

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, MARCH 18, 2002
4:30 P.M.

The regular meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Dave Freudenberg at 4:30p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Dave Freudenberg
Vice-Chairman Susan Haynie
Commissioner Steven L. Abrams
Commissioner Bill Glass
Commissioner Carol Hanson

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
Executive Director Jorge Camejo
City Clerk Sharma Carannante

MINUTES:

Minutes of the Regular Meeting of February 25, 2002

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

AMENDMENTS TO THE AGENDA:

REGULAR BUSINESS - PART II RESOLUTIONS:

At the request of the Chairman, the two court reporters present were asked to identify themselves and disclose for whom they were working. The petitioner retained one reporter; the other reporter was retained by Esther Dance, a resident.

1. **Resolution No. CRP-00-02R2**

Individual Development Approval application of Charles Siemon, Esq. for James and Marta Batmasian, requesting an amended and restated Individual Development Approval (IDA) for the property which was the subject of IDA CRP-00-02 and IDA CRP-00-02R1; amending the site plan by redesigning Buildings E and F1/F2 and Parking Decks 4 and 5, replacing a hotel building on Mizner Boulevard with townhomes; increasing number of residential units; decreasing number of hotel units and modifying heights and square feet of approved buildings; granting technical deviations relating to driveway design and turn lane requirements for the redevelopment of Royal Palm Plaza located at Mizner Boulevard, S.E. 1st Avenue and Federal Highway; providing this amended and restated Individual Development Approval shall supersede all previous development approvals

The City Attorney explained the quasi-judicial procedures that would govern the public hearing. The City Clerk administered the oath to those who intended to speak on the petition.

Under ex-parte disclosures, Commissioner Abrams stated that he spoke with Lynne Reiss and Bill Gabor. Commissioner Glass explained that he had spoken with Jim Batmasian and Wendy Larsen. Commissioner Hanson said she had submitted a list of those parties she had spoken with; Chairman Freudenberg expressed the same.

Executive Director Jorge Camejo gave the presentation, providing a brief history of Royal Palm Plaza; this is the first major redevelopment of the Plaza since it was built in the 1960s. Mr. Camejo referenced the handout distributed to Agency members and outlined the area affected by this IDA. The original site plan, as approved, was reviewed in detail, including square footages for retail, office, and residential space and parking decks. Mr. Camejo explained that the original IDA was provided with a 12-month extension, which would expire March 20, 2002; there were no modifications granted with that approval other than the extension.

The new plan reflects an extension of the downtown spine, as defined by Building E and Building F2. He then went over the details of Buildings A through F2. The new proposed square footage equals 2,053,877 square feet – a difference of 433,767 square feet more than was originally approved. Mr. Camejo stated that the traffic generation would remain virtually the same with this new plan, due to the increase in residential space and a decrease in the number of hotel rooms. The parking decks/spaces were then reviewed. Sixteen technical deviations were proposed relating to driveway design and turn lane requirements on six driveways. All deviations were evaluated and found satisfactory with the exception of one, which relates to the exit drive of Parking Deck 4; a stipulation was included in the IDA, which the applicant has agreed to. Two minor amendments were also proposed to clarify that, 1) the development is being guaranteed at the 2 million square foot threshold, and 2) a temporary park amenity will remain in place until Building F is built. The Community Appearance Board reviewed this project; denial was recommended on a 3-3 vote. The Planning and Zoning Board recommended denial on a 3-4 vote. Staff has reviewed the project and found it to be consistent with the Downtown Development Order; approval is recommended. Mr. Camejo then answered questions from the CRA.

Transportation Planning Engineer Luana Deans spoke to the traffic issue, stating that 13,260 new trips are expected on the roadways, which is 54 trips less than what was previously approved. The morning peak hour volume is expected to be 757 trips; the afternoon peak hour volume is expected to be 1,260 trips. Ms. Deans then spoke to the issues of egress lanes, signalization of Federal Highway, and the technical deviations requested by the applicant.

Charles Siemon, the attorney representing the petitioner, provided an extensive Powerpoint presentation, which essentially addressed four points:

- 1) The level of detail in the IDA versus the detail for Building E,
- 2) The increase in size,
- 3) The “reality” of this project (ie: whether development would actually take place)
- 4) The questions of alternative permitting as it relates to the issuance of the building permit.

During the course of this presentation, Mr. Siemon answered questions from the CRA and outlined the changes to the IDA. David Kitchens, with Cooper Carey Architects, provided additional information regarding setbacks.

James Batmasian came forward and explained that it took much time and effort to put together the staff necessary to do the project right.

Charles Siemon spoke to the issue of a public easement, which serves Royal Palm Plaza only, and should have been abandoned for water utility purposes. Mr. Siemon stated that delaying issuance of the building permit, which expires March 20, 2002, due to an easement that does not constitute a public health issue, would create unnecessary hardship for the applicant in terms of time and money. Therefore, he suggested that an alternative permitting agreement be executed with the City, stating that the building permit would be issued to the City Manager, who would hold the permit until the easement matter was resolved or when the agreement expired on June 1, 2002, whichever came first.

Wendy Larsen, co-counsel for the petitioner, provided information relating to installation of the water line, stating that it could take place very quickly.

Elisabeth Previc-Foster, Lynne Reiss, Bill Gabor, Albert Nelson, Raymond Leon, Aaron G. Garabedian, Neil Minott, Clem Winke, Marta Batmasian, and Vasil Kerensky supported the project. Tony Barr, Jo-Ann Landon, Esther Dance, Marilyn Martin, and Margaret Gearhiser opposed the project, citing traffic congestion and density, among other objections.

Motion was made by Commissioner Abrams, seconded Commissioner Glass, to adopt Resolution No. CRP-00-02R2, as amended.

Motion was made by Commissioner Abrams, seconded by Commissioner Glass, to amend Resolution No. CRP-00-02R2 using language generally consistent with the following: Section 6(a) to read: "Development of 175,000 square feet of office equivalent development shall be Guaranteed based upon the letting of the contracts for infrastructure facilities at the 2 million square foot threshold," and a new Section 8(h) to read: "The park space and landscape improvements depicted in the drawings entitled Spine Road Streetscape Plan and Elevation, prepared by Rhett Roy, dated January 11, 2002, shall be incorporated as part of this approval. The park and landscape improvements depicted on said plans shall remain in place until such time as construction of Building F is commenced." Motion carried 3-2; Chairman Freudenberg, Commissioners Abrams and Glass voting yes. Vice-Chairman Haynie and Commissioner Hanson voted no.

The vote on the main motion to adopt Resolution No. CRP-00-02R2, as amended, carried 3-2; Chairman Freudenberg, Commissioners Abrams and Glass voting yes. Vice-Chairman Haynie and Commissioner Hanson voted no.

The Community Redevelopment Agency recessed at 7:00 p.m. and reconvened at 7:05 p.m.

2. Resolution No. CRP-01-03

Individual Development Approval application of Daniel J. Mahoney, authorized agent for Fifth Avenue Place, LLC., requesting Individual Development Approval ("IDA") from the Community Redevelopment Agency for the property located at 455 East Palmetto Park Road to develop a 58,030 square foot office/retail building; providing this Individual Development Approval shall supersede all previous development approvals

Planning and Zoning Director Carmen Annunziato stated that the applicants requested this item be continued to the next CRA meeting, as their attorney and architect were not present.

Chairman Freudenberg asked whether any member of the public was in attendance specifically to speak on this petition. No one came forward.

Ed Massey with Seawood Builders officially requested a continuance, as the petitioner's professionals were unavailable at this time.

Motion was made by Commissioner Abrams, seconded by Commissioner Glass, to continue consideration of Resolution No. CRP-01-03 until the next regularly scheduled meeting of the CRA, April 8, 2002. Motion carried unanimously; Chairman Freudenberg, Vice Chairman Haynie, Commissioners Abrams, Glass and Hanson voting yes.

PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART II RESOLUTIONS:

There were no items for consideration.

REGULAR BUSINESS - PART III - CONSENT AGENDA:

There were no items for consideration.

OTHER BUSINESS:

3. Appeal of Community Appearance Board Decision
Sign – Kurl Up & Dye (2)

The Executive Director gave the presentation, explaining that this business is a hair salon. He outlined the location of the building and where the applicant proposed positioning the signage. Since the hair salon is located on the second floor, the applicant had requested that the sign also be on the second floor. Mr. Camejo reviewed all details relating to the building at 51 S. Federal Highway and answered questions from the Agency regarding other signage on the building and access to the hair salon.

Chairman of the Community Appearance Board (CAB) Grant Thornbrough explained that the proposed sign was inconsistent with the City Code, as it was a second-story sign. In addition, the CAB generally felt that the signage, as presented, was not appropriate either architecturally or aesthetically. Mr. Thornbrough reported that a motion for imposing a two-year temporary time limit on the sign was proposed as an interim solution. That motion failed. He then answered questions from the Agency.

Hinda Robinson-Bramnick spoke on behalf of the owner, Morris Robinson, saying that the salon is the only business on the second floor and, historically, signage has been located in that same area for years. In addition, there is no other area where a sign may be positioned, alerting customers and the public to the location of the salon. She also mentioned that the building would be torn down in several years; the sign is not expected to be in existence indefinitely. Responding to the CRA, Ms. Robinson-Bramnick explained that the owner was amenable to any changes to the sign that the CRA might desire to make, relating to details such as color, the shape of the letters, and font size.

Motion was made by Commissioner Abrams, seconded by Vice-Chairman Haynie, to grant the appeal of the applicant. Motion carried 3-2; Chairman Freudenberg, Vice Chairman Haynie and Commissioner Abrams voting yes. Commissioners Glass and Hanson voted no.

DIRECTOR'S REPORT:

The Executive Director had nothing to report at this time.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

Commissioner Hanson commented on a sign at Washington Mutual, which states that no one other than bank customers are permitted to park in its parking lot at any time, day or night, or risk being towed. Since many business owners in the downtown area have agreed to allow parking in their lots after hours, Ms. Hanson questioned this sign. Mr. Camejo is to follow up.

Commissioner Hanson referenced the common areas in Mizner Park, saying that people wishing to park in the southwest garage during, "Meet Me Downtown," were told they could not park there, as the garage was reserved for restaurant patrons only. Chairman Freudenberg advised that he was made aware of the problem and spoke with the valet company that evening, stating that they are not to deny access to anyone who wishes to park in the garage. Mr. Freudenberg explained that he also informed the management office of the situation. Commissioner Abrams mentioned a similar problem with a previous bank and suggested that the appropriate parties should be contacted and informed about the rules.

Mr. Camejo clarified for the Agency that the parking garages are part of the leasehold interest and subject to the covenants and restrictions that are available to all patrons of Mizner Park. He explained that he has had conversations with Codina Management Company about the need to do a comprehensive analysis of the parking situation. Codina is currently working on this issue and looking to resolve the parking problems.

Vice Chairman Haynie requested the status of the traffic study in the downtown area. Mr. Camejo is to follow up.

ADJOURNMENT:

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

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 7:34 p.m. Monday, March 18, 2002.

Dave Freudenberg, Chairman

ATTEST:

Sharma Carannante, City Clerk