

**MINUTES OF THE COMMUNITY REDEVELOPMENT AGENCY HELD IN COMMISSION
CHAMBERS, CITY HALL, BOYNTON BEACH, FLORIDA,
ON TUESDAY, DECEMBER 13, 2005 AT 6:30 P.M.**

Present:

Jeanne Heavilin, Chairperson
Henderson Tillman, Vice Chair
James Barretta
Alexander DeMarco
Don Fenton
Steve Myott

Ken Spillias, Board Attorney
Lisa Bright, Interim CRA Director

Absent:

Marie Horenburger

I. CALL TO ORDER

Chairperson Heavilin called the meeting to order at 6:30 p.m. She recognized the presence in the audience of Commissioner Ferguson and welcomed him to the meeting.

II. ROLL CALL

The Recording Secretary called the roll and declared a quorum was present.

III. AGENDA APPROVAL

A. Additions, Deletions, Corrections to the Agenda

Chair Heavilin asked that Agenda Item VI-A, Consideration of the CRA Bond Issuance #2 and Approval of Resolution 05-13, be heard first to accommodate the schedule of the Board's bond attorney. Another request was made to move Agenda Item VII-A, Ocean Breeze Direct Incentive Application and Agreement to precede the Public Hearing items. Planning & Zoning staff requested that Agenda Item V-F, Intracoastal Park Major Site Plan Modification for the Pavilion, be pulled and moved to the agenda for December 15, 2005.

B. Adoption of Agenda

Motion

Vice Chair Tillman moved to approve the agenda, as amended. Mr. DeMarco seconded the motion that passed 6-0.

IV. PUBLIC COMMENTS

Chair Heavilin opened the floor for the public to speak on any item that was not on the regular Public Hearing agenda, and closed it when no one came forward to speak.

VII. NEW BUSINESS (Heard out of order)

A. Consideration of CRA Bond Issue #2 and Approval of Resolution 05-13

Since Mark Raymond, the Board's bond attorney, was not present yet, the Board proceeded to consider the Ocean Breeze Direct Incentive Application and Agreement.

VI. OLD BUSINESS (Heard out of order)

A. Ocean Breeze Direct Incentive Application and Agreement

Vivian Brooks, CRA Planning Director, introduced the item and summarized the project for the Board. CRA staff had worked with the developer to achieve the kind of product the Board had asked to see, keeping the issue of affordability in the forefront. The market in the Heart of Boynton area was unproven at present and especially for new construction. The CRA hoped to see more development in the area and believed this project would encourage that. Ms. Brooks expressed support for the incentive and the project, believing the incentive was a good use of the Agency's Tax Increment Funds (TIF).

Mr. Myott inquired whether the incentive would be proportional to completed units, since the project was planned for two phases. Ms. Brooks responded TIF dollars would only flow proportionate to completed construction. Vice Chair Tillman inquired about the length of time on the incentive, and Ms. Brooks responded the time was one year with an additional year possible with Board approval. All the affordable units are to be completed in Phase I. Chair Heavilin inquired whether the direct incentive would help the developer offset the cost of keeping the 10 units affordable, and Ms. Brooks responded that it would. The remaining units would be affected by market factors and fluctuate accordingly. Mr. DeMarco asked for and was given assurance this understanding was in writing. Mr. Barretta inquired whether the incentive was front-end loaded for both phases, and Ms. Brooks responded it was. Mr. Fenton inquired about the type of income being considered for buyers. Ms. Brooks explained there were several factors affecting this, including family size and income. Mr. Fenton was concerned a retiree living elsewhere in the City with an income of \$50K a year could qualify for subsidized housing and it appeared this was possible.

Bradley Miller, Miller Land Planning Consultants, Inc., expressed the belief the applicant had met or exceeded all criteria of the direct incentive agreement. The request includes a waiver from the requirement to reimburse the CRA for the money it expended to demolish the old Boynton Terrace Apartments.

Mr. Miller asked the following statement be read into the record:

"Our Incentive Request is two-fold.

We have applied for your Direct Incentive Program and additionally we have asked for a waiver for the repayment of funds you advanced to the City to demolish old Boynton Terrace Apartment Project.

First, I would like to speak to the Direct Incentive Program. We have completed the application and we meet, actually exceed, all criteria. Simply stated, the scoring gives us 140 points, but only 100 points is necessary to receive 100% of the Incentive.

It is important to note that you have modified your scoring to place emphasis on projects in the HOB such as this one. They receive an automatic full scoring in almost all categories, recognizing the significant risk associated with development in this area, which has had no new residential or commercial construction of significance in decades. This area has been designated as "slum and blight" by the City/CRA and is an area noted for its criminal activity.

The incentives help to offset the additional cost and risk the developer faces when developing properties in this unproven market, for being pioneers, for taking the lead. Here is the first paragraph from that program:

'The Boynton Beach CRA seeks to encourage large-scale projects, which define new markets, quality, innovation and character in the CRA area. It is recognized that many times these benchmark projects require new and untested market assumptions, which have no local comparable. This condition often requires market support to make the projects feasible in the early years.'

The Direct Incentive Program is that market support in these early stages of redevelopment of the HOB.

The Incentive Program is an effective tool for the CRA to use to spur redevelopment in this area. Additionally, the required affordable housing element within the program helps to address the need for affordable housing stock in the area. You heard at the recent workshop that the City has \$1M available at a maximum of \$75,000 per home, but no homes. Should you approve our application, you have put a minimum of ten homes in the program, but currently, all our homes qualify for inclusion in the program.

Second, we ask that the CRA waive the repayment of the funds used for the demolition of the Boynton Terrace Apartments. This is allowed under the guidelines of the Community Development Block Grant Program and is contained in The Heart of Boynton Redevelopment Master Plan on page 98.

City officials and the CRA were clear in their message to us that they would prefer not to see another low-income rental project (a la Boynton Terrace) and that they would prefer home ownership. While we are allowed by Code to build another rental project and there is no restriction on pricing, whether for rent or for sale, we are moving forward with "for sale" product as requested, helping to bring home ownership to the area.

We feel the City/CRA achieved its goal by demolishing the apartment complex, as the demolition made it possible to renovate and reopen the property. In its place, we have agreed to build "for sale" housing as requested. I am sure you understand the cost and risk going to "for sale" product from proven Section 8 or market rental produce, which are both allowed under our zoning classification.

Additionally, staff has requested that we upgrade the property far in excess of Code requirements, which has a substantial up front cost and carry. The requested demo funds waiver will help offset those additional costs related to CRA staff requests and the additional risk in building for sale as opposed to for rent.

To finish, we hope you are as excited as we are, as this is an exciting time. This will be the first new project built in this area and will help implement the City's/CRA's redevelopment goals.

We are ready to start construction and the Direct Incentives and the waiver of repayment of demolition funds will allow us to build a single family attached home community that not just meets code, but exceeds it considerably.

This new development will not only be a great example for future development, we are confident it will be a catalyst for additional development in this long-ignored area of town and it contributes to the inventory of workforce housing, all primary goals of the CRA.

This is a win/win for the CRA, the City and the Community, and we ask your approval."

Mr. DeMarco asked to hear the opinions of Quintus Greene, the City's Development Director, and Mike Rumpf, the City's Planning & Zoning Director.

Quintus Greene, Development Director, preferred not to comment on the Direct Incentive item, but stated from the City's standpoint, the project conformed to the zoning for the proposed site. The City believes the design of the project conforms to the Floribbean concept outlined in the Heart of Boynton Plan, especially the standing seam metal roof and the City would like to see this theme repeated throughout the Heart of Boynton area. The colors were appropriate and the façade had sufficient detail. The City found the project to be acceptable.

Mike Rumpf, Planning & Zoning Director, agreed with Mr. Greene's assessment. He added staff had strongly defended the Heart of Boynton Plan in its recommendations and if changes were to be made to that Plan, staff strongly urged the community be involved in those changes. Given the fact the land use and zoning is in place and it will provide needed housing for the area, the City supports the project.

Mr. Myott hoped the "bugs" had been worked out of the Direct Incentive Agreement Program. Ms. Brooks responded they had learned from The Arches and had now included the proviso if a major site plan modification takes place, it has to come back before the Board for approval, independent of whether the taxable value changed. The developer is given one year to have a building permit pulled and get the project moving. An additional year can be given before the incentive grant expires.

Lisa Bright, Interim CRA Director, mentioned several items in the Direct Incentive Grant Agreement needed to be revised. CRA staff would soon be asking permission of the Board to pull the Agreement from the Web site to give staff an opportunity to make those revisions.

Chair Heavilin believed the Ocean Breeze project was exactly the area and kind of project for which the Direct Incentive Program was devised. Incentives were very much needed in the Heart of Boynton area. This was the first project to come before the CRA for the Heart of

Boynton and if it were not approved, the Board would be sending a message to the community that the CRA did not want redevelopment.

Motion

Vice Chair Tillman moved to approve the Ocean Breeze Direct Incentive Application and Agreement for Boynton Associates, Ltd. including and up to the costs incurred by the CRA for the demolition of the former Boynton Terrace Apartments. Mr. DeMarco seconded the motion.

Attorney Spillias stated the developer had presented a change in the definition of "developer" at the last minute and this had to be discussed. Attorney Spillias suggested the motion include the approval was subject to any final definition approved by the attorney.

Vice Chair Tillman and Mr. DeMarco agreed to include Attorney Spillias' statement in the motion.

The motion passed 6-0.

VII. NEW BUSINESS (heard out of order)

A. Consideration of CRA Bond Issue #2 and Approval of Resolution 05-13

Robert Reardon, CRA Controller, introduced the Board's bond attorney, Mark Raymond, and its financial advisor, Julie Turner. The Board was considering Resolution 05-13 representing a \$12M bond issue, a quarter of which was non-taxable and three-quarters of which was taxable.

Mark Raymond, Moyle, Flanigan, Katz, Raymond & Sheehan, P.A., responded to Mr. Fenton's request to explain to the public why this bond issue called for a preponderance of taxable bonds. Mr. Raymond explained that under Internal Revenue Code, the indirect Federal subsidy available for tax exempt financing was limited to projects Congress considered to be for essential functions. More than half of the time, CRA projects did not meet the requirements for the subsidy. The only thing in the bond issue that qualifies for the subsidized, non-taxable classification is the acquisition of right-of-way improvements for public roads. It was possible there would be uses of the taxable bonds that could qualify for tax exemption, because they did not have to restrict the use of that money. On the tax-exempt portion, they would say, "This can only be used for things that I know satisfy the requirements for tax-exempt financing." On the other hand, for taxable, there was nothing that prohibits using that money for tax-exempt purposes, although it would not be the best way to borrow and they did not intend for that to happen. If the cost of the road were to be more than expected, some of the taxable money could be used for it, for example. Under the Internal Revenue Code, no more than 10% of the proceeds of the taxes and bond issue can be used for property that is used in a private trade or business. They believe what the CRA intends to finance with the bond proceeds is the Heart of Boynton, the Workforce Development Plan, and this surpasses the 10% threshold. So, those bonds have to be issued on a taxable basis.

Mr. Fenton asked about the rating of the bond without the City's backing and insurance. Could the CRA come to the market without the City? Ms. Turner responded they could possibly come to the market without the backing of the City, but they would pay much higher rates than they

were currently paying, even on the taxable portion. It was more challenging to go to the market with a non-rated issue.

Mr. Fenton asked why the big balloon at the end was about 50% when the first three years were very "skimpy" on the principal return. Ms. Turner responded the bond issue was structured to provide overall level debt service, considering the CRA's outstanding debt – the 2004 bonds issued and the outstanding parity note. This would provide the CRA with a level debt structure in the future of about \$2.5M a year. Ms. Turner said since the yield curve was so flat currently, it was the perfect time to borrow long, if it were to benefit the CRA in the long term.

Mr. Fenton asked what the debt ratio coverage was, and Ms. Turner responded, 1.53. Mr. Fenton asked what rating this would normally get. Ms. Turner responded if the City were not providing backing, it would probably be a lower investment grade or possibly non-rated because tax increment revenues are considered to be quite volatile. However, that was based on the prior year's revenues. The 2005 revenues were about \$3.8M and the preliminary tax roll for 2006 was already \$6.1M, so the CRA had quite a bit of coverage already with those preliminary numbers. Mr. Fenton asked what the underwriting fee was and Ms. Turner responded, ½ of 1 percent.

Mr. Myott noted the designation of 4th Avenue on the design should be changed to 4th Street, and Planning & Zoning staff agreed. Mr. Myott believed the \$750K was assisting the City with a larger project. Ms. Bright indicated the CRA had appropriated \$225K in the 2004-05 budget year for the design and that would be coming before the Board at its December 15, 2005 meeting. The City Manager asked the CRA to revisit the concept for the streetscape as well as the design/construction. The \$750K would be for the actual construction in conjunction with the City's \$1.2M. The CRA's part was \$975K. Ms. Bright noted the design was put in the old bond and construction was put in this bond. Mr. Myott asked whether land assembly was CRA-wide, and Ms. Bright responded the \$4M was targeted for Heart of Boynton land assembly, with \$3,025,000 targeted for buy-down vouchers and the rest of the affordable program initiatives. Mr. Myott asked if the CRA could use the money CRA-wide if it so desired, and Ms. Bright responded that on advice of the bond attorney, they could do so.

Motion

Vice Chair Tillman moved to approve CRA Bond Issue #2 and Resolution 05-13. Mr. DeMarco seconded the motion that passed 5-1, Mr. Fenton dissenting.

V. PUBLIC HEARING

Old Business - None

New Business:

Attorney Spillias asked the Board members if they had any ex parte communications with the developers before the Board at this meeting. Chair Heavilin and Vice Chair Tillman both noted they had some contact with the applicant for the Ocean Breeze project over a period of several months. Attorney Spillias asked for and received confirmation they would make their decisions based on the information they heard at this meeting.

Attorney Spillias noted this was a quasi-judicial board and the procedures were available to the public on a printed handout on a stand in the back of the room. He proceeded to swear in all persons who planned to speak during the Public Hearing portion of the meeting.

Annexation

A. Annexation – Miller Road Project

1. Project: **Palm Cove (ANEX 05-05)**
Agent: Ruden McClosky
Owner: Multiple land owners
Location: One-quarter mile north of Gulfstream Boulevard between Federal Highway and Old Dixie Highway
Description: Request to annex a 4.456-acre portion of a 7.402-acre project

Land Use Plan Amendment/Rezoning

2. Project: **Palm Cove (LUAR 05-019)**
Agent: Ruden McClosky
Owner: Multiple land owners
Location: One-quarter mile north of Gulfstream Boulevard between Federal Highway and Old Dixie Highway
Description: Request to amend the Comprehensive Plan Future Land Use Map from General Commercial, Local Retail Commercial (City) and Medium Residential-5 and Commercial High/5 (County) to Special High Density Residential; and

Request to rezone from C-3 Community Commercial, C-4 General Commercial (City) and RM Residential and CG General Commercial (County) to PUD Planned Unit Development

Dick Hudson, Sr. Planner, reviewed the Palm Cove project, stating staff recommended approval of the requested annexation, land use amendment and rezoning for the following reasons:

- The requested annexation is consistent with the City's annexation policy.
- The property is contiguous to properties lying within the City of Boynton Beach and forms a reasonably compact addition to the City boundaries.
- The future land use amendment is consistent with the policies of the City's adopted Comprehensive Plan, particularly the portion of Policy 1.16.1 defining Special High Density Residential land use relative to redevelopment planning, urban densities and housing opportunities.
- The proposed redevelopment plan is consistent with the vision and recommendations of the *Federal Highway Corridor Community Redevelopment Plan*.

- The requested land use amendment and rezoning meet the criteria for review, as required in the Land Development Regulations.

Abandonment

3. Project: **Palm Cove (ABAN 05-008)**
Agent: Ruden McClosky
Owner: Multiple land owners
Location: One-quarter mile north of Gulfstream Boulevard between Federal Highway and Old Dixie Highway
Description: Request to abandon the southwest corner of Lot 6 of "Killian's Park;" thence east, along the north right-of-way line of Miller Road, a distance of 450 feet.

New Site Plan

4. Project: **Palm Cove (NWSP 05-031)**
Agent: Ruden McClosky
Owner: Multiple land owners
Location: One-quarter mile north of Gulfstream Boulevard between Federal Highway and Old Dixie Highway
Description: Request new site plan approval to construct 121 fee-simple townhouses, recreation amenities and related site improvements on 7.402 acres in the Planned Unit Development (PUD) zoning district.

Eric Johnson, Planner, presented an overview of the site plan and the abandonment request simultaneously.

The project proposes 25 different buildings for a total of 121 dwelling units at a density of 16.34 du/acre. Town homes are permitted uses in the proposed zoning district. Staff reviewed the project for concurrency and found the infrastructure and services are or will be in place prior to the issuance of a building permit. The main point of ingress and egress is along Federal Highway. Along Dixie Highway there is a point of egress only and it will be gated. The project requires 252 parking spaces and it provides 278 parking spaces. The west landscape buffer would be seven and a half feet and the south landscape buffer five feet, the north landscape buffer eight feet, and the eastern landscape buffer on Federal Highway twenty feet. Staff approves of the landscape plan.

Approval of the site plan is contingent on the approval of the accompanying request to abandon a portion of Miller Road. Staff determined the portion of the subject right-of-way to be abandoned does not serve a public purpose and approval was recommended. Condition of approval #3 requires the applicant to provide a turnaround area for the benefit of the houses on Miller Road. Mr. Johnson had verbal approval from Palm Beach County that this turnaround area would not be required. However, the condition of approval is worded to say that if Palm Beach County determined improvements were not required, no modification would be needed to the current configuration of Miller Road. Staff is waiting for a written response from Palm

Beach County. All public agencies reviewed the abandonment request with no comment except that Florida Power & Light had approval with conditions.

Staff recommended approval of the site plan, subject to the 50 conditions of approval. Staff also recommended approval of the abandonment request, subject to four conditions of approval.

Vivian Brooks, CRA Planner, noted a recommendation was made to the applicant about creating a pedestrian environment consistent with the Federal Highway Plan and the improvements were made on the frontage of the buildings along Old Dixie Highway and Federal Highway. The CRA found the request to be consistent with the goals and objectives of the Federal Highway Redevelopment Plan.

Chair Heavilin asked the applicant whether the developer would agree to all the conditions of approval.

Kim Glas-Castro of Ruden McClosky appeared on behalf of East Coast Communities and indicated they agreed with all the conditions of approval.

Mr. Myott asked staff if there were a plan for winding sidewalks or greenways along the wide rights-of-way. Mr. Hudson noted the extra wide right-of-way was a requirement of the City's Engineering Department. He did not know of any plans to do anything of that nature immediately. Mr. Myott wanted to know if the sidewalk plan was tied to any other plan such as a master plan or a greenways plan. Mr. Hudson said the current pavement was far to the west side of the right-of-way and at some point, he believed the applicant wanted to relocate this closer to the center and widen it. It seemed to Mr. Myott that an opportunity was there for special landscaping, greenways, or meandering sidewalks.

Ms. Castro summarized the various requests from the applicant and offered to answer questions.

Eric Mills, Virtual Design Group, gave a PowerPoint presentation of the site plan.

Mr. Myott complimented the applicant on the elevations, which were the nicest he had seen to date.

Chair Heavilin opened the floor for the public to speak on this item, and closed it when no one wished to speak.

Motion

Mr. Barretta moved for approval of the annexation request for Palm Cove (ANEX 05-005). Mr. DeMarco seconded the motion that passed 5-0 (Vice Chair Tillman was out of the room.)

Motion

Mr. Barretta moved approval of the Comprehensive Plan change as requested for Palm Cove (LUAR 05-019). Mr. Myott seconded the motion that passed 5-0 (Vice Chair Tillman was out of the room.)

Motion

Mr. Baretta moved approval of the Rezoning as requested for Palm Cove (LUAR 05-019). Mr. Myott seconded the motion that passed 5-0 (Vice Chair Tillman was out of the room.)

Motion

Mr. Barretta moved approval of the abandonment for Palm Cove (ABAN 05-008). Mr. Myott seconded the motion that passed 5-0 (Vice Chair Tillman was out of the room.)

Motion

Mr. Barretta moved approval of the site plan for Palm Cove (NWSP 05-031). Mr. Myott seconded the motion that passed 5-0 (Vice Chair Tillman was out of the room.)

Vice Chair Tillman returned to the dais following these motions.

B. Gulfstream Gardens Phase II

Annexation

1. Project: **Gulfstream Gardens Phase II (ANEX 05-04)**
Agent: Bradley Miller, Miller Land Planning Consultants, Inc.
Owner: P.B. Chinese Christian Chapel, Inc., Parbbubbal K. Patel, and Howard Britt
Location: One-quarter mile north of Gulfstream Boulevard, between Federal Highway and Old Dixie Highway
Description: Request to annex a 3.166-acre portion of a 5.47-acre project

Land Use Plan Amendment/Rezoning

2. Project: **Gulfstream Gardens Phase II (LUAR 05-012)**
Agent: Bradley Miller, Miller Land Planning Consultants, Inc.
Owner: P.B. Chinese Christian Chapel, Inc., Parbbubbal K. Patel and Howard Britt
Location: One-quarter mile north of Gulfstream Boulevard, between Federal Highway and Old Dixie Highway
Description: Request to amend the Comprehensive Plan Future Land Use Map from General Commercial (GC), Local Retail Commercial (LRC) and Commercial High Intensity (CH) (Palm Beach County) to special High Density Residential (SHDR); and

Request to rezone from C-3 Community Commercial and (CG) Commercial General (Palm Beach County) to Planned Unit Development (PUD)

Dick Hudson, Planner, stated staff recommended approval of the request for annexation and land use amendment change as requested. Gulfstream Gardens II was a follow-on project to Gulfstream Gardens I the Board heard a year ago. The project is located just south of the Palm Cove project, which the Board approved at this meeting.

The annexation request is consistent with the City's annexation policies; the property is contiguous to properties lying within the City of Boynton Beach and forms a reasonable compact addition to the City boundaries. The future land use amendment is consistent with the policies in the City's adopted Comprehensive Plan, and particularly that portion of the land use element that defines Special High Density Residential and its uses relative to redevelopment planning and urban densities and housing opportunities. The plan for this property is consistent with the vision and recommendations of the Federal Highway Corridor Community Redevelopment Plan and meets all of the criteria for review as required under the Land Development Regulations.

Approval of the site plan would be required simultaneously with approval of the zoning and land use.

New Site Plan

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| 3. | Project: | Gulfstream Gardens Phase II (NWSP 05-028) |
| | Agent: | Bradley Miller, Miller Land Planning Consultants, Inc. |
| | Owner: | P.B. Chinese Christian Chapel, Inc., Parbbubbal K. Patel and Howard Britt |
| | Location: | One-quarter mile north of Gulfstream Boulevard, between Federal Highway and Old Dixie Highway |
| | Description: | Request for new site plan approval to construct 110 townhouse units, recreation amenities and related site improvements on a 5.47-acre parcel in the Planned Unit Development (PUD) zoning district. |

Eric Johnson, Planner, reviewed the site plan request. The maximum density allowed by the Special High Density Residential land use is 20 du/acre, which would allow for 109 units in this project. The site proposes 110 town house units, which exceeds the project's maximum allowable density. If Gulfstream Gardens Phase I and Phase II were combined under a Unity of Title, this objection would go away. Gulfstream Gardens Phase I was approved with one unit short of what it could have.

Staff reviewed the project in terms of concurrency and determined any infrastructure or services that are not in place as of today would be in place prior to the issuance of any building permits.

In Phase II the site plan proposes an alternate point of emergency ingress and egress with a driveway opening meant for the use of emergency vehicles only. Based on the number of units in the development, the overall design, and for safety purposes, staff recommended finishing the driveway for full ingress/egress for use of the residents.

The project is over parked by 26 spaces. More than one half an acre of the subject property would have a "green area" designation. The buildings would be set back at least 16.4 feet from the east (front) property line along Federal Highway. The site plan proposes ten 3-story buildings throughout the development.

Staff reviewed the site plan and recommended approval contingent upon meeting the 33 conditions of approval.

Mr. Johnson asked condition of approval #20 be modified and replaced with the following language:

The Special High Density Residential Land Use classification allows for up to 20 du/acre. Based on the project acreage, the site plan would be limited to a total of 109 dwelling units. At the time of permitting, eliminate one dwelling unit and submit a rectified site plan so there are no more than 109 dwelling units; or, a rectified master plan showing Phase 1 and Phase 2 combined with no more than 308 dwelling units. That Unity of Title Master Plan would insure the project density would meet the requirements of Special High Density land use classification.

Vivian Brooks, CRA Planner, met with the applicant and expressed a concern about the lack of a sidewalk in the City's easement from the individual units. She had requested this to create the pedestrian environment on Old Dixie Highway, but the applicant did not comply with her request. It created more of a gated community feel on Old Dixie, which is not consistent with a number of other developments approved by this Board in the recent past. She requested the applicant comply with that request to be consistent with other developments with Old Dixie frontage. This would be Condition of Approval #34, if the Board chose to add it.

Mr. DeMarco asked for the timetable for Phase I and Phase II of the project. Staff commented the timetable for Phase 1 had been approved previously. He deferred to the applicant for more details on the timetable.

The Board did not have any further questions.

Bradley Miller, Miller Land Planning Consultants, Inc., appeared as representative for the owners of the project. Mr. Miller stated the applicants were in agreement with a majority of the Conditions of Approval. They agreed with Mr. Johnson's restatement of condition #20. They wanted to discuss condition #33.

In regard to the sidewalk issue raised by Ms. Brooks, there are sidewalks that lead out to the Federal Highway side. On the Dixie Highway side there was going to be additional landscaping. This was a continuation of the already-approved Phase I project.

The applicant proposed an emergency exit location at the northwest corner of the project. They had primary access points on Federal Highway, as part of Phase I, that led directly in to the clubhouse that will serve the whole community. There was also an access point on Dixie Highway. The applicant felt a third access point was not a requirement due to traffic conditions from the County or the City. They felt having it would breach some of the privacy they wanted to create with the community. The applicant felt the number and location of driveway ingress and egress points was sufficient and requested that condition #33 be stricken.

Mr. Barretta inquired why the applicant objected to Ms. Brooks' recommendation for sidewalks. Mr. Miller responded they were trying to continue the same theme as Phase I. They were providing sidewalks on the Federal Highway side, but wanted to create privacy for the residents on the Old Dixie Highway side.

Chair Heavilin noted a sidewalk on the Old Dixie Highway side was shown on the site plan for Phase I. Mr. Myott responded it was the connections from the sidewalk to the front doors of the units. The ones on the Federal Highway side were very short but on Old Dixie Highway, because of the right-of-way, they would be quite long. He thought there could be some kind of "faux" design where the fences changed to mimic what was happening on the Federal Highway side – by changing the post pattern possibly.

Ms. Brooks agreed with City staff's comments about a third point of ingress/egress for the convenience of certain residents who would, otherwise, have to drive for quite a distance before they could exit the community.

Mr. Myott suggested tying the third emergency access road to the trash compactor site, which was oddly situated in the present design. Mr. Miller thought this was a possibility and agreed to continue to work with staff on this.

Michael Rumpf, Planning & Zoning Director, stated the City was seeing more projects approved, even small ones, with two or more entrances. There was greater acceptance of a denser environment, but the need for more points of ingress/egress would continue.

Chair Heavilin opened the floor to the public and closed it when no one wished to speak.

Motion

Mr. Barretta moved to approve the annexation request for Gulfstream Gardens Phase II (ANEX 05-004). Mr. Myott seconded the motion that passed 6-0.

Motion

Mr. Barretta moved to approve the Land Use Plan Amendment/Rezoning request for Gulfstream Gardens Phase II (LUAR 05-012). Mr. Myott seconded the motion that passed 6-0.

Motion

Mr. Barretta moved to approve the Rezoning request for Gulfstream Gardens Phase II (LUAR 05-012). Mr. Myott seconded the motion that passed 6-0.

Motion

Mr. Barretta moved to approve the site plan for Gulfstream Gardens Phase II (NWSP 05-028), subject to the 33 conditions of approval and the one condition of CRA staff. Vice Chair Tillman seconded the motion that passed 6-0.

Mr. Miller asked if the motion had included the modification to condition of approval #20, and Mr. Barretta said that was the condition of record.

C. 401 North Dixie (Olsson Property)

Land Use Amendment/Rezoning

1. Project: **401 North Dixie (Olsson Property)
(LUAR 05-013)**
Agent: Jack White
Owner: Mildred Martin
Location: 401 North Old Dixie
Description: Request to amend the Comprehensive Plan Future Land Use Map from Local Retail Commercial to Low Density Residential; and

Request to rezone from C-3 Community Commercial to R-1 Single Family Residential

Proposed Use: Maintain existing single-family home

Hannah Matras, Economic Planner, stated staff recommended approval of the request because:

- It is consistent with the land use and zoning designations of properties extending south of the subject parcel.
- It brings the current use into conformity with zoning and thereby removes an impediment to market transactions and possible revitalization of the area.
- The physical attributes of the subject property make its redevelopment unfeasible under current zoning.
- It is consistent with the intent of the Comprehensive Plan.

Chair Heavilin opened the floor for the public to speak on this item, but closed it when no one came forward to do so.

Motion

Vice Chair Tillman moved to approve the request to amend the Comprehensive Plan Future Land Use Map and rezoning as requested (LUAR 05-013). Mr. Myott seconded the motion that passed 5-0. Mr. DeMarco was out of the room.

D. Happy Homes Heights (Ballard)

Zoning Code Variance

1. Project: **Happy Homes Heights (Ballard)**
ZNCV 05-008
Agent: Kevin Ballard
Owner: Prime Property of the Palm Beaches
Location: 133 N.E. 12th Avenue
Description: Request for relief from the Land Development Regulations, Chapter 2, Zoning, Section 5.E.2.a, requiring a minimum lot area of 6,000 square feet, to

allow a minimum lot area of 5,429 square feet, a variance of 571 square feet for a proposed single-family residence within the R-2 single and two-family zoning district.

Mr. DeMarco returned to the meeting.

Kathleen Zeitler, Planner, made a presentation on behalf of staff. A single-family residence is a permitted use in the R-2 zoning district. Happy Home Heights subdivision was platted in 1925 with lots 41 feet by 90 feet and these lots are considered substandard today. The applicant assembled almost three lots (Lots 3 through 5, except the east five feet of Lot 3, and divided the assembled property into two larger and less non-conforming building lots. He was able to construct one home on the western lot in compliance with the non-conforming lot provisions, which that lot met. The parcel needs to contain at least one whole platted lot, have not less than 50 feet of frontage and not less than 5,000 square feet and meet all the setback regulations. The subject property met all those requirements except it did not contain one whole platted lot. Therefore, the applicant had to meet the current requirements for the R-1 zoning district instead of the non-conforming provisions. He proposes to meet all the setbacks, lot frontage, minimum living area, maximum lot coverage and height for the R-1 district. He is requesting a variance of 571 feet from the lot area requirement. Staff believes that literal interpretation of the criteria would deprive the applicant of the right to develop the property. Staff reviewed the criteria necessary to consider a variance and believes this application meets all the criteria. Staff recommended approval of the variance based on a finding of hardship.

Vivian Brooks, CRA Planner, recommended approval of the item. The area is one the CRA wants to revitalize with single-family infill in the Heart of Boynton. This is precisely what the CRA should be doing.

Chair Heavilin opened the floor for the public to speak on this item, and closed it when no one came forward.

Mr. Myott said it was zoned R-2, which would permit a duplex, but he asked for confirmation the applicant wanted to build a single-family home.

Kevin Ballard, owner of the subject property, confirmed he wanted to build a single-family home.

Motion

Vice Chair Tillman moved to approve the request for a variance for Happy Homes Heights (Ballard) (ZNCV 05-008). Mr. DeMarco seconded the motion that passed 6-0.

Chair Heavilin welcomed Mayor Taylor and his wife to the meeting.

E. Ocean Breeze West

New Site Plan

1. Project: **Ocean Breeze West (NWSP 05-030)**

Agent:	Bradley Miller, Miller Land Planning Consultant, Inc.
Owner:	Boynton Associates LTD
Location:	801 North Seacrest Boulevard
Description:	Request for site plan approval to construct 37 fee-simple townhouse units, recreation amenities and related site improvements on 3.44 acres in the Multi-family Residential (R-3) zoning district

Eric Johnson, Planner, presented this item on behalf of staff. The project lies in the boundaries of the Heart of Boynton Redevelopment Plan. Staff review of concurrency showed compliance. The project proposes one point of ingress and egress along Seacrest Boulevard and an alternate along 1st Street. Mr. Johnson displayed the site plan, showing a five-foot landscape buffer all the way around the project. A two-way drive aisle goes around the perimeter of the property. The buildings are proposed for the center of the lot. The project has more than adequate parking. There are eight separate buildings with units of 1,399 square feet under air. The R-3 zoning district allows a maximum height of 45 feet and the proposed two-story structures do not exceed 30 feet at the peak of the roof. There are 31 conditions of approval and staff recommended approval contingent upon meeting all those conditions.

Vivian Brooks, CRA Planner, said they had worked with the applicant to come up with a product that was affordable under the County and City affordable housing programs and was architecturally consistent with the Heart of Boynton schematic plans adopted by the CRA. The project had been upgraded significantly. Typically, affordable units would be about 1,000 to 1,200 square feet and these units are much larger. The units have garages. The construction is CBS and the buildings have a metal roof that will stand the test of time and hurricanes, an important consideration for working families who cannot always afford to replace their roof if it blows away. She felt the applicant had presented a project that met what the CRA envisioned for the area and the CRA recommended approval.

Chair Heavilin noted, for the record, this was not an affordable project. Only ten units would be affordable. Ms. Brooks stated that at the current time, according to the applicant, the prices would be \$280K. Ten units would not be subject to market changes and would remain affordable – the rest would be subject to market fluctuations, and Ms. Brooks thought this was appropriate in light of the CRA's desire to create economic diversity in the area. She stated working people with expendable income were needed in the area to add to the City's downtown business base. Chair Heavilin agreed, but wanted to clarify that the project was not coming in as an affordable project, per se.

Bradley Miller, Miller Land Planning Consultant, Inc., appeared to represent the applicant for Ocean Breeze West. The project would be located on the site of the former Boynton Terrace Apartments, and span both sides of Seacrest Boulevard. Under consideration at this meeting was the area on the west side of Seacrest Boulevard. The applicant proposed replacing the 37 units that were there with a 37 single-family attached home project, commonly known as town homes.

The site plan was displayed. The divided entranceway has paver blocks and a landscaped median in the middle. There is a tot-lot and a mailbox kiosk as well. The parking provided in front of the recreation area was a requirement; however the CRA wanted to eliminate this as mentioned in conditions #3 and #29. The applicant had requested a waiver from the Engineering Department on condition #3 and he had a letter from them approving the waiver regarding the back out parking, so #3 was already satisfied. In condition #29, the CRA was concerned about the visibility of the parking area on entering the project from Seacrest Boulevard. The curvature of the drive at the entrance and the curvature of the landscaped median were going to block the view to those parking spaces. The applicant felt this was a critical component to the project with the mailbox kiosk being well protected from visibility from Seacrest Boulevard. Mr. Miller discussed the design aspects of the proposed project as he displayed drawings of it.

Mr. Miller believed condition #3 had already been met and that condition #29 should be stricken since it was addressed with the landscaped entrance.

Condition #30 spoke of a typographical error in the plans where the metal roof was shown but the reference to Fiberglass shingle was not stricken. They made this change on all their plans during the review meeting at the City and this was part of the record in the files of City staff.

Condition #31 related to the light fixtures. These had been provided as details. He offered to show samples to the Board members, in case they had not been included in the agenda packages.

Condition #4 asks the applicant to provide a driveway cut to Lot 140. The slide showed the lots that are adjacent to the proposed project. Next to it is Lot 139. Both lots are owned by the same entity. Staff requested the applicant to provide a driveway cut across that. The applicant's attorney, Jeff Renbaum of Ruden McClosky, investigated this and Mr. Miller distributed copies of his opinion on the matter. Mr. Renbaum opined it was improper for the City to request this when there were other means of providing access to 1st Street. Access can be acquired through the same owner, which is on Lot 139. Based on this opinion, the applicant requested that conditions #4 and #8 be stricken.

Mr. Miller thought it was a very exciting project for the City of Boynton Beach and the Heart of Boynton area. His client was a pioneer in going out to try to make this happen. The approval of the incentive package would help them deliver a project of which everyone could be proud.

Vice Chair Tillman asked City staff's opinion on condition #4 and the letter from the applicant's attorney regarding the landlocked parcel adjacent to the project.

Eric Johnson, Planner, said condition #4 stated: Provide a driveway cut across the street from Unit 26 to allow access to Lot 140, Block C, Boynton Hills. As proposed, there is no point of ingress or egress to this lot. The City asked the applicant to provide access to that lot through their development.

Chair Heavilin asked if there had been access prior to ownership of the property. Mr. Johnson said the survey showed the right-of-way was abandoned and was a part of the proposed project. This lot did not have access prior to this project. To rectify a wrong, the City proposed

this means of providing access to that property. The property is zoned R-3, multiple family, but has large setback requirements and it seemed unlikely multi-family homes could be developed on the property due to its size. If it were developed as R-3, the properties would probably have to be drawn together through Unity of Title and then developed. Mr. Myott suggested amending the condition to require the developer to provide the driveway cut if it became necessary, since it did not affect the site plan. Mr. Johnson responded the site plan would be changed slightly by this since the drive aisle proposed around the development would link up nicely to this lot.

Jeff Renbaum, attorney with Ruden McClosky, said a scheme was already in place for the owner of parcel 140, the landlocked parcel, to resolve his situation. The courts like landlocked parcel owners to resolve the problem on their own and if this is not possible, the Legislature and the Judiciary have both created schemes to help landlocked parcel owners. One is a statutory way of necessity, another is a common law way of necessity. Both parcels were purchased by the same entity in the same month per the records of the Palm Beach County Property Appraiser's records. In a Third District Court of Appeals case, it was held that a landowner who had adequate access to his oceanfront property by way of a narrow strip of his own land was not entitled to an easement by necessity through adjacent property, even though the access to the oceanfront property by way of his own land was less convenient.

Another case held that a landowner was not entitled to choose between adequate means of access, even though one means may be more convenient than another. Attorney Renbaum agreed with that case and took it a step further to say that government could not make that choice either, since the scheme was already in place. The property owner of Lots 139 and 140 knowingly purchased the properties on the same date, knowing they did not have access. The owner had received notice of this meeting. It boiled down to a fairness issue. If the owner needed access, he already had it through Lot 139. It was not fair to force the developer to add this road, at substantial cost, because the project is already on the lower dollar side to make it as affordable as it is for the would-be buyers. The developer would have to put sewer lines and road structure down, and it was not fair when they had not even been approached by the owner of Lots 139 and 140.

In response to a question from Mr. Fenton, Attorney Renbaum stated the owner would have to make an access through Lot 139 to get to Lot 140; however, the driveway in Lot 139 is on the north side of Lot 139, so a slight cut through 140 would allow the two lots to share driveways.

Attorney Renbaum stated if the Board decided to require the access cuts that the cost is borne solely by the owner of Lot 139.

Chair Heavilin opened the floor for the public to speak on this item.

Harish Madhav, M.D.P.A., 2226 S.E. 2nd Street, Boynton Beach, appeared to speak. Dr. Madhav is the owner of Lots 139 and 140. Both lots were deeded separately. The previous owners were Mr. and Mrs. Reed. Lot 140 has a house and was previously owned by Mrs. Reed. Lot 139 was owned by both of the Reeds jointly. Originally there was a Stanford Drive East, which was abandoned in favor of the project that existed at that time. There were two streets, a large portion of land, that were abandoned at that time. It was a good thing because it was for low-income housing. Now, that project is gone and it is a private development. Dr. Madhav

asked to have access to Lot 140 as it used to be when there was a Stanford Drive East. He showed a survey that depicted access from the south side at the location of the proposed circular drive.

Chair Heavilin asked if this had been abandoned after he had purchased the property, and Dr. Madhav replied no. It had been abandoned before he purchased it. There were two streets there previously. In 1920, the two streets previously mentioned were abandoned. While Boynton Terrace Apartments was there, there was no pavement.

Vice Chair Tillman said Dr. Madhav had purchased the lots knowing that the land was previously abandoned. Dr. Madhav said no, because the survey showed access. Vice Chair Tillman said when he purchased Lot 139 and Lot 140 after the abandonment, the survey should have shown that. Mr. Barretta asked Dr. Madhav if he had discussed this survey oversight with his surveyor. Dr. Madhav was not aware that it was landlocked. His survey showed access on the south side from Stanford Drive East. Mr. Barretta asked Dr. Madhav if he had considered taking action against the surveyor who failed to show the previous abandonment. Mr. Barretta felt that action would be more appropriate than penalizing the current developer. Mr. Barretta declared to Dr. Madhav that it was inappropriate of him to gain access through a private drive in a community the CRA was creating. Chair Heavilin agreed, saying the developer did not create the lack of access.

Dr. Madhav said as the building stands on Lot 139, there is not enough space for proper access to Lot 139. The properties are separate and the owner should have a right to sell one or the other or develop one or the other.

Mr. DeMarco asked Dr. Madhav his intention when he purchased the properties. Dr. Madhav responded he wanted to build a family home on the lot.

Mr. Myott wondered if the abandonment record existed somewhere. Dr. Madhav said even if it had been abandoned, a portion of it should have gone to the owner of Lot 140 and Lot 139, unless there was a record showing some kind of quitclaim by the previous owners. Dr. Madhav had to look into the records and asked the Board for time to do so. Dr. Madhav said he needed access.

Mr. Myott believed Dr. Madhav would find the unimproved "roadway" was no longer a road. He also did not think Dr. Madhav would want access through Ocean Breeze, although Dr. Madhav declared he would not mind that if it were the only way to gain access. If access were provided, Dr. Madhav would be able to build on the lot. He began investing in the area to improve it, just like the CRA.

Contrary to Dr. Madhav's contention, Mr. Barretta felt there was more than enough room for access between Lots 139 and 140. It seemed to Mr. Barretta Dr. Madhav would rather impose on his neighbor than give up his property on one lot to gain access to the other.

Mr. Fenton asked Eric Johnson what the City's legal rationale had been for condition #4. Mr. Johnson responded the ultimate goal was to have access to Lot 140 through the project. As far as a court case or legal precedent, he would have to defer to Legal as far as requiring access through the subject property.

Dr. Madhav said he was not aware he would be losing access, since his survey showed Stanford Drive East with access. He asked the Board to delay this item to give him time to get to the bottom of this.

Gertrude Sullivan, 201 Northeast 6th Avenue, Boynton Beach, president of Boynton Terrace Association, advised Mr. Miller that the area of the proposed project was not a slum area. They did not live in a slum. They liked their area. They did not mind the townhouses, but she asked who would be able to buy the houses in the proposed project. She did not believe anyone in the Heart of Boynton area made that kind of money. It seemed the City wanted to help the developers, but not the people who lived there. The price of the houses was not affordable. When the Board made its decision, she asked it to consider the less fortunate citizens of the City, not the ones who already had everything. Some people were never going to own a house. She asked the City not to forget that they exist.

Chair Heavilin expressed understanding for Ms. Sullivan's sentiments, and explained the CRA was giving the affordable issue a great deal of thought and consideration at present. She also said this developer did not have to do any affordable housing and the CRA was glad to be getting even this amount of affordable housing, realizing that much more was needed.

Brian Edwards, 629 N.E. 9th Avenue, Boynton Beach, liked the project and thought it would enhance the neighborhood, enhance property values, and be a good thing for the area. He agreed with Ms. Sullivan, though, that the proposed housing units were not really affordable for most of the citizens in the Heart of Boynton area. This property was vacant. When people started to move out of the Heart of Boynton and development began in areas where there were homes, \$280K was not really affordable and was way too high for the people that had to move out and move back in. He asked the CRA and City Commission to keep this in mind in future planning.

Richard Ames, Minister of Hopewell Baptist Missionary Church, Boynton Beach, came with the Hollis family who reside on the northwest side of Seacrest Boulevard right behind the former Boynton Terrace Apartments. Specifically, he stated on N.W. 6th Avenue, the back of the homes are actually facing the proposed project. He asked how those houses on N.W. 6th Avenue would be affected by the proposed project. Mr. Miller responded they were providing landscape buffering between the project and the homes on N.W. 6th Avenue. Reverend Ames clarified his question, saying that if a person were driving north on Seacrest Boulevard and turned left on N.W. 6th Avenue, would those homes be "phased out" due to this project? Mr. Miller said the proposed project did not affect those homes at all. Reverend Ames said that might be true today, but what about tomorrow or next week? Mr. Miller said the proposal before the Board tonight was the only property they had control over. Reverend Ames commented about the people who were being relocated. He asked where they went when they were on fixed incomes. These people had been part of Boynton Beach for many years, but if they were offered \$200K for a home and affordable homes were starting at \$400K, and they were on a fixed income, how could they obtain a mortgage?

Chair Heavilin closed the public hearing.

Vice Chair Tillman said this development was a "tough sell." The project called for changing the status quo and making it better. A lot of people disagreed with the former but would agree with the latter. The bottom line was that there was a continuum. The old becomes the new. That which is blighted is replaced with something that is better. There were some gray areas that had to be worked out. Still, some of the questions from the Heart of Boynton community about access and affordability required the citizens to look inward also. A lot of it had to do with how people gain access to income, educate their children, and provide for the future. Development would continue. Ocean Breeze was a step up to the plate. Ocean Breeze was providing a viable, worthwhile project that would invigorate the area. Also, as communities develop, they do change. Where they were once segregated, they become integrated, and this has to be considered also. What was before is not necessarily always going to be. Sometimes things have to be accepted that will make the area better. Change is often feared, but change is a part of living.

Mr. Barretta said the Heart of Boynton had been a problematic area because the people there had told the City and CRA over and over again that they wanted change and at the same time, they have said over and over again they do not want things to change. If things are going to change, they have to change. This was a good project and something positive in the area. Mr. Barretta stated that density was required to create affordability, but the residents in the Heart of Boynton wanted affordability without density. The CRA was struggling with this problem, trying to solve it. He felt this project was a step in the right direction. He wanted the people in the Heart of Boynton to realize that if they wanted change, they had to accept change. Or, things would stay the same indefinitely.

Chair Heavilin said she knew affordable housing was an issue and the CRA had set aside over \$3M to help subsidize the affordable units. Affordable housing was an issue throughout the entire City, County, and the country. She was aware of the issue, but supported this project. She did not feel this developer should have to pay for access to a property that did not have access now. This developer did not create the lack of access and she did not think he should be responsible for it.

At this point, a member of the audience came to the podium to speak. Chair Heavilin informed her that the public audience had been closed.

Mr. DeMarco asked about conditions #16 and #19 and he hoped the developer and Planning & Zoning would resolve all the conditions so the Board could feel comfortable the conditions would be met. He felt the project was a step in the right direction and should get started. It was a stepping-stone to doing the right thing. It was a shot in the arm for the area. When he attended the community meetings during the formulation of the Heart of Boynton Plan, the two issues he heard from the community the most were about crime and drugs. This project and others like it combined with affordable homes, was the right way to go.

Motion

Mr. Barretta moved to approve the site plan for Ocean Breeze West with the 31 conditions from staff less condition #4 and condition #8. Vice Chair Tillman seconded the motion.

Chair Heavilin reminded the individual at the podium that public audience was closed and there was a motion on the floor. By consensus of the Board, the individual was allowed to speak.

Elizabeth Jenkins, 711 N.W. 1st Street, Boynton Beach, lives in the area where the project will be built. She wondered if consideration had been given to people who were trying to live on what their forefathers had worked hard to provide – a place where their families could live. This was not the kind of thing that mattered to people who had money. There was nothing wrong with building, but she hoped the CRA and the City would think of someone beside themselves. Ms. Jenkins felt that drugs were a problem throughout the City, not just in the Heart of Boynton area.

Ms. Jenkins called the CRA to ask about tonight's meeting because she wanted to come. She did not know who answered the phone. When she told her why she wanted to be at the meeting, the person answering the telephone said, "Yes, we are having a meeting. You can come if you want to." That insulted Ms. Jenkins, who felt she did not have a right to be at the meeting.

Lisa Bright, Interim CRA Director, said she had gotten a call from the City Manager, who asked her to speak to staff. She spoke to all the female staff and there was no one on the staff who had spoken to Ms. Jenkins. She had left a message at Ms. Jenkins' house on the afternoon of the meeting to say she would be pleased to talk with her. She left her name and number, three times, to say this was a public hearing and it was about Ocean Breeze coming on board. She asked if Ms. Jenkins knew the person's name and the date she called, but Ms. Jenkins did not know the answers to those questions. She believed the CRA already knew who the buyers of the houses in the proposed project were going to be.

Mr. Myott felt this project would benefit property values for all in the community. That was what the CRA was all about – making it better for everybody.

The motion passed 6-0.

F. Intracoastal Park

THIS ITEM WAS POSTPONED UNTIL THE MEETING ON DECEMBER 15, 2005.

Major Site Plan Modification

- | | | |
|----|--------------|--|
| 1. | Project: | Intracoastal Pavilion (MSPM 05-013) |
| | Agent: | David Stump, Project Manager, City of Boynton Beach |
| | Owner: | City of Boynton Beach |
| | Location: | 2240 North Federal Highway |
| | Description: | Request for major site plan modification to construct a 12,800 square foot two-story community center on the 8.88-acre Intracoastal Park zoned REC |

IV. OLD BUSINESS

- A. Ocean Breeze Direct Incentive Application and Agreement

Heard previously out of order by request.

V. NEW BUSINESS

- A. Consideration of the CRA Bond Issuance #2 and Approval of Resolution 05-13

Heard previously out of order by request.

VI. COMMENTS BY BOARD MEMBERS

Mr. Barretta urged the Board members to attend the workshop on December 21st on the Retail Demand Analysis. There was a deadline for submittal to the State in April of 2006 and in order to meet that deadline, the CRA has to have as many meetings as possible between now and then. The meeting was being held at 8:00 a.m. in the Chamber of Commerce Conference Room.

Mr. Fenton commented the bond passed at this meeting would be considered a "junk" bond, without the backing of the City. He felt the bond was passed for cash flow purposes, since it was apparent the CRA did not have sufficient cash flow. He wanted everyone to be aware the CRA was paying insurance for the rating. They were rated on the first bond as A and they bought insurance for the reduced rate. Items were brought in that did not qualify for municipal bonds and he called the bond issue a "Swiss cheese bond issue." Mr. Fenton believed the necessity of having the City's backing on the bond showed the CRA's finances were in a precarious state.

VII. COMMENTS BY BOARD ATTORNEY

None

VIII. COMMENTS BY STAFF

Lisa Bright, CRA Director, apologized to the Board about the agenda packets being different from what they were used to. The all-new CRA staff was in a state of flux and they would revert to the numbering system previously employed when they got a new copier.

A City staff meeting was held today and a strategic plan was in process to meet the April 2006 deadlines. She asked the Board to think of their schedules in the first quarter and give her some dates for a joint City/CRA Workshop on Affordable Housing, hopefully in January, since it was such an urgent issue. Another workshop she had been asked to have was a Board Policy and Governance workshop, a one-day workshop.

The next meeting is on Thursday, December 15, 2005, in City Hall Chambers.

IX. FUTURE PROJECT REVIEW

- A. Ocean One – December 15, 2005

X. ADJOURNMENT

Since there was no further business before the Board, the meeting was duly adjourned at 9:30 p.m.

Respectfully submitted,

Susan Collins
Recording Secretary
(121405)