

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 18-048**

**TO:** Chair and Members  
Planning & Development Board

**FROM:** Ed Breese  
Planning & Zoning Administrator

**DATE:** August 2, 2018

**SUBJECT:** Request for abandonment of the unimproved 15-foot wide alley running east / west from Seacrest Boulevard to NE 1<sup>st</sup> Street, between NE 4<sup>th</sup> and 5<sup>th</sup> Avenues (ABAN 18-001). Applicant: Michael Simon, CRA Executive Director.

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**NATURE OF REQUEST**

Michael Simon, Executive Director of the Boynton Beach Community Redevelopment Agency (CRA), is requesting to abandon the unimproved 15-foot wide alley right-of-way (ABAN 18-001) running east / west from Seacrest Boulevard to NE 1<sup>st</sup> Street, between NE 4<sup>th</sup> and 5<sup>th</sup> Avenues (see Exhibit "A" – Location Map). The CRA is requesting the abandonment as the majority property owner abutting the alley, in preparation for a potential redevelopment project, commonly referred to as the Cottage District. For greater detail of the abandonment request, please refer to Exhibit "B" – Legal Description & Sketch.

The following is a description of the zoning districts and land uses of the properties that surround the subject alley abandonment request:

**North:** Vacant residentially-zoned property, other than parking lot for the Treasure Chest Daycare along Seacrest Boulevard, all zoned R-2 (Duplex);

**South:** Residential structures immediately abutting Seacrest Boulevard on the west, with vacant parcels along the rest of the alley, all the way to NE 1<sup>st</sup> Street, all zoned R-2 (Duplex);

**East:** Right-of-way for NE 1<sup>st</sup> Street, and farther east residential properties, zoned R-2 (Duplex); and

**West:** Right-of-way for Seacrest Boulevard, then farther west residential properties, zoned R-1 (Single-Family Residential).

**BACKGROUND**

The applicant is requesting to abandon the unimproved 15-foot wide alley running east / west from Seacrest Boulevard to NE 1<sup>st</sup> Street, between NE 4<sup>th</sup> and 5<sup>th</sup> Avenues. The CRA has been acquiring

properties in the block in an effort to assemble a sizeable parcel for residential redevelopment purposes and to create additional housing opportunities for area residents.

Typically, when a right-of-way, such as this unimproved alley, is abandoned, the abandoned land is transferred in equal portions from the general public to the abutting property owner(s) per State Statute. There are usually property owners on each side which would be affected by an abandonment request, and as a result one-half of the right-of-way is conveyed to those abutting one (1) side and the other half is conveyed to those abutting the other side. However, in this instance, the 15-foot wide alley lies between two separate platted subdivisions, and the alley was dedicated solely by the plat on the south side (Shepard Addition to Boynton). As a result, and per State Statute, the entire 15 feet would be retained within the dedicating platted subdivision (Shepard Addition to Boynton) and therefore only rest with the property owners to the south side of the alley only, which consists of the CRA, and a parcel owned by 500 Ocean Properties LLC along the east side of Seacrest Boulevard.

### **ANALYSIS**

Owners of properties within 400 feet of the subject site were mailed a notice of this request and its respective hearing dates. The applicant has certified that they posted signage and mailed notices in accordance with Ordinance No. 04-007. A summary of the responses follows:

#### **CITY DEPARTMENTS/DIVISIONS**

Engineering	No objection.
Public Works/Utilities	No objection.
Planning and Zoning	No objection.

#### **PUBLIC UTILITY COMPANIES**

Florida Power and Light	No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary.
AT & T	No objection.
Florida Public Utilities	No objection.
Comcast	No objection.
Crown Castle Fiber	No objection.
Fibernet Direct	No objection.
Level 3	No objection.
Sprint	No objection.
Hotwire	No objection.
Strome Networks	No objection.
Windstream	No objection.
PBC Traffic Engineering	No objection.

### **RECOMMENDATION**

Staff has determined that the requested abandonment would not adversely impact traffic or other City functions, and would not adversely impact other adjacent property owners. Based on the above-analysis, staff has determined that the subject alley no longer serves a public purpose and can be replaced with just a utility easement to provide access to service the FPL power poles, and therefore recommends APPROVAL of the applicant's request, subject to the attached conditions. Any conditions requested by the Planning and Development Board or required by the Commission will be placed in Exhibit "C" - Conditions of Approval.

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