

RESOLUTION NO. 134-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A FINAL PLAT WITH WAIVERS FOR A SUBDIVISION KNOWN AS “SOUTHWEST 4TH AND 7TH HOMES,” TO REPLAT 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 OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Delray Beach Community Redevelopment Agency (“Owner”), is the owner of the vacant parcel of land measuring approximately 0.447 acres located at 704 SW 4th Street (“Property”) as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Single Family Residential (R-1-A) District; and

WHEREAS, the City of Delray Beach, Florida (“City”), received an application for a major subdivision (File No. 2024-168) from the Owner seeking to split the Property into a three-lot subdivision known as “Southwest 4th and 7th Homes,” as more particularly described in Exhibit “B”; and

WHEREAS, Section 5.1.3 of the City of Delray Beach Land Development Regulations (the “LDR”) requires a plat for the subdivision of any lot, tract, or parcel of land; and

WHEREAS, LDR Section 5.1.6(A) states that all subdivisions shall conform with, at least, the minimum zoning regulations applicable to the property being subdivided or combined and a nonconforming situation cannot be created through the act of the subdivision or combination of lots; and

WHEREAS, the Owner requested waivers from Section 4.3.4(K), “Development standards matrix,” of the LDR to allow a lot area of 7,351 square feet where 7,500 square feet is required, for Lot 1; a lot area of 7,350 square feet and lot width of 70 feet, where 7,500 square feet of area and 80 feet of width are required, for Lot 2; and a lot area of 4,900 square feet and lot width of 46.67 feet, where 7,500 square feet and 80 feet are required; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make findings that granting 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 granting of a special privilege in that the same waiver would be granted

under similar circumstances on other property.

WHEREAS, LDR Section 2.4.8(B)(1), requires the major subdivision process to be first considered by the Planning and Zoning Board with final consideration by the City Commission; and

WHEREAS, pursuant to LDR Section 2.4.8(B)(3)(d), the Planning and Zoning Board considered the request at a public hearing on May 19, 2025, and voted 4 to 0 to recommend approval to the City Commission for the preliminary plat, and voted 4 to 0 to recommend approval to the City Commission for the final plat with waivers; and,

WHEREAS, the City Commission considered the final plat request on July 8, 2025, and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference.

Section 2. The City Commission makes positive findings that the requested waivers (1) do not adversely affect the neighboring area, (2) do not significantly diminish the provision of public facilities, (3) do not create an unsafe situation, and (4) do not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property.

Section 3. The City Commission approves the Final Plat Application with waivers for a major subdivision for the parcel located at 704 SW 4th Street, known as “Southwest 4th and 7th Homes”, as more particularly described in Exhibit “B”.

Section 3. The plat shall be recorded pursuant to procedures as set forth by the City Clerk. In accordance with LDR Section 2.2.4(C)(2), upon approval of the final plat for a subdivision, a signed and sealed reproducible mylar of the plat shall be executed by the Mayor and other appropriate officials. Upon release by Development Services, the City Clerk shall cause the final plat to be recorded in the public records. Building permits shall not be issued for structures until such time as the plat has been recorded.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Ms. Mackenzie Weber, Delray Beach Community Redevelopment Agency, at 20 N. Swinton Avenue, Delray Beach, Florida 33444.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ___ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at a point on the north line of Section 20-46-43, which point is 305.01 feet East ¼ Section Corner; thence running South 130 feet; thence running West 93.34 feet; thence running North 130 feet; thence running East 93.34 feet or to the P.O.B. All the above less the North 25 feet thereof deeded to the city of Delray Beach for R/W, 9/24/52.

The East 46.67 feet of the West 211.67 feet of the North 125 feet, LESS the North 25 feet, of Lot 1, of Model Land Company Subdivision of Section 20-46- 43, of the Public Records of Palm Beach County, Florida;

The East 46.67 feet of the West 402.67 feet of the North 125 feet, LESS the North 25 feet, of Lot 1, of Model Land Company Subdivision of Section 20-46- 43, of the Public Records of Palm Beach County, Florida.

The legal description describes two parcels of land that add up to an acreage of .451 acres.

The above-described parcels are a part of Lot 1, of MAP SHOWING SUBDIVISIONS OF PORTIONS OF TOWNSHIPS 45 AND 46. S. RANGE 43 E., according to the Plat thereof, as recorded in Plat Book 1, at Page 4, of the Public Records of Palm Beach County, Florida.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantors. The Grantors' HOMESTEAD address is 588 Davis Road, Delray Beach, Florida 33445.

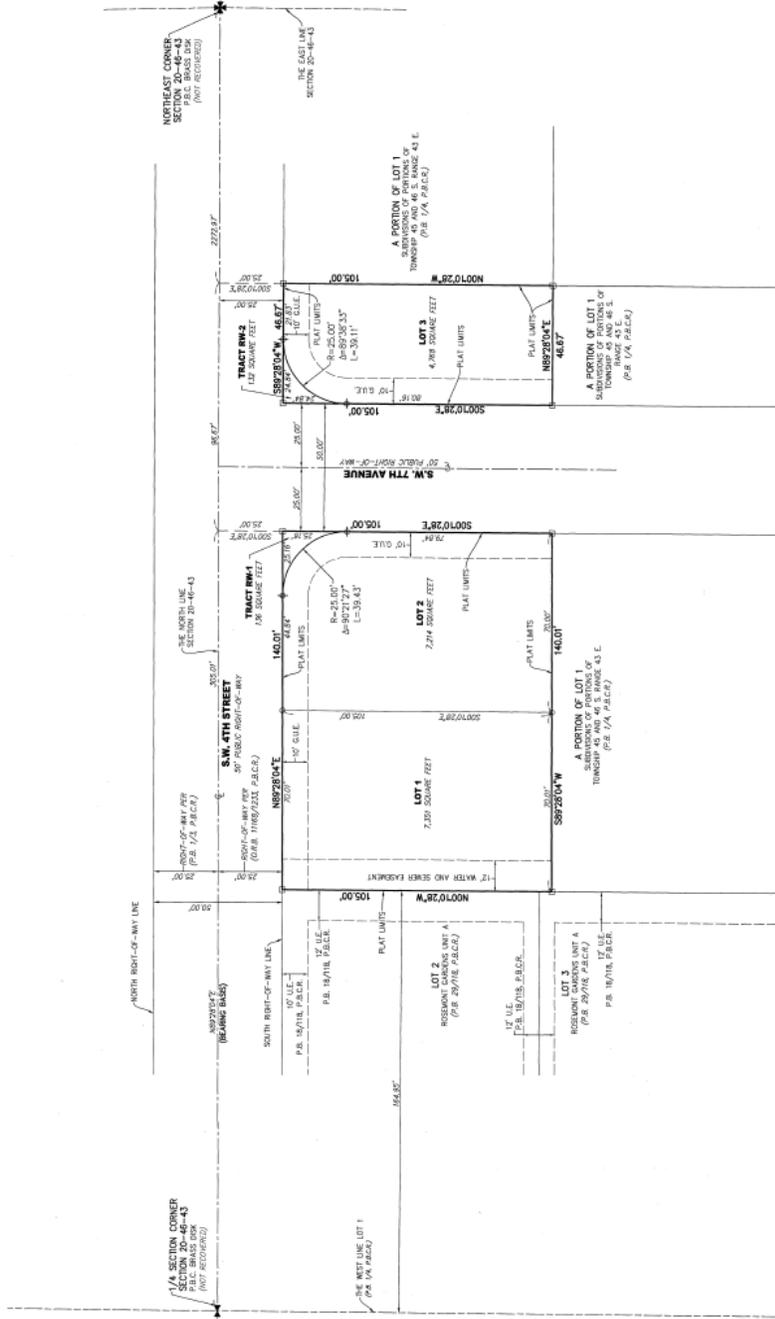
Address: 704 SW 4th Street, Delray Beach, FL 33444

SOUTHWEST 4TH AND 7TH HOMES

BEING A REPLAT OF A PORTION OF LOT 1, OF MAP SHOWING SUBDIVISION OF PORTIONS OF TOWNSHIPS 45 AND 46, S. RANGE 43 E. AS RECORDED IN PLAT BOOK 1, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID LANDS SITUATE AND BEING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 43 EAST CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

SHEET 2 OF 2

UNIT	SQUARE FEET
LOT 1	7,351
LOT 2	7,214
LOT 3	4,758
TRACT RW-1	136
TRACT RW-2	136
TOTAL	19,601



NOTICE:
 NOTED: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL RECORD OF THIS SUBDIVISION. ANY DISCREPANCIES OR AMBIGUOUS CIRCUMSTANCES BE EXPLAINED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN HEREIN. ANY SUCH RESTRICTIONS MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SURVEYOR'S NOTES: SEE SHEET 1 OF 2