



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING & ZONING BOARD STAFF REPORT

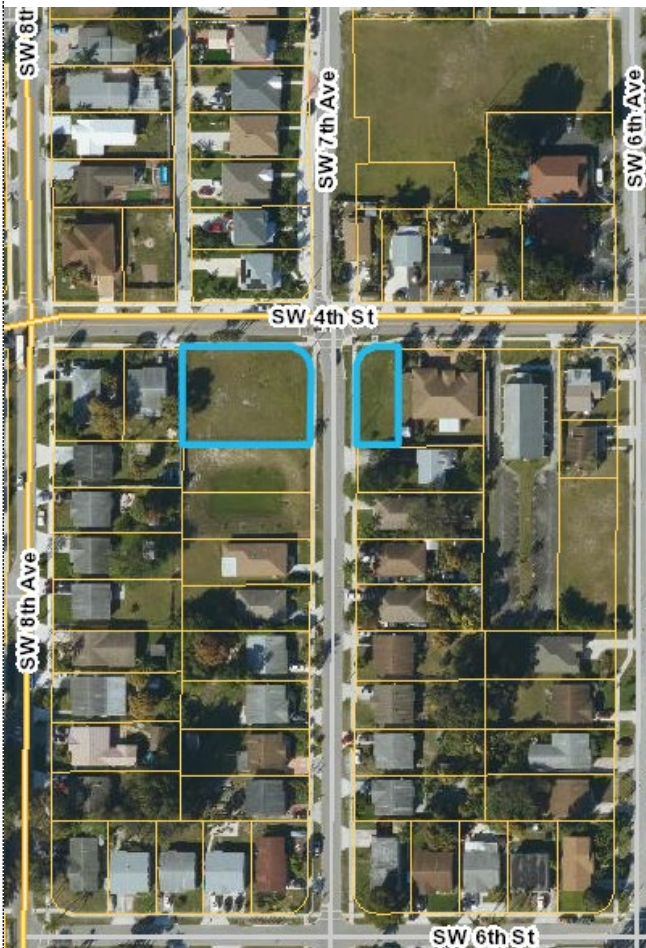
Southwest 4th and 7th Homes

Meeting	File No.	Application Type
May 19, 2025	2024-168-PMI-PZB	Major Subdivision Plat, with Waivers
Applicant	Owner	Authorized Agent
Delray Beach Community Redevelopment Agency	Delray Beach Community Redevelopment Agency	Delray Beach Community Redevelopment Agency

Request

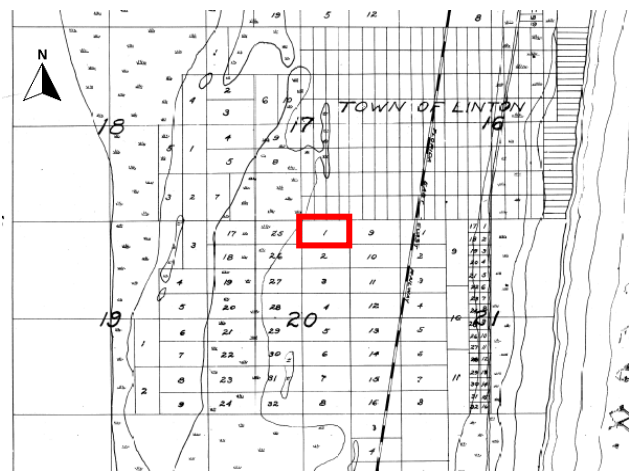
Approve the preliminary plat and provide a recommendation to the City Commission on certification of the final plat of "Southwest 4th and 7th Homes", a Major Plat with waivers, a replat of a portion of Lot 1, within Block 20 of the Subdivision of Township 46, Range 43 East, as recorded in Plat Book 1, Page 4 of the Public Records of Palm Beach County.

Background Information



The subject property is currently vacant and located on the southeast and southwest corners of the intersection of SW 7th Avenue and SW 4th Street and is currently addressed as 704 SW 4th Street. The subject property is zoned Single Family Residential (R-1-A) District and has a Land Use Map Designation (LUM) of Low Density (LD). The property is within the Delray Beach Community Redevelopment Agency (CRA) redevelopment area and owned by the CRA. The area is also subject to the West Atlantic Redevelopment Plan.

The lots are part of Lot 1, within Block 20 of the Subdivision of Township 46, Range 43 East, which was recorded in 1910. Like many of the lots in the northwest and southwest neighborhoods in Delray Beach, the subject properties were never formally platted.



The Delray Beach CRA intends to dispose of the lots through a request for proposal process for the development of affordable/workforce housing units within the CRA District.

Plat Description

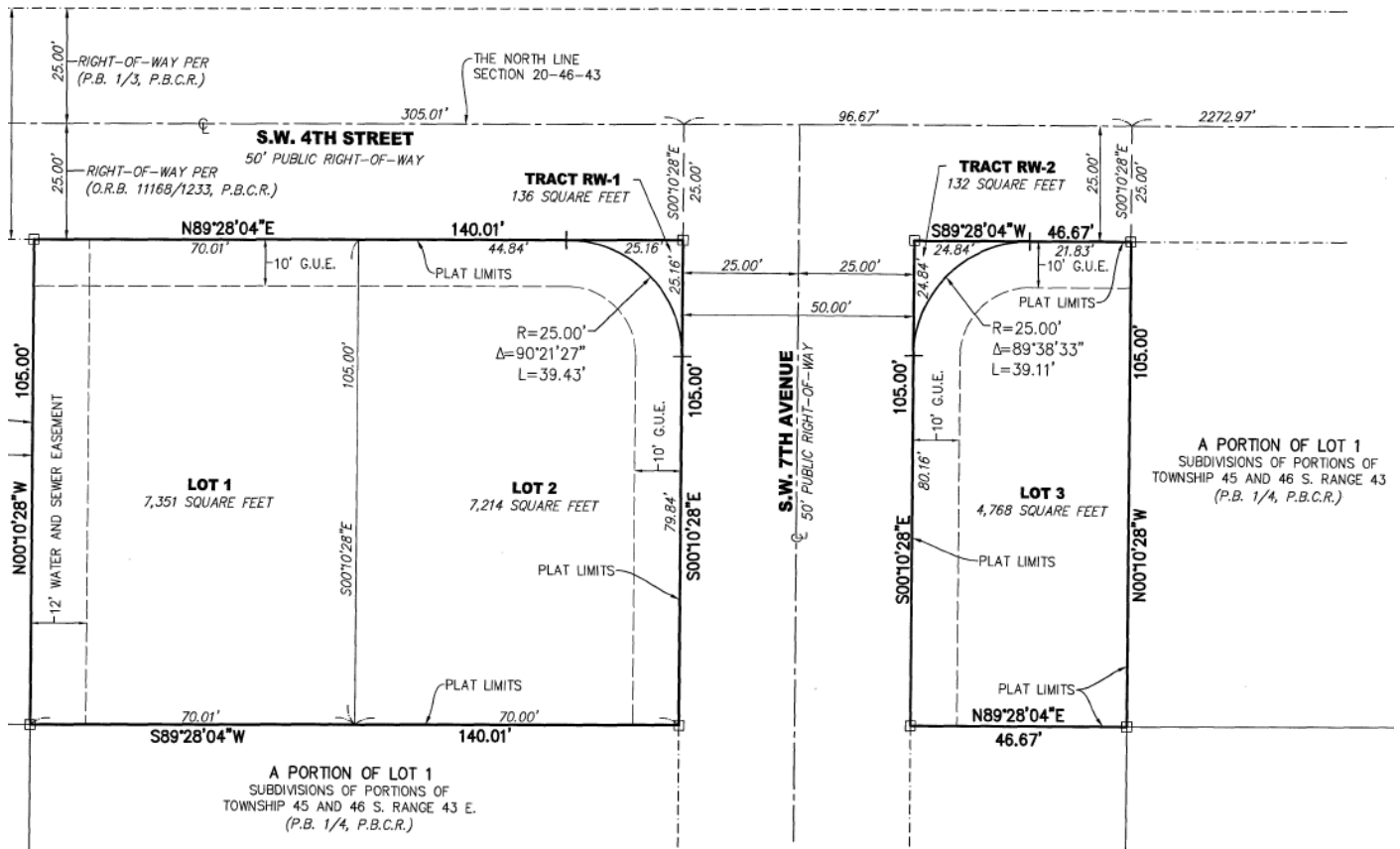
The proposed "Southwest 4th and 7th Homes" plat creates three lots (to be made available by the Delray Beach CRA through a request for proposal process) for the future development of affordable/workforce housing. Key elements of the plat include:

- Dedication of Tracts RW-1 and RW-2 to the City, containing 268 square feet for future corner clip/turning radius for the adjacent roadways;
- 10-foot general utility easement at the front (along SW 4th Street) and sides (along SW 7th Avenue) of the property for maintenance of public and private utilities (e.g. storm drainage, electrical power, gas service, telephone lines, and cable television); and
- 12-foot water and sewer easement at rear of property, dedicated to the respective lot owner for the purpose of drainage maintenance.

The three proposed lots do not meet the dimensional requirements for the R-1-A zoning district (table at right); **waivers are requested for all three lots**. An analysis of the requested waivers is provided below.

The proposed plat is shown below, and attached in full-size.

LOT	LOT AREA 7,500 sf required	LOT WIDTH 60 / 80 feet required	LOT DEPTH 100 feet required
Lot 1	7,351	70.01 feet	105.00 feet
Lot 2 (corner lot)	7,350	70.00 feet	
Lot 3 (corner lot)	4,932	46.67 feet	



Review and Analysis

LDR Section 2.4.8(B)(1), Major Subdivision (platting)

(1) **General.** *The major subdivision process, which generally involves the creation of more than three individual lots, shall involve both the Planning and Zoning Board and the City Commission. The City Commission shall be the final authority in the subdivision review process. The City Commission may approve or deny a plat.*

Even though the proposed plat involves the creation of three lots, the necessary right-of-way dedications require the plat to be processed as a Major Subdivision. The City eliminated the preliminary plat process when Chapter 2 was updated in October 17, 2023, through Ordinance No. 31-23. However, the State recently adopted a regulatory change that requires municipal governments to utilize preliminary plats. As such, the Board is being asked to approve the preliminary plat in addition to a recommendation on the final plat.

(5) **Findings.** *The City Commission must make a finding that the Final Plat is consistent with the Performance Standards in Chapter 3.*

A review of the relevant performance standards in Chapter 3 is provided below.

LDR Section 3.1.1, Required Findings

Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

These findings relate to the land use map, concurrency, consistency, and compliance with the LDR. A complete review and analysis of the request based on the Required Findings of **LDR Section 3.1.1** is provided below.

(A) **Land Use Map.** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The subject property has a Land Use Map designation of LD and a zoning designation of Single Family Residential (R-1-A) district. Pursuant to **Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts**, of the Always Delray Comprehensive Plan, R-1 is a preferred implementing zoning district of the LD Land Use designation. Pursuant to **LDR Section 4.4.3(B)**, conventionally sited single family detached residences are a principal use within the R-1-A -district. Therefore, the resulting use of land is compatible with the underlying land use.

(B) **Concurrency.** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Water and Sewer. The residential development will be serviced through connection to existing water and sewer mains.

Drainage. Drainage will be managed on site, per City requirements. Drainage plans will be required with the building permit submittal.

Traffic: A Traffic Statement is not required.

Solid Waste: Based on the Waste Generation Rates for Palm Beach County, The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: The applicant submitted a School Capacity Availability Determination (SCAD) application with the Palm Beach County School District. The School District stated there will be no negative impact on the School District of Palm Beach County public school system.

Parks and Open Space: Pursuant to **LDR Section 5.3.2, Park land dedication**, park impact fees are assessed at \$500.00 per dwelling unit and collected prior to issuance of the building permit.

(C) Consistency. *A finding of overall consistency may be made even though the action may be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

LDR Section 3.2.1, Basis for Determining Consistency

The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.

LDR Section 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions

The twelve different standards outlined in LDR Section 3.2.3 apply to both site plans and plats to help mitigate any potential negative impacts on the surrounding area. Applicable standards include:




- (E) Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*
- (F) Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*
- (G) Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.*
- (K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program; development in all other areas shall not exceed the Standard density.*

The proposed plat is generally compliant with the standards for site plan and plat actions, since vacant land is being platted in a manner that is consistent with the adjacent developments. The properties will be developed as affordable/workforce housing units, which will help accommodate a more socio-economically diverse population of residents.

Comprehensive Plan Consistency

The following Objectives and Policies from the Always Delray Comprehensive Plan are applicable to the subject request.

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

-  *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
-  *Uses that meet the daily needs of residents.*
-  *Public open spaces that are safe and attractive.*

Policy NDC 1.1.12 *Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.*

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

Policy NDC 1.2.3 *Allow the Low Density Residential land use designation on land that is or will be developed for detached, single family residential housing or for residential uses within a mix of housing types under a planned residential zoning district.*

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

Policy NDC 2.7.1 *Continue to facilitate, prepare, and implement neighborhood and redevelopment plans with a high degree of public participation in collaboration with the Delray Beach Community Redevelopment Agency (if located within the CRA boundary), strategic partners, and neighborhood residents.*

Policy NDC 2.7.7 *Update the West Avenue Redevelopment Plan, which was adopted in 1995; new improvements and development shall comply with the provisions of the West Atlantic Avenue Redevelopment Plan until an update to the West Atlantic Avenue Redevelopment Plan is adopted.*

Policy NDC 3.4.2 *Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).*

Policy HOU 1.1.5 *Accommodate Delray Beach's existing and future housing needs through maintenance of existing residential neighborhoods, provision of infill development opportunities and redevelopment of underutilized parcels.*

Policy HOU 1.1.9 *Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established neighborhoods.*

Policy HOU 1.2.2 *Prepare neighborhood plans in collaboration with the Delray Beach Community Redevelopment Agency (if located within their boundaries), strategic partners, and neighborhood residents.*

Policy HOU 3.1.4 *Encourage development of vacant or underdeveloped land for housing and mixed-uses and promote rehabilitation of underutilized housing into desirable places to live.*

Policy HOU 3.2.1: *Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.*

Overall, the plat is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element, the Housing Element, and the Mobility Element. The property is surrounded by single family residential R-1-A zoning, and the neighborhood is comprised mostly of one-story single-family residences with duplex and multi-family structures interspersed throughout. The request expands the housing supply by establishing lots of record that can be used to construct single family dwelling units. The CRA intends to make these lots available for the construction of new workforce/affordable residential units in an area of the city identified for single family residential development and targeted for the expansion of affordable housing stock.

The proposed single family lots will support a use and built form that is compatible with the surrounding residential uses. It is important to note that providing a diversity of housing types, including the intended single family workforce/affordable housing, is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan. Further, the approval of this plat would support implementing the neighborhood policies and goals of the CRA Plan and the West Atlantic Master Plan, which were both created with extensive public participation.

(D) Compliance with LDR. *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulation.*

If the proposed lots are developed as affordable housing, per the stated intent of the applicant, the minimum side setback may be reduced to a minimum of five feet if necessary.

The proposed lots do not meet the development standards in LDR Section 4.3.4(K) for the R-1-A zoning district. As such, the applicant has requested relief through the waiver process. The waiver analysis is provided below.

Waiver Analysis

Waivers are requested on all lots as part of the plat approval. The proposed and required lot dimensions are shown in the table on the right.

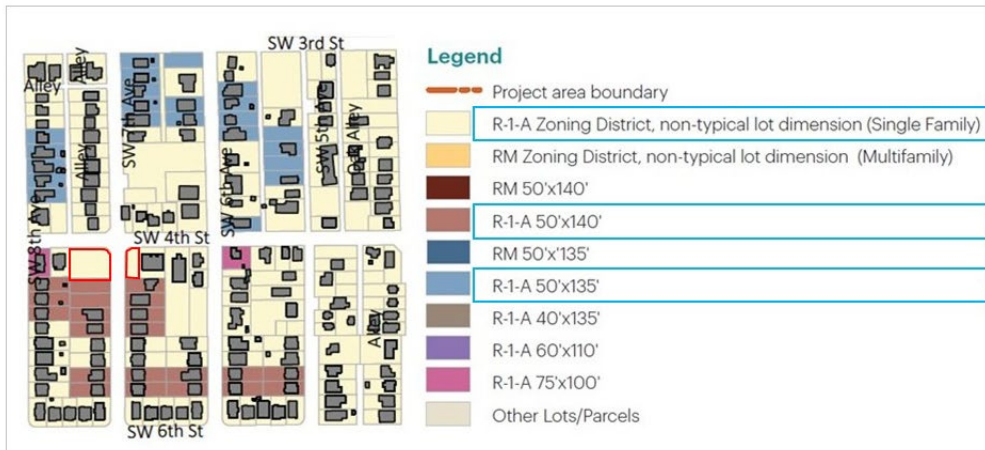
LDR Section 2.4.11(B), Waivers

A waiver involves the granting of partial or total relief from a specific development regulation.

(5) **Findings.** Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

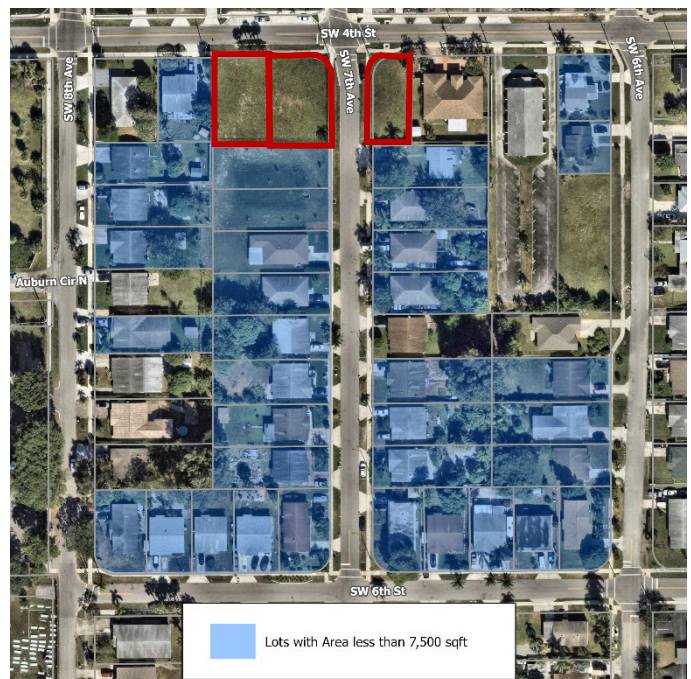
- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Requested Waivers		
Lot 1		
Lot Area	Required	7,500 sf
	Provided	7,351 sf
Lot Width / Frontage	Required	70.00 feet
	Provided	70.01 feet
Lot 2		
Lot Area	Required	7,500 sf
	Provided	7,350
Lot Width / Frontage	Required	80.00 feet
	Provided	70.00 feet
Lot 3		
Lot Area	Required	7,500 sf
	Provided	4,932
Lot Width / Frontage	Required	80.00 feet
	Provided	46.67 feet



Generally, the existing lots in the surrounding blocks do not meet the R-1-A zoning district minimum requirements. The image at left is extracted from the Accessory Dwelling Unit (ADU) and Infill Housing Study performed by Opticos in 2025, and provides detailed lot widths.

More specifically, the majority of the lots on the two blocks on which the subject properties are located do not meet the district minimums (images below).



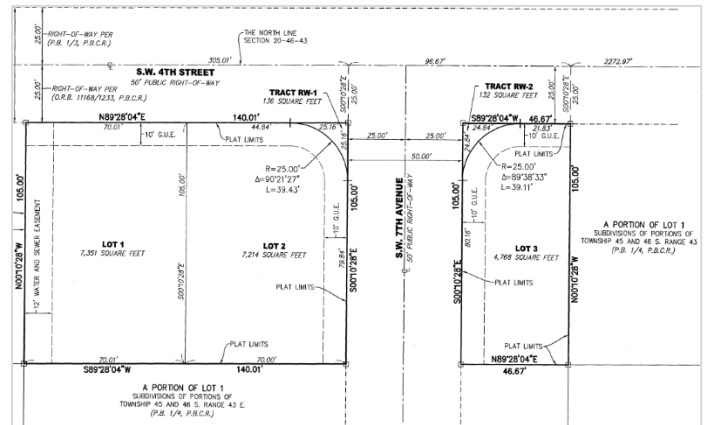
Thus, while the proposed lot dimensions do not meet the lot standards for a single-family lots, the lots are not incompatible with the current block and lot pattern.

Throughout the northwest and southwest neighborhoods, it is common for lots to have been established through legal descriptions in real estate transactions, rather than through a plat. The subject property is one such lot, and the block was never re-platted from the very 1910 division subdivision of land; the lots were created through metes and bounds, which is a method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.

LDR Section 4.1.4, Use of Lots of Record, allows the development of legal lots of record at least 50 feet wide, and the development of lots at least 4,000 square feet that are greater than 40 feet in width, but less than 50 feet, to be developed as workforce housing. The proposed lots meet these minimum requirements, except for being a legal lot of record, which is defined in Appendix A, "Definitions," as follows:

"A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida. Whenever a portion of an existing lot of record is replatted and contained in a new plat, that portion of the lot on the original plat which has not been replatted and included in the new plat shall not be considered a lot of record" (Appendix A).

This LDR provision is not available to the applicant, however, because the lots are not legal lots of record. Thus, not only would granting of the relief **not** convey special privilege to the property owner, it would convey the same rights that property owners in other neighborhoods are more likely to have.



Options for Board Action

Preliminary Plat

- Approve the Preliminary Plat, "**Southwest 4th and 7th Homes**," a Major Plat associated with the creation of three buildable lots, for the property currently addressed as 704 SW 4th Street, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- Deny the Preliminary Plat, "**Southwest 4th and 7th Homes**," a Major Plat associated with the creation of three buildable lots, for the property currently addressed as 704 SW 4th Street, finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- Continue with direction.

Final Plat

- Recommend approval to the City Commission for the certification of the Final Plat, "**Southwest 4th and 7th Homes**," a Major Plat associated with the creation of three buildable lots for the property currently addressed as 704 SW 4th Street, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- Recommend denial to the City Commission for the certification of the Final Plat, "**Southwest 4th and 7th Homes**," a Major Plat associated with the creation of three buildable lots, for the property currently addressed as 704 SW 4th Street, finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- Continue with direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following Homeowner Associations:

- Carver Square

X Public Notice is not required for this request at Planning and Zoning Board.

Technical Review of Comments (TAC) Timeline

Review No.	Submittal Date	TAC Comments Transmitted
1	06-17-24	07-23-24
2	10-14-24	12-20-24
3	02-11-25	03-05-25