



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Atlantic Grove Plat No. 2, Partial Plat Vacation

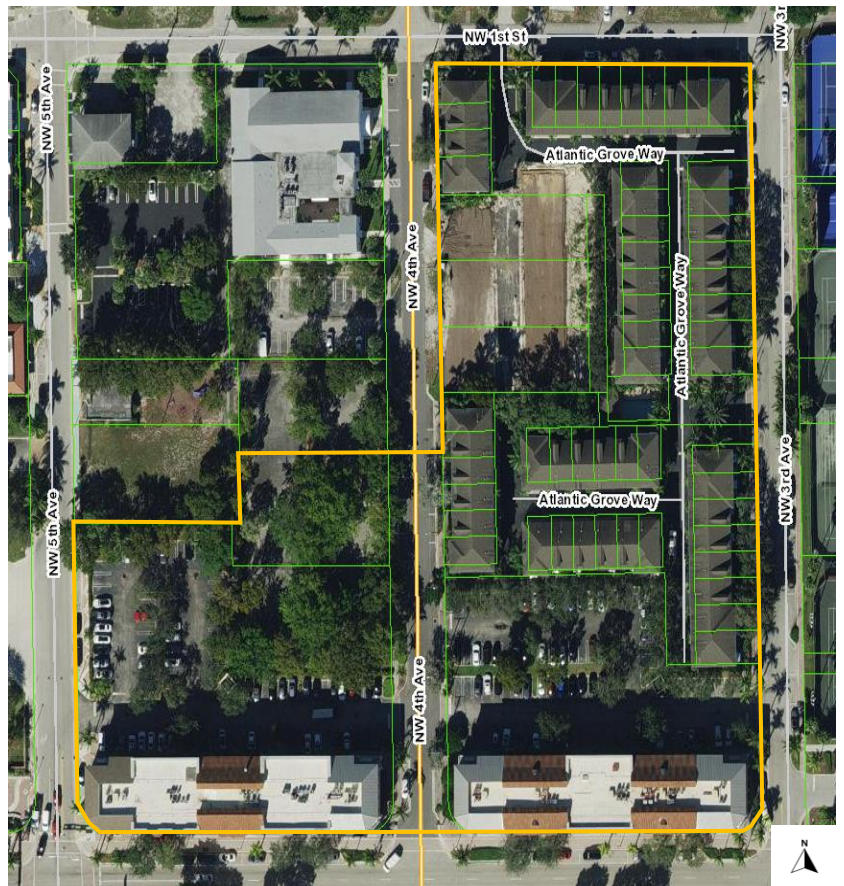
Meeting	File No.	Application Type
February 26, 2024	2024-082	Plat Vacation
Applicant	Owner	Authorized Agent
Timothy Hernandez, Manager, Atlantic Grove Partners, LLC	Atlantic Grove Partners, LLC	Timothy Hernandez, Manager, Atlantic Grove Partners, LLC

#### Request

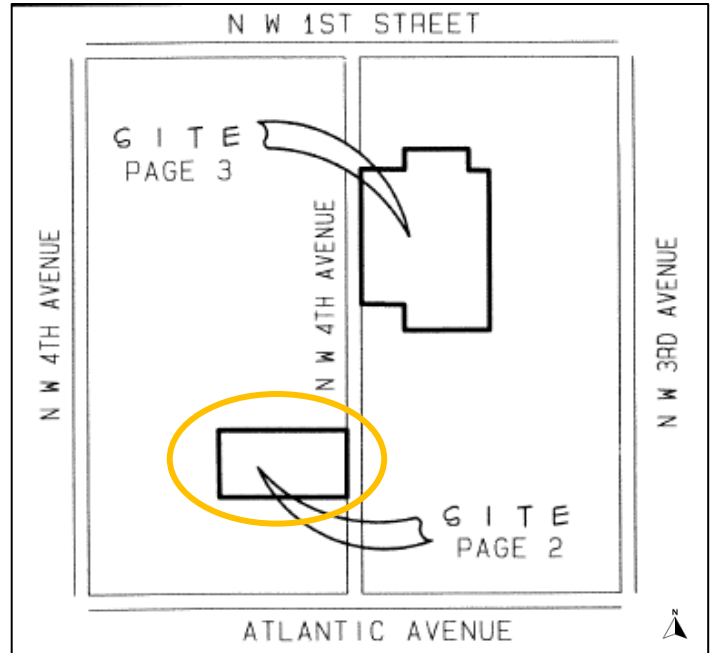
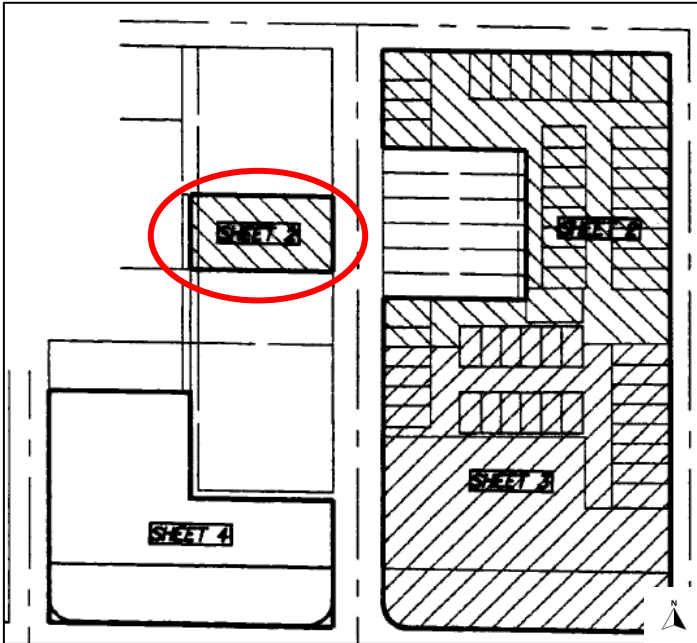
Provide a recommendation to the City Commission on the vacation of Tract "P" from the Atlantic Grove Plat No. 2.

#### Background Information

Atlantic Grove consists of an assemblage of properties that occurred in the 1990s by the Delray Beach Community Redevelopment Agency (CRA). The mixed-use project (outlined in yellow) includes 1<sup>st</sup> floor commercial spaces, 2<sup>nd</sup> floor office spaces, and 20 condominium units in the two buildings fronting West Atlantic Avenue, and 69 townhouses to the rear of those two buildings. Located within the West Atlantic Neighborhood Sub-district of the Central Business District (CBD), the project utilized the City's Residential Incentive Program, which allows for an increase in density (16.9 du/ac is approved) for the provision of 20 percent of the units provided for workforce housing. While the development consists of all new construction, a majority of the development is located within the West Settlers Historic District and any new improvements are subject to review by the Historic Preservation Board (HPB).

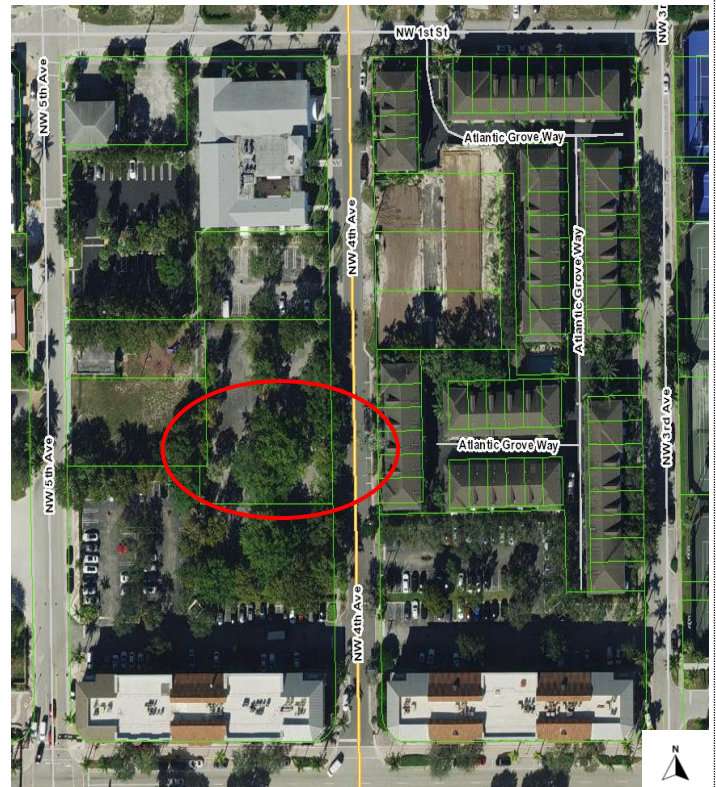


The development was initially platted in 2002 as Atlantic Grove, recorded in Plat Book 96, Pages 55 – 58. In 2022, the Atlantic Grove Plat No. 2 was recorded in Plat Book 133, Pages 44 – 46. The Key Map from each of the Plats – Atlantic Grove (left) and Atlantic Grove Plat No. 2 (right) is provided below to illustrate those areas included in each plat.



The area circled in red (above) was initially intended as a parking lot to support the Atlantic Grove development. However, between the initial plat and the revised plat, the applicant worked with the Mt. Olive Baptist Church of Delray Beach, located just north of the area circled in red, to “swap” parcels with the one circled in yellow (graphic on the right). This parcel, still intended for Atlantic Grove parking, is identified as Tract “P” on the Atlantic Grove Plat No. 2.

Once Atlantic Grove Plat No. 2 was to be recorded, however, the Palm Beach County Property Appraiser’s Office indicated that Tract “P” should not have been included in the Plat as it had already been added to the Atlantic Grove Condominium by Court Order (included as an attachment). As a result, the Tract “P” portion of the Atlantic Grove Plat No. 2 must be vacated for the for the Plat to be recorded. The vacation of the Tract “P” (area generally circled in red) is allowed per Florida Statute 177.101, “Vacation and annulment of plats subdividing land” (attached).



**Description of Request**

The subject request is for the vacation of Tract "P" from the Atlantic Grove Plat No. 2. Per State statutes and the City's Land Development Regulations (LDR), the vacation of Tract "P" can occur by legal instrument, in this case a Resolution to be acted on by the City Commission and subsequently recorded by the Palm Beach County Clerk of Court.

**ATLANTIC GROVE PLAT NO. 2**

BEING A REPLAT OF  
 LOTS 16 THROUGH 21, BLOCK 36, REVISED PLAT OF BLOCK 36, TOWN OF DELRAY,  
 PLAT BOOK 5, PAGE 38  
 AND  
 A PORTION OF THE ALLEY IN BLOCK 36, TOWN OF LINTON, PLAT BOOK 1, PAGE 3  
 AND  
 A PORTION OF TRACT "R - 2", ATLANTIC GROVE, PLAT BOOK 96, PAGES 55 THROUGH 58  
 AND  
 A PORTION OF LOT 2, MT. OLIVE BAPTIST CHURCH PROPERTY, PLAT BOOK 69, PAGE 20  
 AND  
 A PORTION OF THE ALLEY IN BLOCK 28, TOWN OF LINTON, PLAT BOOK 1, PAGE 3  
 ALL IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
 LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 43 EAST,  
 CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

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LEGEND

- PERMANENT REFERENCE MONUMENT SET FROM IRON ROD AND CAP STAMPED FROM L.R. 5627
- PERMANENT REFERENCE MONUMENT SET AND NAIL AND CAP STAMPED FROM L.R. 5627

ACCEPTANCE OF RESERVATIONS

STATE OF FLORIDA  
 COUNTY OF PALM BEACH

ATLANTIC GROVE TOWNHOME ASSOCIATION, INC., A FLORIDA CORPORATION, NOT FOR PROFIT, HEREBY ACCEPTS THE RESERVATION OF SUBDIVISION TO SAID ASSOCIATION AS SET FORTH AND SHOW HEREON, AND HEREBY ACCEPTS THE RESERVATION OF SUBDIVISION TO SAID ASSOCIATION AS SET FORTH HEREON, DATED THIS 28th DAY OF December, 2023.

ATLANTIC GROVE TOWNHOME ASSOCIATION, INC.  
 A FLORIDA CORPORATION, NOT FOR PROFIT  
 WITNESS: Maria A. Huck  
 PRINTED NAME: Maria A. Huck  
 WITNESS: Sabrina Alvarez  
 PRINTED NAME: Sabrina Alvarez  
 ACKNOWLEDGMENT

STATE OF FLORIDA  
 COUNTY OF PALM BEACH

ATLANTIC GROVE CONDOMINIUM ASSOCIATION, INC., A FLORIDA CORPORATION, NOT FOR PROFIT, HEREBY ACCEPTS THE RESERVATION OF SUBDIVISION TO SAID ASSOCIATION AS SET FORTH AND SHOW HEREON, AND HEREBY ACCEPTS THE RESERVATION OF SUBDIVISION TO SAID ASSOCIATION AS SET FORTH HEREON, DATED THIS 28th DAY OF December, 2023.

ATLANTIC GROVE CONDOMINIUM ASSOCIATION, INC.  
 A FLORIDA CORPORATION, NOT FOR PROFIT  
 WITNESS: Kevin Rickard  
 PRINTED NAME: Kevin Rickard  
 WITNESS: Kevin Rickard  
 PRINTED NAME: Kevin Rickard  
 ACKNOWLEDGMENT

ATLANTIC GROVE TOWNHOME ASSOCIATION, INC.  
 ATLANTIC GROVE CONDOMINIUM ASSOCIATION, INC.

ATLANTIC GROVE PLAT NO. 2

THIS INSTRUMENT WAS PREPARED BY RICHARD H. SMITH, LICENSED SURVEYOR AND MAPPER, FLORIDA LICENSE NUMBER 15,828.

RICHARD H. SMITH, INC.  
 SURVEYING AND MAPPING  
 FLORIDA LICENSE NUMBER 15,828  
 1000 FOREST SILE DRIVE  
 LAKE WORTH, FL 33466  
 (TEL) 561-961-8124

SCOPE  
 PROJECT NUMBER  
 5700  
 SHEET  
 2 OF 3

**Review and Analysis**

Pursuant to LDR Section 2.4.8(E)(1), Vacation of Recorded Plats: General, a plat, or any part of, a plat may be vacated by the owner of the land at any time prior to the sale of any lot therein provided that the vacating is approved by the City Commission. When lots have been sold, a plat may be vacated only if all the property owners join in written execution of such in writing.

The request to vacate Tract "P" was submitted by Atlantic Grove Partners, LLC

Pursuant to LDR Section 2.4.8(E)(3)(b), Vacation of Recorded Plats: Procedures, review by the Planning and Zoning Board with respect to appropriateness of the proposed action and its implications on the public's rights in any of its public uses, improvements, streets, etc.

Consideration of the appropriateness of the requested action and the implications is limited, in that the vacation of the parcel from the plat is the requisite action to comply with the Palm Beach County Property Appraiser's Office.

Pursuant to LDR Section 2.4.8(E)(3)(d-e), Vacation of Recorded Plats: Procedures, an application for vacation of a recorded plat shall be accomplished through consideration by the City Commission at which time the request may be approved or denied, followed by recording of the legal instrument pursuant to procedures established by the City Clerk.

Following consideration by the Planning and Zoning Board, the recommendation will be provided to the City Commission for consideration at the March 5, 2024, meeting. The legal instrument, a Resolution, will then be recorded.

Pursuant to **LDR Section 2.4.8(E)(4), Vacation of Recorded Plats: Conditions**, *a vacation instrument may not be conditionally approved; however, the instrument may require the applicant to mitigate adverse impacts associated with the vacation.*

The request does not necessitate that there be any conditions, and the mitigation of adverse impacts is also not required as the request does not impact the development plans or the existing built environment. The resulting plat remains in compliance as previously approved.

Pursuant to **LDR Section 2.4.8(E)(5), Vacation of Recorded Plats: Findings**, *prior to approving a vacation of a recorded plat, the City Commission must find that the abandonment of any affected public interest or public improvement that was or would have been created by the plat, but which would not now be provided shall not have a significantly adverse impact upon the City's ability to obtain, retain, or maintain public facilities or tests of concurrency.*

Abandonment of "Tract "P" will have no impact that affects the public interest or public improvements, and there will be no adverse impact upon the "City's ability to obtain, retain, or maintain public facilities or tests of concurrency." Further, no modifications to the land contained within Tract "P" have occurred.

#### Options for Board Action

- A. Recommend **approval** to the recommendation to the City Commission the vacation of Tract "P" from the Atlantic Grove Plat No. 2., finding that the request meets criteria set forth in the Land Development Regulations.
- B. Recommend **denial** to the recommendation to the City Commission the vacation of Tract "P" from the Atlantic Grove Plat No. 2., finding that the request meets criteria set forth in the Land Development Regulations.