

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, JANUARY 24, 2005
3:30 P.M.

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

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Susan Whelchel (absent – excused)
Vice Chairman Susan Haynie
Commissioner Steven L. Abrams
Commissioner Dave Freudenberg (absent – excused)
Commissioner Bill Hager

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 January 10, 2005

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to approve the minutes as presented. Motion carried 3-0; Vice Chairman Haynie, Commissioners Abrams and Hager voting yes.

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

1. DDRI IDA NO. CRP-04-02

An Individual Development Approval of the City of Boca Raton Community Redevelopment Agency granting the petition of Fifth Avenue Place, LLC, for Individual Development Approval; granting a Transfer of Authorized Development between subareas to develop 4,872 square feet of retail, and 16 residential units, with existing attached parking, located at 465 East Palmetto Park Road

The City Attorney advised that quasi-judicial procedures would be followed. Under ex-parte disclosures, Commissioner Abrams and Vice Chairman Haynie advised that they had spoken with Wendy Larsen and John Faber. Commissioner Hager advised that he had spoken with some residents and Wendy Larsen. The City Clerk administered the oath to those who indicated they wished to speak on this petition.

Development Services Senior Planner Vicky Gatanis gave the PowerPoint presentation. She explained that this was a request for a mixed-use development, comprised of a nine-story building with a restaurant on the ground floor and 16 residential units on the remaining floors. Location and land use designation were provided. The site is currently vacant except for a driveway, which serves the parking lot to the north. Frontages and surrounding properties were identified; the site plan and the ground floor plan were reviewed. The building height would be 100 feet. Square footage, required and proposed setbacks, open space, vehicular access, parking, traffic and concurrency, existing structures and current views,

were provided. This petition also included a request for a Transfer of Authorized Development between subareas; Ms. Gatani delineated same, saying that 21,167 square feet of office equivalent space would be transferred from Subarea E to Subarea C, should the CRA approve this request. She also advised that an assessment of the impacts on public facilities was reviewed and the findings were not significant.

The Planning and Zoning Board and the Community Appearance Board (CAB) reviewed this petition; both Boards recommended approval. Staff also reviewed the petition, finding it in compliance with City Code and all applicable rules, and recommended approval.

Ms. Gatani and Mr. Camejo answered questions from members, which focused on a comparison of the past project vs. this new project in terms of building heights and mass. The City Attorney provided the legal history related to this parcel and the previous design.

Wendy Larsen, the attorney representing the petitioner, used a PowerPoint presentation to illustrate that this was an entirely different project, comprised of residential space with retail on the ground floor; also, no office space was provided, which would result in less traffic. She also indicated that, as the character of the area had changed with the redevelopment of Palmetto Park Road over the last four years, this design was suitable and timely.

Juan Caycedo, the architect for the project, also used a PowerPoint presentation to support his comments related to building height, architectural design, sidewalks and green space; details were provided. In summary, he stated that the current project was less intense than the previous project.

Additional discussion ensued with members voicing concern over the proximity of the structure to the residential area and the building height, saying that other structures along Palmetto Park Road are less than 100 feet. Attention was also given to the 3-2 vote rendered by the CAB, with members questioning the basis of the negative votes. Ms. Gatani advised that the two CAB members felt the building was not compatible from the elevations they reviewed.

John Faber, Luis Costa, Jan Patinsky, and Bonnie Dorn, neighborhood residents, spoke in opposition to the petition, indicating that it was a nice project but out of character for that area, particularly in regard to the 100-foot building height.

Ms. Larsen provided additional information regarding parking, ingress, and easements. She then asked for a continuance in order to work with the neighborhood to resolve design issues. Commissioner Hager advised that he would like to see renderings of the north and south sides of the building.

Seeing no one else come forward to speak, the public hearing was closed. Members indicated that a delay would be in order so that the developer and neighbors could meet to work out design issues. The Board then requested that more attention be given to the north elevation.

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to postpone consideration of DDRI IDA NO. CRP-04-02. Motion carried 3-0; Vice Chairman Haynie, Commissioners Abrams and Hager voting yes.

The City Attorney advised that this item must be re-noticed, before it can be considered by the CRA.

PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART II - RESOLUTIONS:

2. Resolution No. 2004-11-CRA (Continued from the January 10, 2005 meeting)

A resolution of the Boca Raton Community Redevelopment Agency consenting to, and authorizing the execution of, the assignment of the lease with the International Museum of Cartoon Art, Inc.; authorizing the execution of an amended and restated lease agreement; authorizing the execution of any documents provided for or contemplated by the assignment and/or the amended and restated lease; providing for severability; providing for repealer; providing an effective date

The City Manager reported that the parties involved had been working on this transaction for approximately two months and, as of this date, the documents were very close to being finalized. He suggested that the public hearing be opened and continued to the February 7, 2005 meeting.

Mort Walker, the current owner of the building formerly housing the International Museum of Cartoon Art, expressed frustration regarding the amount of time expended in finalizing this transaction, adding that the delay is holding up his future plans for a cartoon art museum in New York City.

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

It was noted by the City Manager that the change in ownership of Mizner Park before the transaction was finalized had complicated the closure. The members advised that it was in the best interests of all parties to finalize this transaction and, in fact, everything possible was being done to conclude this matter quickly.

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to continue to this item to the February 7, 2005 meeting. Motion carried 3-0. Vice Chairman Haynie, Commissioners Abrams and Hager voting yes.

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:

3. Request for Extension of Cessation of Operations
(International Museum of Cartoon Art)

Executive Director Jorge Camejo explained that a request had been received from Michael Kotler, the attorney representing the Walkers, to extend the cessation agreement, which would transpire on February 1, 2005; an extension to June 1, 2005 was requested.

Michael Kotler provided additional commentary and indicated that he and his clients were very hopeful that the aforementioned transaction could be finalized and closed by the next meeting date.

The City Attorney advised that she appreciated Mr. Walker's previous comments. However, as the attorney for the CRA, it was her duty to inform members that this body was under no obligation to provide an extension but had done so in good faith. She also explained that delays in finalizing the transaction were due to litigation, not brought forward by the CRA but defended by the CRA. In addition, the location of the former Cartoon Museum sits on a complicated site and everyone was working industriously toward the resolution of this matter. Ms. Frieser advised against extending the waiver any longer than necessary. She acknowledged that members were working with all parties to effect closure. Ms. Frieser

concluded her comments by stating that the City Manager believed a 30-day extension would be reasonable.

Motion made Commissioner Abrams, seconded by Commissioner Hager, to grant an extension to February 22, 2005. Motion carried 3-0. Motion carried 3-0. Vice Chairman Haynie, Commissioners Abrams and Hager voting yes.

Ms. Frieser advised that she would forward a document confirming the above to the appropriate party.

ATTORNEY'S REPORT:

The 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 Abrams, seconded by Commissioner Hager, to adjourn the meeting. Motion carried 3-0 on a voice vote; Vice Chairman Haynie, Commissioners Abrams and Hager voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 4:37 p.m., Monday, January 24, 2005.

Susan Whelchel, Chairman

ATTEST:

Sharma Carannante, City Clerk