfully facilitate valet service and crossing of employees. Any violation of this condition..."

Mr. Grant confirmed with the CRA he would advise the restaurant and the owner of the facility that the 156 parking spaces are to be open to the public at all times.

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

Motion was made by Commissioner Hager, seconded by Commissioner Abrams, to adopt DDRI IDA No. CRP-97-08R4, as amended (Condition 5). Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager, and Whelchel voting yes.

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to adopt DDRI IDA No. CRP-98-01R1, as amended (Condition 8). Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager, and Whelchel voting yes.

PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART II – RESOLUTIONS AND REGULAR PUBLIC HEARINGS:

There were no items for consideration.

OTHER BUSINESS:

There were no items for consideration.

DIRECTOR'S REPORT:

4. Mizner Park Banner Program

Development Services Manager of Administrative Services Ruby Childers gave an update on the above. She explained that the Community Appearance Board (CAB) heard General Growth Properties' (GGP) request for the banner program on November 20, 2007; she noted this was the same program that came before the CRA earlier in November. A summary of the CAB's findings followed. Specifically, 1) the CAB did not support the large banners as indicated on the cinema building and the north parking garage, indicating that they detracted from the architectural features of the buildings; 2) the lamppost banners were acceptable but the CAB asked that the specific lampposts be identified and the number of banners reduced from 16 to 8; 3) the CAB wanted to ensure that the banners were the same size as the ones used by the Boca Raton Museum of Art along Federal Highway; and 4) as an alternative to using banners, the CAB suggested a more discreet monument sign or additional entrance signs. Ms. Childers advised that staff was working with GGP and hoped to have an application before the CRA sometime in late February or early March. She then provided information to members regarding GGP's response to the CAB's comments.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

Vice Chairman Arts questioned whether the City was on schedule in regard to the former Cartoon Museum building. Mr. Ahnell explained that construction was moving forward and provided details related to the bookstore and another restaurant proposed for the first floor; he noted that plans for the interior renovations on the second floor are being finalized. Mr. Ahnell concluded his comments by advising that the bookstore and a restaurant would probably be opening in fall of this year.

Chairman Baronoff requested that at a future meeting additional clarification regarding the City's position on valet parking be provided. The City Manager indicated that staff would also prepare a letter to send out to recognizable valet operations that could be running up against City rules.

ADJOURNMENT:

Motion was made by Commissioner Whelchel, seconded by Chairman Baronoff, to adjourn the meeting. Motion carried unanimously on a voice vote; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager, and Whelchel voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 2:34 p.m., Tuesday, January 22, 2008.

Peter R. Baronoff, Chairman

ATTEST:

Sharma Carannante, City Clerk