Legislation Details (With Text)

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File created:	2/9/2018			**In control:**	City Commission
On agenda:	3/6/2018			**Final action:**	3/6/2018
Title:	RESOLUTION NO. 10-18: ABANDONMENT OF THE ALLEY IN BLOCK 61, TOWN OF LINTON, ASSOCIATED WITH THE PROPOSED MIDTOWN DELRAY DEVELOPMENT, LOCATED ON THE SOUTH SIDE OF WEST ATLANTIC AVENUE BETWEEN SOUTH SWINTON AVENUE AND SW 1ST AVENUE.				
Sponsors:	Planning & Zoning Department				
Indexes:					
Code sections:					
Attachments:	1. Agenda Cover Memo, 2. Midtown Delray Block 61 Alley Abandonment -10/17/16 PZB Staff Report, 3. Block 61 Application and Attachments, 4. Block 61 Survey, 5. Vehicular Easement Deed Draft, 6. Pedestrian Ingress and Egress Easement Deed Draft, 7. Revised Resolution No 10-18 Block 61 Abandonment				

Date	Ver.	Action By	Action	Result
3/6/2018	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Mark R. Lauzier, City Manager
DATE: March 6, 2018

..Title
RESOLUTION NO. 10-18: ABANDONMENT OF THE ALLEY IN BLOCK 61, TOWN OF LINTON, ASSOCIATED WITH THE PROPOSED MIDTOWN DELRAY DEVELOPMENT, LOCATED ON THE SOUTH SIDE OF WEST ATLANTIC AVENUE BETWEEN SOUTH SWINTON AVENUE AND SW 1ST AVENUE.

..Body
Recommended Action:
..Recommendation
Motion to Approve Resolution No. 10-18 to abandon the alley right-of-way within Block 61 of the Town of Linton Plat, 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 criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. A Unity of Title for Block 61 be recorded and a certified copy be submitted to the Planning, Zoning, and Building Director within 60 days of this action;
2. A Pedestrian Easement for the north/south portion of the alley right-of-way within Block 61 be accepted by the City Commission prior to site plan certification;
3. A Vehicular Easement for the east/west portion of the alley right-of-way within Block 61 be accepted by the City Commission prior to site plan certification.
4. The alley abandonment shall not be recorded until an associated site plan for the entire block is approved and certified, the unity of title is recorded, and the referenced easements are recorded.

..Body
Background:

Block 61 is located on the south side of West Atlantic Avenue, between South Swinton Avenue and SW 1st Avenue, and is within the Old School Square Historic Arts [zoning] District (OSSHAD). The alley right-of-way was dedicated by the "Town of Linton" plat, which was recorded in Plat Book 1, Page 3. The area requested to be abandoned is 16 feet wide by approximately 451.46 feet long, running north and south, and approximately 139.44 feet long, running east and west.

The proposed alley abandonment is associated with the proposed Midtown Delray project, a multi-block, mixed-use development incorporating Block 61 in its entirety. The development within Block 61 proposes the relocation and demolition of multiple buildings along with a new mixed-use building along West Atlantic Avenue and two hotels on SW 1st Street. An underground parking garage within Block 61 is proposed to accommodate parking. The proposed area to be abandoned is proposed to be designed as a landscaped plaza. The pedestrian easement recommended as a condition of approval is within this area.

Staff's analysis of the required findings for the abandonment is provided within the attached Planning and Zoning Board Staff report. In addition, the following addresses the alley abandonment:

· LDR Section 4.4.13(J)(1)(b-c), Central Business District, Streets and Blocks, Streets and Alleys: (b) Streets and alleys may not be vacated or closed to accommodate new development; (c) Alleys provide an important tertiary support system. Alleys may be relocated provided access and service is maintained to all properties and the reconfigured alley maintains public access and has at least two separate access points for entry and exit within the same block. Alleys that are identified routes in the City's adopted bicycle and pedestrian master plan may not be relocated. Dead-end service courts are not permitted. In order to meet the City's sustainability goals, alleys that are improved as a result of redevelopment are encouraged to use permeable paving such as porous asphalt or concrete, subject to approval by the City Engineer. Development on property alongside an alley shall provide street lights as set forth in Section 6.1.5.

The proposed alley abandonment is located within the OSSHAD, and abuts properties along West Atlantic Avenue which are subject to Central Business District (CBD) regulations. Therefore, given that the alley is not within the CBD zoning district and the entire block is under the same ownership, this regulation is not applicable as the alley will not impact those properties where vehicular and service access would be required from the rear of the property. Vehicular access is provided by the below grade parking garage which is accessible from SW 1st Avenue (which is not a primary street) to the rear of the proposed building along West Atlantic Avenue; services for the entire block, such as loading/delivery and refuse, are to be provided within the building at the northeast corner of SW 1st Street and SE 1st Avenue.

In addition to the services that alleys provide off of the main rights-of-way, the importance of alleys and their connectivity is acknowledged. However, the alley within Block 61 does not provide the desired connectivity to the adjacent blocks to the south and west as those alleys have been abandoned. The block to the east (Block 69) maintains its alley system; however, the portion of alley within Block 61 that connected to Block 69 was abandoned in part in 1986 (3' of the alley) to eliminate the encroachment of a structure into the alley right-of-way. The remaining 13' in this same area was abandoned in 1999 in association with the Rectory Park development which presently exists.

· Comprehensive Plan, Future Land Use Objective C-2: Economic development, with due regard for private property rights, historic preservation and character, is an essential component of the redevelopment and renewal efforts which are directed to the future of the City of Delray Beach. Specific efforts for the coordination and provision of economic development activities shall be centered in the City Administration's Development Services Management Group. Those efforts shall be governed by the following policies:

Future Land Use Policy C-2.2: Alleys located within the Old School Square Historic District on either side of Swinton Avenue shall remain and be made available for access to abutting properties. Accordingly, these alleys shall not be abandoned to private interests.

In consideration of the Objective and Policy noted above, economic development with respect to historic preservation is absolutely essential for the future of Delray Beach, and the subject alley right-of-way is located within the Old School Square Historic District. It has been determined that given the single ownership of the entire block and proposal to redevelop the block, the Policy was not applicable as access to abutting properties would not be hindered. Staff has continually worked with the applicant to maintain the building separation that would be achieved by the alley right-of-way remaining. This is accomplished with substantial open space between the buildings facing South Swinton Avenue and SW 1st Avenue which is at least equivalent to the required 20' wide alley plus the 10' rear building setback, for a total minimum width of 40' to maintain the relationship between buildings. A copy of the Block 61 site plan is attached. Additionally, the subject abandonment was considered and supported by the City's Development Services Management Group (DSMG) at its August 4, 2016 meeting.

The Planning and Zoning Board held a public hearing on the alley abandonment at its meeting of October 17, 2016. The Board recommended approval of the request on a 4-1 vote (Smith dissenting; Pike stepped down; Patrick absent) subject to the following conditions:

1. That the pedestrian easement for the north/south portion of the alley be submitted for acceptance by the City Commission, concurrent with the review of the abandonment;
2. That the vehicular easement for the east/west portion of the alley be submitted for acceptance by the City Commission, concurrent with the review of the abandonment; and,
3. That a Unity of Title for Block 61 be submitted to Staff for review prior to City Commission consideration of the abandonment, and prepared for recordation subsequent to approval of the abandonment.

At the Planning and Zoning Board meeting, the applicant agreed to the conditions requested by the Planning and Zoning Board. The purpose of these easements is to continue either pedestrian or vehicular access to the site while the primary intention is to maintain the historic public access through the block. The width of the easements will be 20'; 16' exists, and 20' is required by the Comprehensive Plan and LDRs. Drafts of the two easements are attached. If the abandonment is approved, the easements will be brought back to the Commission at a later date for acceptance.

At its meeting of September 22, 2016, the Community Redevelopment Agency (CRA) considered the complete development request, which included the subject abandonment, and the consensus was to not support the request.

The Historic Preservation Board (HPB) considered the abandonment at its meeting of October 19, 2016. The Board recommended denial of the request on a 7-0 vote. The Board's primary concerns were related to maintaining the character of the historic district by retaining the alley and the ability to have a denser development given the additional land resulting from the abandonment.

The West Atlantic Redevelopment Coalition (WARC) reviewed the abandonment at its meeting of October 27, 2016, and recommended approval. Note: This item was originally scheduled to be reviewed by WARC at its meeting of October 6, 2016 which was canceled due to Hurricane Matthew.

City Attorney Review:
Approved as to form and legal sufficiency.

Funding Source/Financial Impact:
N/A

Timing of Request:
Right-of-way abandonments can be considered independent of any proposed development requests. However, this request and the Staff's recommendation is directly tied to the entire block's redevelopment and must be approved for the associated site plan to be approved.