



Cover Memorandum/Staff Report

File #: 24-968

Agenda Date: 9/3/2024

Item #: 6.B.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 3, 2024

CERTIFICATION OF THE MINOR SUBDIVISION PLAT, "DELRAY COMMONS BURGER KING REPLAT", BEING A REPLAT OF TRACT 1, DELRAY COMMONS, AS RECORDED IN PLAT BOOK 85, PAGE 183 THROUGH 184, INCLUSIVE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

Recommended Action:

Consider the minor subdivision plat for the 7.19-acre parcel located at 5024 West Atlantic Avenue.

Background:

The subject property, zoned Planned Commercial (PC), is located within Delray Landings (fka Delray Commons), an 8.37-acre commercial shopping plaza comprised of Tract 1 (a 7.19-acre parcel addressed as 5024 W. Atlantic Avenue), and Tract 2 (a 1.18-acre property addressed as 5070 West Atlantic Avenue of the Delray Commons plat recorded in Plat Book 85, Pages 183-184, Palm Beach County. (Tract 2 was recently replatted as the Delray Commons Replat to allow for separate ownership of the existing Taco Bell and approved Fifth Third Bank.)

The request to subdivide Tract 1 into Lot 1 (currently occupied by Burger King) and Lot 2 (the southern portion of the parcel with retail shops and the Sprouts Market. A Minor Subdivision plat is required to create and establish separate the parcels.

A Master Development Plan (MDP) Modification for the Delray Landing shopping plaza was approved by the Planning and Zoning Board on June 19, 2023 (File No. 2023-039) for the re-development of Tract 1 of the plaza. An MDP is required by all development within the Four Corners Overlay District, pursuant to LDR Section 4.4.9(E). The proposed minor plat is not anticipated to affect the MDP as the configuration of the entire parcel is bound by the approved MDP. The parcels share some easements, dedications, cross access agreements, and access to West Atlantic Boulevard and Military Trail with Tract 2 of the Delray Commons Plat, and they are carried over on the proposed plat.

Pursuant to Section 2.4.8(D) of the Land Development Regulations (LDR), Minor Subdivision (boundary plat, lot split), "the platting of a minor subdivision shall involve only the City Commission. The City Commission shall be the final authority in this subdivision process. The City Commission may approve or deny the final plat." No specific findings apply to this plat; no waivers are requested.

City Attorney Review:

Not applicable.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

The plat is required prior to the issuance of a building permit. The plat will be effective immediately upon recordation.