

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 black ink, appearing to read "Leif J. Ahnell", written over a horizontal line.

Singer YES
Ord 5293

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.