



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### 300 Grove Place

| Meeting                             | File No.         | Application Type  |
|-------------------------------------|------------------|---|
| August 25, 2025                     | 2025-178-ABR-CCA | Abandonment of Right-of-Way                             |
| Applicant                           | Property Owner   | Authorized Agent  |
| Brian Grossberg,<br>Cason Court LLC | Cason Court LLC  | Jeffery Costello, AICP, FRA-RP<br>JC Planning Solutions |

#### Request

Provide a recommendation to the City Commission regarding a privately initiated request to abandon a portion of City-owned right-of-way adjacent to 300 Grove Place, totaling approximately 1,354 square feet in area.

#### Background Information

The portion of right-of-way under consideration is located immediately east of, and adjacent to, 300 Grove Place, containing approximately 1,354 square feet (pictured at right). The right-of-way was originally platted as part of Bowers Street in the Town of Delray (previously Town of Linton) Plat, recorded in 1910 in Plat Book 1, Page 3. Subsequently, the block was subdivided further as part of the Hofman Adolf Plat, recorded in 1914 in Plat Book 5, Page 65. The subject right-of-way area remained part of Bowers Street, eventually renamed NW 2<sup>nd</sup> Avenue. The right-of-way is now a dead-end portion of NW 2<sup>nd</sup> Avenue, terminating at 300 Grove Place, and adjacent to a private road within the Grove Estates community. It does not connect to any other roadway.

The property, 300 Grove Place, is zoned Single-family Residential (R-1-A) with a land use designation of Low Density Residential (RL). The property is currently vacant; however, on February 19, 2025, a building permit (Permit No. 25-223349) was submitted to the City for a six-foot high privacy wall along the perimeter of 300 Grove Place. Following this, on March 5, 2025, a building permit (Permit No. 25-223655) was submitted for the construction of a single-family residence.



The basis of this request is to allow for the incorporation of 300 Grove Place into Grove Estates, the eight-lot single-family community to the north. The property cannot connect to water utilities from NW 2<sup>nd</sup> Avenue, and therefore, will connect to existing water utilities

within Grove Estates. While the property is addressed along Grove Place, the private road within Grove Estates, there is minimal frontage and no vehicular access to the property from Grove Place. This results in inconsistency with the City's addressing policy and further concern with fire safety, as the National Fire Protection Association (NFPA), Section 101, allows a maximum distance of 50 feet from the road to the nearest exterior door for buildings that are not sprinkled.

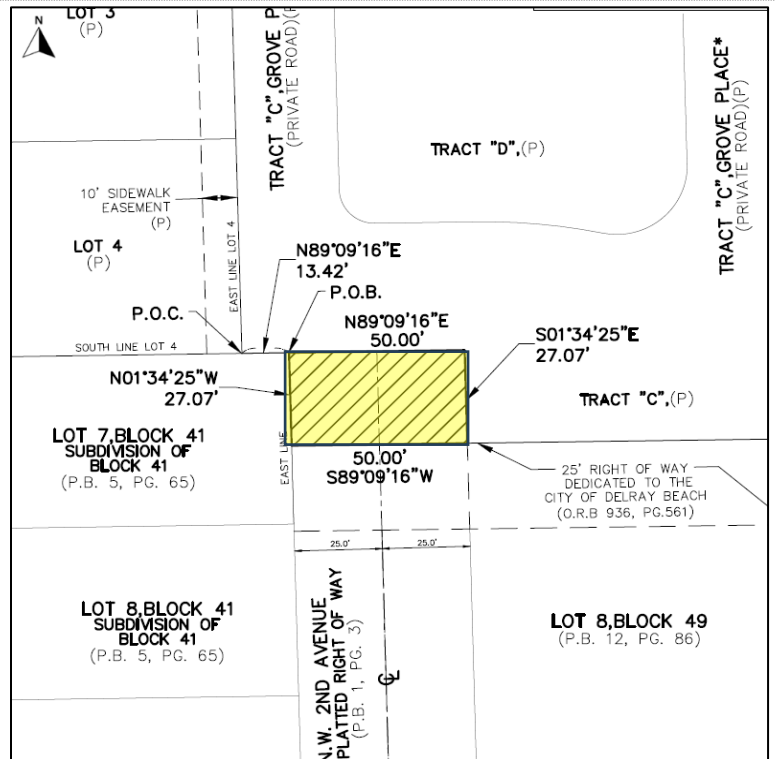
The Always Delray Comprehensive Plan, specifically Policy MBL 2.6.1 and Policy MBL 2.6.2, encourages alleys to be secondary means of access to diversify access points and help reduce pedestrian-vehicular conflicts on the sidewalk. The City's Addressing and Street Naming Manual states that addressing should be based on the location of the main front door. While there is precedent of alleyways being named for the purpose of addressing, it is highly discouraged, as alleys are not intended to serve as lot frontage. Further, for fire safety purposes and overall functionality, it is vital that a property have direct access to a street.

### Project Description

The request is for the abandonment of 50-foot wide City-owned right-of-way (dead-end portion of NW 2<sup>nd</sup> Avenue) consisting of 1,354 square feet. The abandonment is being requested to provide 300 Grove Place emergency access and increased frontage on Grove Place.

The City Engineer recommends approval of the abandonment of the subject right-of-way, subject to the concurrent acceptance of a water and sewer easement agreement to provide City utilities within the right-of-way area (recommendation attached).

If the abandonment is granted, obligations will be incurred (i.e. additional property taxes) as the abandoned area will be deeded to 300 Grove Place and Tract C of the Grove Estates pursuant to LDR requirements.



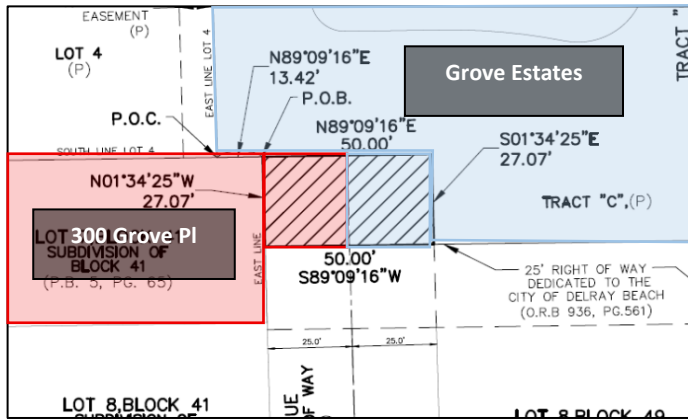
### Review and Analysis

#### LDR Section 2.4.9(B)(1), Abandonment of right-of-way: General

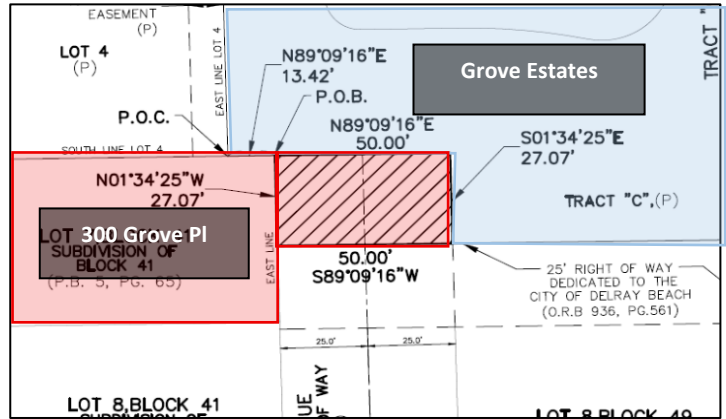
*Public right-of-way may be abandoned (returned) to the fee description of adjacent property to the same degree in which it was originally obtained, i.e. property dedicated exclusively from a single parcel shall be returned to that parcel; property dedicated through subdivision shall be divided at the center line and returned equally to abutting parcels. Abandonment of right-of-way may be granted by a formal resolution enacted by the City Commission.*

The subject right-of-way was dedicated in perpetuity as public right-of-way in the Town of Delray (previously Town of Linton) Plat, as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida. In the event that the abandonment request is granted, the abandoned area will be divided equally between 300 Grove Place and Tract C of the Cason Court Plat. It should be noted that it is the intent of the applicant, who owns both 300 Grove Place and Tract C of Grove Estates, to deed the portion of right-of-way that would be given to Tract C to 300 Grove Place, thereby resulting in the entire abandonment area being incorporated into the lot addressed as 300 Grove Place. The graphic below illustrates the allocation of right-of-way for both scenarios.

**Right-of-way area split between 300 Grove Place & Tract C:**



**Right-of-way deeded to 300 Grove Place:**



If any portion of the right-of-way abandonment area is deeded to Tract C of the Grove Estates community, a Site Plan Modification and Minor Plat application would be required to incorporate the land into the subdivision. Further, if the entire abandonment is deeded to 300 Grove Place, a Site Plan Modification and Minor Plat would only be required if modifications are made to the Grove Estates approved site plan (e.g. adding a vehicular connection to 300 Grove Place).

**LDR Section 2.4.9(B)(4)(d), Abandonment of right-of-way: Procedure**

*Upon receipt of all review comments, the application with the recommendation of the City Engineer shall be forwarded for review at an advertised public hearing before the Planning and Zoning Board. The recommendation of the Planning and Zoning Board shall be forwarded to the City Commission.*

The Planning and Zoning Board recommendation is based on a determination that the request, and approval thereof, is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations (LDR). The City Engineer recommends the approval of the request for abandonment of the 1,354 square foot, dead-end portion of NW 2<sup>nd</sup> Avenue (letter attached). The Board's recommendation will be provided to the City Commission for consideration at an upcoming meeting; the date is pending.

**LDR Section 2.4.9(B)(4)(e), Abandonment of right-of-way: Procedure**

*If approved, the abandonment shall be approved by a resolution of the City Commission. After adoption, the resolution shall be recorded in the public records of Palm Beach County. Where deemed necessary by the City Engineer, an abandonment shall be consummated through the filing of a boundary plat, or replat, of the property to be abandoned and the receiving properties.*

It has been determined by the City Engineer that if the City Commission approves the request to abandon the subject right-of-way, the abandonment should be approved concurrent with a water and sewer easement agreement to provide City utilities. The easement will be considered by Commission concurrently with the abandonment request. The proposed water and sewer easement is provided as an attachment for information purposes only.

**LDR Section 2.4.9(B)(5), Abandonment of right-of-way: Conditions.**

*Conditions may be imposed upon an abandonment to:*

- (a) *Ensure timely consummation.*
- (b) *Ensure compliance with required findings.*
- (c) *Require enhancement of the right-of-way proposed for abandonment in order to accomplish certain objectives and policies of the Comprehensive Plan e.g., street beautification.*
- (d) *Require replacement easements and/or relocation of existing utilities, as may be appropriate.*
- (e) *Cause reversion or voiding of the abandonment in the event of a failure to comply with other conditions.*

The applicant must provide a water and sewer easement agreement. The abandonment will be approved and recorded concurrently with the easement agreement.



### **LDR Section 2.4.9(B)(6), Abandonment of right-of-way: Findings**

*Prior to granting an abandonment the City Commission must make the following findings:*

- (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose;*
- (b) That the abandonment does not, nor will not, prevent access to a lot of record;*
- (c) That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.*

The abandonment area is a dead-end portion of NW 2<sup>nd</sup> Avenue and does not provide access to any property, other than 300 Grove Place. If the abandonment is granted, 300 Grove Place will continue taking access off the alleyway to the west and may also take access from Grove Place. Further, no area-specific master plans or redevelopment plans have been identified for the area. The Capital Improvement Plan includes the NW Neighborhood Improvement Plan, which involves the installation/improvement of sidewalks in the NW Neighborhood area. However, the project does not include any improvements within the subject abandonment area. Therefore, granting the right-of-way abandonment would not limit access to a property nor would it diminish connectivity of a pedestrian or bicycle route.

The provision of access for utility services will be required to be maintained in perpetuity; the creation of a water and sewer utility easement over a portion of the abandonment area is required in conjunction with the right-of-way abandonment application.

Further, the abandonment of this right-of-way is anticipated to improve a potentially unsafe situation, by increasing the frontage to meet the minimum lot standards for the zoning district, on the street the property is addressed to. The abandonment would provide obvious access to 300 Grove Place, rather than the 13.42 feet of frontage the property currently has. While 300 Grove Place is subject to either a maximum 50-foot distance from the right-of-way to the nearest exterior door for emergency access purposes or a fire sprinkler system, the property would have the capacity to adhere to multiple applicable fire safety and emergency regulations, and achieve further consistency with the City's addressing policy.



If further site plan modifications are necessitated or proposed, such as creating vehicular access from the private road to 300 Grove Place, a site plan modification would be required, and safety issues would be reviewed at that time.

### **Always Delay Comprehensive Plan**

In addition to the findings for the abandonment of rights-of-way, the following Comprehensive Plan policies are related to abandonments of rights-of-way:

#### **Mobility Element**

Policy MBL 1.2.2 *Implement context-sensitive Complete Streets principles, where appropriate, in the planning, programming, and construction of new City roadways, redesigns, and resurfacing of existing roadways to address the needs of all users, including motorists, bicyclists, transit riders, and pedestrians of all ages and abilities. Provide landscaping, shading, protected lanes, pedestrian scale lighting and speed-reduction measures that support a pleasant environment for pedestrians and bicyclists.*

Policy MBL 2.7.7 *Do not grant abandonment of right-of-way unless conclusively demonstrated that there is not, nor will there be, a need for the use of the right-of-way for any public purpose.*

#### **Neighborhoods, Districts, and Corridors Element**

Policy NDC 2.2.1 *Maintain and enhance the tightly gridded, interconnected street network that facilitates the dispersal of traffic and contributes to the character of Delray Beach using the following Complete Streets techniques, where appropriate:*

- *Design streets to be safe, comfortable, and attractive for pedestrians, cyclists, and drivers;*
- *Do not close or abandon streets or alleys and encourage connectivity of vehicular, pedestrian and bicycle routes.*
- *Provide links to regional bicycle/pedestrian networks;*
- *Reinvest in roadway infrastructure, such as intersections, signalization, and turning movements without increasing the number of through vehicular lanes.*

The right-of-way is surrounded by Single-Family Residential (R-1-A) zoning on all sides. Abandonment of the right-of-way is generally consistent with the established development pattern of the area. The abandonment area is currently a dead-end portion of NW 2<sup>nd</sup> Avenue and is not being used as a means of access to a property, nor is it being used as a connection to the Grove Estates community to the north. The specific area is not outlined in City improvement plans for proposed work or future use; therefore, Staff anticipates the granting of the abandonment would not impede the use of the right-of-way.

#### Board Considerations

The following should be considered by the Board in making a recommendation to the City Commission:

Whether the request meets the findings for abandonments, including:

- (a) *That there is not, nor will there be, a need for the use of the right-of-way for any public purpose*
- (b) *That the abandonment does not, nor will not, prevent access to a lot of record;*
- (c) *That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.*

#### Review By Others

The **City Commission** will review the subject ROW Abandonment at an upcoming meeting, tentatively September 15, 2025.

#### Options for Board Action

- A.** Move a **recommendation of approval** to the City Commission regarding a privately initiated request to abandon a 100-foot wide portion of City-owned right-of-way adjacent to 300 Grove Place, totaling approximately 1,354 square feet, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Section 2.4.9(B)(6) of the Land Development Regulations.
- B.** Move a **recommendation of approval, as amended**, to the City Commission regarding a privately initiated request to abandon a 100-foot wide portion of City-owned right-of-way adjacent to 300 Grove Place, totaling approximately 1,354 square feet, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Section 2.4.9(B)(6) of the Land Development Regulations.
- C.** Move a **recommendation of denial** to the City Commission regarding a privately initiated request to abandon a 100-foot wide portion of City-owned right-of-way adjacent to 300 Grove Place, totaling approximately 1,354 square feet, by finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Section 2.4.9(B)(6) of the Land Development Regulations.

#### Public and Courtesy Notices

  X   Courtesy Notices were sent to the following:

- NW Community Improvement Association

  X   Public Notice was mailed to adjacent property owners and property owners within a 100' radius 20 days before the meeting date.

  X   Public Notice was posted at the property 7 calendar days prior to the meeting.

  X   Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

  X   Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

  X   Public Notice was posted to the City's website 10 calendar days prior to the meeting.

  X   Public Notice was posted in the main lobby at City Hall 10 calendar days prior to the meeting.

  X   Agenda was posted at least 5 working days prior to meeting.

| Technical Review of Comments (TAC) Timeline |                              |
|---|------------------------------|
| Submittal Date                              | TAC Comments Transmitted     |
| 04-30-25 (Deemed sufficient on 05-06-25)    | 05-23-25                     |
| 06-30-25                                    | 07-10-25                     |
| 07-16-25                                    | N/A (All comments addressed) |