

City of Boca Raton

Ordinance 5293

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December 5, 2014

TO: Mayor and City Council

FROM: Leif J. Ahnell, C.P.A., C.G.F.O.
City Manager

SUBJECT: AB-14-01/14-65000001
Abandonment of Deeded Alley Right-of-Way
133, 155, 165 and 199 East Boca Raton Road

A handwritten signature in blue ink, appearing to be "Leif J. Ahnell", written over a white background.

A rectangular pink sticky note with the date "12/5/2014" handwritten in blue ink.

Recommendation:

Based on the recommendation of the Development Services Department and the recommendation of the Boca Raton Community Redevelopment Agency ("CRA"), I recommend that the City Council approve the request of Leo A. Fox, Derek Vander Ploeg, Lisa Vander Ploeg and 155 East Boca Raton RD, LLC ("Petitioners") for abandonment of a three (3) foot deeded alley right-of-way ("Deeded Alley") to facilitate the construction of the approved Tower 155 mixed-use redevelopment project ("Project") at 133, 155, 165 and 199 East Boca Raton Road ("Property"). The proposed abandonment and an amendment to the Project will proceed concurrently to public hearing.

Background:

On January 22, 2013, the CRA approved DDRI IDA No. CRP-12-01, as amended November 25, 2013 (DDRI IDA No. CRP-12-01R1), allowing for the construction of the Project, a 268,821 square foot, mixed-use building containing 170 residential units, 1,105 square feet of retail space and a structured parking garage. The northern boundary of the Project abuts a portion of a 10-foot, east/west alley platted in 1914 ("Platted Alley") as part of the J.R. CAMPBELLS SUBDIVISION (Plat Book 5, Page 61). The width of the alley was supplemented in 1960 and 1961 by the City's acquisition of an additional 3 feet of width on both the north and south side of the alley, resulting in 16 feet of width overall. Subsequent to the approval of the previous IDA amendment on the subject property (CRP-12-01R1), a question arose as to the dedication of the alley. The Petitioners asserted that the southern 5-foot portion of the Platted Alley as well as the additional deeded 3-foot width were private property not dedicated to the public and accordingly were incorporated into the previous IDA amendment's site plan. However, the Platted Alley was dedicated to the public and that the additional 3-foot width was deeded to the City also for public purposes.

The alley is used by various abutting properties (including the downtown post office) for ingress, egress and access to parking. A minimum 10-foot wide alley is needed. The additional three (3) feet acquired in 1960/1961 has not been fully utilized and is not needed to provide ingress and egress. To assure the integrity of the alley, the Petitioners have agreed to confirm and acknowledge that the Platted Alley is dedicated to the public for proper public purposes and to remove any improvements from the alley in exchange for the City's abandonment of the additional deeded 3 foot width for incorporation into the proposed site plan. Consequently, the building and improvements will now extend closer to Boca Raton Road, yet still within the allowable setbacks.

The Petitioners' formal confirmation and acknowledgement of the 10-foot alley dedication will be by separate instrument recorded in the Public Records of Palm Beach County and is included herein as a condition of approval. The approval of the IDA is also conditioned upon this proposed abandonment of the Deeded Alley.

Planning Considerations for Right-of-Way Abandonment:

Code Section 25-36(3) states that in considering a request for abandonment, the Planning and Zoning Board shall "consider the right and interest in the right-of-way subject to the application for abandonment from the standpoint of the benefit of the community as a whole, and shall make appropriate recommendations regarding any rearrangement of streets and rights-of-way which are involved therein in order to secure a more regular and harmonious system for traffic circulation." As this property is located within the DDRI, the CRA assumes the role of the Planning and Zoning Board.

Additionally, Resolution No. 2001-14-CRA, adopted October 9, 2001, includes further criteria for alleyway and right-of-way abandonments within the downtown. The resolution states, in part, that the CRA and its staff shall not favorably recommend to the City Council an abandonment of an alleyway or right-of-way unless one or more of the criteria identified are clearly satisfied: the abandonment must (1) result in new linkages which better meet pedestrian or vehicular transportation needs; (2) provide for better quality of design; (3) increase open space; or (4) provide other improvements.

Staff finds that this petition meets the criteria established by both Code Section 25-36(3) and Resolution No. 2001-14-CRA. With regard to traffic circulation and better linkages, the alley currently is a limited use thoroughfare primarily for access to the rear of the commercial buildings. Accordingly, the alley is not part of any actual traffic circulation. In addition, the Petitioners' confirmation and acknowledgement of the Platted Alley will clarify the existence of the alley for public purpose in relation to the real property interests of the developer.

With regard to quality of design, the Project is currently improved with small commercial structures approximately 30 to 60 years old, many exhibiting deferred maintenance. By contrast, UDA stated, with regard to the proposed project, that the façade detailing and articulation is outstanding. The building is designed to resemble a "cityscape" collection of small buildings composed into one project. UDA indicated that this scale is critical for the feeling for the pedestrian experience. UDA also commented that "the massing (building shape and skyline) is outstanding". The building is shaped with elements located at varying heights, making for a more pleasing experience to the pedestrian and contributing to the overall Downtown cityscape. Abandonment of the alley will clearly result in an attractive addition to the downtown.

DEPARTMENT AND FRANCHISE UTILITY REVIEW

In accordance with Section 25-35, Code of Ordinances, all franchised utility companies and the Directors of Municipal and Utility Services have been contacted. As the preponderance of the alley will remain, none of the public or private utilities require relocation with regard to the Deeded Alley.

The CRA will consider this petition on January 12, 2015. Their recommendation will be reported at the City Council public hearing.



Joe Graubart <joe.graubart@gmail.com>

Tower 155

3 messages

Joseph Graubart <joe.graubart@gmail.com>

Sat, Oct 27, 2018 at 1:52 PM

To: hendreyjn@aol.com, Jim & Trish Wood <bocawood@bellsouth.net>

Cc: Joe Graubart <joe.graubart@gmail.com>

Hello:

Can I ask for a few minutes of your help. What is your take of this (below) response? Thanks

I attended the CRA meetings, Regular and Workshop. I only wanted to get one point across. Has the time come to Stop using the CRA and Downtown Special Assessment District as an excuse to allow buildings like T 155 to be built in the future. I said, for goodness sakes: it's the Gold Triangle - do we have to give away gold? Meaning no need to grant: Ordinances: 5289 'Minimum Parcel Size Requirement' and Ord. 5293 "Abandonment of Deeded Alley Right-of-way" - in the future. We know that they should not have in the first place!
SIMPLY, The walk around is to show the results of these ordinances.

What I said, must've upset City. They put this together for elected's to read - to straighten the matter out.

I emailed all members of Council to meet and do a walk around, with the hopes of Lessons Learned. And, I was sent this: What is you take? I don't think they are willing to meet. Only Andrea and Monica.

Pursuant to a Council Members request yesterday's CRA meeting, staff researched the Tower 155 file and found the following:

- The alley was width was 10 feet prior to the T155 approval and continues to be 10 feet wide.
- Per the survey, the total alley width was determined to be 10 ft; T155 dedicated the southern 5 ft. portion of the 10 ft. alley.
- The T155 property line to the north includes the alley (5 ft. southern portion).
- The required setback on the north is zero (0) feet; however, the provided building setback is 6.48 ft, including their 5 ft. portion of the alley dedication. (The building is setback another 1.48 ft from the 5 ft alley).
- The required setback on the southern property line (Boca Raton Road) is 16 ft.; the providedsetback (levels 1-3) is 17.88 ft.

Sent via iTelegraph

bocawood@bellsouth.net <bocawood@bellsouth.net>

Sat, Oct 27, 2018 at 3:28 PM

To: Joseph Graubart <joe.graubart@gmail.com>, hendreyjn@aol.com

Joe,

This is called circling the wagons to protect the Staff, City Council Members and the Developers. Tower 155 should never have been considered under the Interim Design Guidelines (IDG). The article in this link gives some background:
<https://bocawatch.org/downtown-presentation-an-effort-in-futility-once-again/>

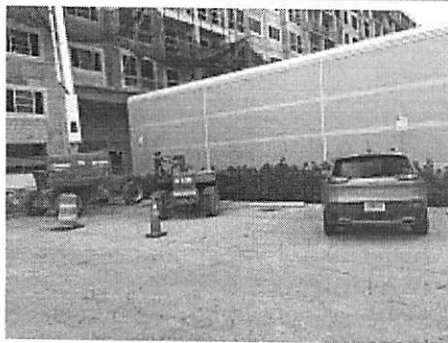
There was supposed to be one "Test Site" for the IDG and that was at the corner of US1 and Palmetto Park Rd. Well that was The Mark and was a total failure, but instead of stopping development under IDG the Staff, CRA, UDA and Developers started saying there were four test sites. This was a total lie. The developers quickly rushed to get three additional project approved under IDG: Via Mizner, Hyatt and Tower 155.

On another note, I was at the Post Office this afternoon and after seeing your pic of the construction equipment in the parking lot decided to see for myself (see attachment). So the developer is now using the parking lot to not only operate construction equipment, but to store stuff? Doesn't the City own the parking lot? If so, the residents should also be able to store their stuff there, unless the developer gets special privileges.

Jim

From: Joseph Graubart <joe.graubart@gmail.com>
Sent: Saturday, October 27, 2018 1:53 PM
To: hendreyjn@aol.com; Jim & Trish Wood <bocawood@bellsouth.net>
Cc: Joe Graubart <joe.graubart@gmail.com>
Subject: Tower 155

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Joe Graubart <joe.graubart@gmail.com>
To: bocawood@bellsouth.net
Cc: hendreyjn@aol.com

Sat, Oct 27, 2018 at 4:39 PM

Thanks.

What a grip or stranglehold this cursed group has on the controls.

You practically couldn't build anything yielding more profits even if the code didn't exist.

I even have a code or planning and zoning board etc.?

Thanks again,

Joe
joe.graubart@gmail.com

Sent mobile
[Quoted text hidden]

<IMG_3463.JPG>

No results



Options ▾

recommends this Project for approval.



percent Architectural Opportunity zone (CRP-12-01R1) is based on the CRA Board's determination that the subject property meets the massing criteria and the CRA Board may grant the additional forty (40) feet for a total of one hundred and forty (140) feet in height subject to the approval of the parcel size amendment to the DDRI Development Order.

Alley Boundaries

As previously mentioned, the northern boundary of the subject property abuts a portion of a 10-foot, east/west alley platted in 1914 as part of the J.R. CAMPBELLS SUBDIVISION (Plat Book 5, Page 61). The width of the alley was supplemented in 1960 and 1961 by the City's acquisition of an additional 3 feet of width on both the north and south side of the alley, resulting in 16 feet of width overall. Subsequent to the approval of the previous IDA on the subject property (CRP-12-01R1), a question arose as to the dedication of the alley. Although the alley appears in the plat, it is absent from the dedication language. The southern 5-foot portion of the alley as well as the additional deeded 3-foot width were incorporated into the previous IDA's site plan.

To ensure the integrity of the alley, the Applicant has agreed to acknowledge that the 10-foot platted alley is dedicated to the public for proper public purposes and to remove their improvements from the alley in exchange for the City's abandonment (AB-14-01) of the additional deeded 3 foot width for incorporation into the proposed site plan. Consequently, the building and improvements will now extend closer to Boca Raton Road, yet still within the allowable setbacks.

The Applicant's formal acknowledgement of the 10-foot alley dedication will be by separate instrument recorded in the Public Records of Palm Beach County and is included herein as a condition of approval. The approval of the IDA is also conditioned upon the abandonment of the 3