

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

\*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Arts at approximately 2:27 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

Chairman M.J. Mike Arts	
Vice Chairman Bill Hager	(arrived at approximately 2:35 p.m.)
Commissioner Peter R. Baronoff	(left at approximately 3:17p.m.)
Commissioner Susan Haynie	
Commissioner Susan Whelchel	

Also attending the meeting were:

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

**AMENDMENTS TO THE AGENDA:**

*Motion was made by Commissioner Whelchel, seconded by Commissioner Haynie, acknowledging an amendment to an attachment for Resolution No. 2008-12-CRA. Motion carried 4-0 on a voice vote; Chairman Arts, Commissioners Baronoff, Haynie, and Whelchel voting yes.*

**MINUTES:**

Minutes of the Regular Meeting of September 9, 2008

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

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

There were no items for consideration.

**PUBLIC REQUESTS:**

Lenore Wachtel opined in regard to manning the City's switchboard with a paid employee versus volunteers.

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

1. Resolution No. 2008-12-CRA

A resolution of the Boca Raton Community Redevelopment Agency amending the 2007-2008 Budget; revising revenues and expenditures in the Mizner Park Revenue Fund, Mizner Park Sinking Fund and the Mizner Park Lease Revenue Fund; providing for severability; providing for repealer; providing an effective date

Financial Services Deputy Director Linda Davidson gave the presentation. She explained that the CRA is recognizing additional revenues and expenditures in the Mizner Park Revenue Fund of \$29,000; funding from reserves in the Mizner Park Sinking Fund of \$101,000; and additional revenues and expenditures in

the Mizner Park Lease Revenue Fund of \$29,000. Details were provided on the above. Ms. Davidson concluded her presentation by advising that the total of additional revenues and expenditures of the budget amendment came to \$58,000.

The public hearing was opened and, seeing no one come forward to speak, closed.

*Motion was made by Commissioner Whelchel, seconded by Commissioner Haynie, to adopt Resolution No. 2008-12-CRA, as revised 9/22/08. Motion carried 4-0; Chairman Arts, Commissioners Baronoff, Haynie, and Whelchel voting yes.*

2. Resolution No. 2008-13-CRA

A resolution of the Boca Raton Community Redevelopment Agency adopting the Community Redevelopment Agency Budget for Fiscal Year 2008-2009; providing for severability; providing for repealer; providing an effective date

Financial Services Deputy Director Linda Davidson gave the presentation, stating that this was a maintenance budget, providing day-to-day operations for the Agency; specifically, the CRA operating budget increased 2% from last year. Ms. Davidson then advised that an amendment to the final budget had been requested to provide for a public relations consultant in connection with the downtown. She indicated that this amendment could be funded by transferring money (\$50,000) from CRA reserves into the CRA operating fund and then made herself available for questions.

Lenore Wachtel stated that she had been a member of the Downtown Visions Committee for 15 years and that committee had tried the public relations tactic for downtown a number of times but it never worked.

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

*Motion was made by Commissioner Whelchel, seconded by Vice Chairman Hager, to amend Resolution No. 2008-13-CRA to transfer \$50,000 out of CRA reserves and into the CRA operating budget to pay for the above mentioned consultant. Motion carried unanimously on a voice vote; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.*

*Motion was made by Commissioner Whelchel, seconded by Vice Chairman Hager, to adopt Resolution No. 2008-13-CRA, as amended. Motion carried unanimously; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.*

**OTHER BUSINESS:**

3. Discussion / Presentation:

- a) Ordinance No. 5051
- b) Ordinance No. 5052
- c) Palmetto Park Road Phase IV (RAM) Project

Development Services Principal Planner Jennifer Hofmeister gave a joint PowerPoint presentation on Ordinance Nos. 5051 and 5052. She explained that Ordinance No. 5051 modified the amended downtown development plan in order to implement specific recommendations of the Master Plan update, which provides the framework for revitalizing the downtown Boca Raton area. In addition, the Downtown Boca Raton Advisory Committee was created and charged with providing recommendations for implementation of the elements of the plan. This ordinance begins implementation of that framework.

Ms. Hofmeister advised that, currently, Architectural Design Policy 1.2 limits the height of buildings in the downtown to not more than 100 feet or nine stories with appropriate distances from residences outside the redevelopment area. This petition would allow greater height should certain design standards be met. A new subpolicy, Architectural Design Policy 1.2.A., provides standards to improve the articulation of buildings, setbacks, and pedestrian linkages in the downtown. In general, a total of 140 feet in height

could be granted, with an additional 20 feet in height for uninhabitable space, pursuant to meeting specific criteria; details were provided. The Planning & Zoning Board reviewed this ordinance and recommended approval, as did staff.

Ordinance No. 5052 would amend the Downtown Development of Regional Impact (DDRI) Development Order (DO), also known as Ordinance No. 4035. Specifically, this ordinance would implement what was just proposed in Ordinance No. 5051. It would also implement the Interim Quality Downtown Development Regulations. These interim downtown design guidelines would be in effect until such time as the City's consultant, Urban Design Associates, completes the Pattern Book, which would, essentially, represent the finalized guidelines for regulating downtown development. Ms. Hofmeister then reviewed: 1) the purpose of the design guidelines, 2) the boundaries within which land parcels would be affected, 3) proposed definitions, 4) new bulk regulations regarding setbacks (based on street-types, categorized as Types A through D) and height, 5) parking garage design, 6) architectural design for open space, sidewalks, and buildings, and 7) shared parking; details were provided on all the above.

Ms. Hofmeister advised that the ordinance had been modified to remove the landmark feature, as of last week. The ordinance was changed on September 18, 2008, before the Planning & Zoning Board, whose members approved same without the landmark feature; however, they recommended this element be put back into the regulations.

Attention turned to the Palmetto Park Road Phase IV (RAM) Project, which was to be the demonstration project for the proposed design guidelines. The City Manager referred to the concept of "landmark buildings" and advised that a recorded segment of a prior presentation given to the CRA by Ray Gindroz of Urban Design Associates on July 21, 2008, would now be reviewed, as Mr. Gindroz was in Europe at this time. Following that approximate 4-minute segment, Mr. Ahnell referred to a handout, specifically, the Downtown Boca Raton Interim Design Guidelines, Page 5, Step 5, and directed attention to a sentence that read, "An exception will be special locations in which a landmark is needed in order to fulfill the goals of the Master Plan Update." He noted that this was the reference to "landmark" and, per staff's discussions with Mr. Gindroz, it had not yet been determined where those landmark locations would be located. Mr. Ahnell then spoke to existing guidelines in connection with the scale of buildings and compared same with the new standards in the proposed guidelines, advising that a landmark building would not have to comply with those guidelines. Details and examples were provided, using Street-Types A through D. In conclusion, Mr. Ahnell advised that the question to be answered is, "What is a landmark building and where would they be permitted?"

Much discussion followed with Agency members voicing concern that there were no parameters around the definition of "landmark." Consequently, members were unsure as to how to proceed, given that there were no definitions, guidelines, or parameters with which to consider the RAM project, which was, apparently, a landmark building. Members were also concerned about setting a precedent, indicating that they did not wish to see landmark buildings on every street.

Charles Siemon, of Siemon & Larsen, the attorney representing the RAM project, spoke to the landmark issue and what transpired at the Planning & Zoning Board meeting. He advised that language in the ordinance, which was subsequently pulled, restricted landmark buildings to the corner of Palmetto Park Road and Federal Highway. He then responded to questions from the CRA.

Responding to Agency members, Mr. Ahnell reviewed what occurred at the Planning & Zoning Board meeting, advising that the landmark concept did not come to the administration's attention until about a week ago. Mr. Gindroz was contacted by phone in Europe to obtain information on the landmark concept; however, there was not enough time to finish finalized documents before the meetings. Therefore, staff sent a document to Planning & Zoning wherein staff defined a location for a landmark building as being restricted to the corner of Federal Highway and Palmetto Park Road; Mr. Gindroz had never defined a location for landmark buildings. Responding to Agency members, he noted that landmark buildings did not coincide with Types A-D streets. After obtaining additional information, and after the agenda went to Planning & Zoning, it was decided to present again what Mr. Gindroz has said at this point, instead of focusing on staff's comments. The Planning & Zoning Board essentially agreed with staff that, although they didn't know what a landmark building was, it would be restricted to the corner of Federal Highway and Palmetto Park Road. He then provided some options for the CRA and concluded by stating that staff wished the Agency to be fully aware of the issues. It was suggested that the

ordinance could be approved with the restriction language and then the definition of landmark buildings could be worked out with Mr. Gindroz at a later date. Much discussion followed.

At this time, Mr. Siemon responded to questions from the CRA in terms of a definition for landmark buildings and whether setbacks for the RAM project could be increased. He also spoke to the articulation of the building.

Lenore Wachtel indicated that she was very concerned about density and height and setting a precedent, stating that the next developer could go to court over not getting 160 feet for a landmark building. She then suggested that focus be given to redevelopment of the two-block area of Mizner Boulevard, Palmetto Park Road and Federal Highway, and Sanborn Square, to provide more pedestrian-friendly amenities.

Derek Vander Ploeg, a member of the Downtown Boca Raton Advisory Committee, stated that committee members had hours of conversations with Mr. Gindroz of Urban Design Associates regarding the RAM project. He suggested a time limitation on the interim guidelines and advocated letting Mr. Gindroz work out the final parameters for landmark buildings. Lastly, he supported passage with the landmark provisions.

Glen Gromann, Vice Chairman of the Downtown Boca Raton Advisory Committee, advised that the committee's understanding was the only corner designated for a landmark building was that of Palmetto Park Road and Federal Highway; he also stated that this was discussed with Mr. Gindroz, although no other locations for landmarks were discussed. He did not believe that passage would set a precedent by opening up any other corners in the downtown. Mr. Gromann supported passage and advocated moving forward with the project. He then responded to questions from the Agency.

Juan Caycedo, the architect for the RAM project, spoke in support of same and advised that changes were made to the building to address concerns voiced by Mr. Gindroz and City staff. It was not an "accidental" building but the result of evolution.

Anthony Majhess voiced concern over height and density and asked for a postponement on both ordinances, opining that they were flawed.

At this time, Agency members again confirmed with the City Manager that there was no definition or guidelines for a landmark building; consequently, the RAM project, as a landmark building, did not meet the interim design guidelines before the CRA. Responding to members, Mr. Ahnell advised that landmark buildings needed to be restricted to the corner of Federal Highway and Palmetto Park Road until staff could meet with Mr. Gindroz and create guidelines for landmark buildings. He recommended that, should the CRA approve the building, the landmark concept be restricted to that site until the parameters for landmark buildings are defined. Responding to members, the City Attorney outlined the options available to the CRA; discussion followed.

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

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 3:53 p.m., Monday, September 22, 2008.

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M.J. Mike Arts, Chairman

ATTEST:

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Sharma Hagerty, City Clerk