

RESOLUTION NO. 19-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A PLAT FOR A PROPOSED SUBDIVISION KNOWN AS "MAGNOLIA PLACE" TO REPLAT THE SOUTH HALF OF LOT 13 AND ALL OF LOTS 14 THROUGH 19 INCLUDING THE AMENDED PLAT OF SUNDY AND THE CROMER'S SUBDIVISION OF BLOCK 70 RECORDED IN PLAT BOOK 6, PAGE 17, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 130 SE 1st, LLC ("Owner"), is the owner of four parcels of land measuring approximately 0.9811 acres in total located at 130, 134, and 148 SE 1st Avenue and 19 SE 2nd Street ("Properties"), as more particularly described in Exhibit "A"; and

WHEREAS, the Properties are zoned Old School Square Historic Arts District (OSSHAD), within the Old School Square Historic District and currently include two single-family homes and one quadraplex; and

WHEREAS, the Owner designated Jeff Costello, AICP, FRA-RA, of JC Planning Solutions, Inc. ("Applicant") to act as its agent; and

WHEREAS, the City of Delray Beach, Florida ("the City"), received an application for a Major Subdivision (File No. 2023-139) from the Applicant seeking to subdivide the Properties into a five-lot subdivision known as Magnolia Place (a.k.a. Downtown Delray Villas), as more particularly described in Exhibit "B"; and

WHEREAS, if the Properties are divided into a five-lot subdivision, nonconformities would be created regarding the existing single-family homes and quadraplex; and

WHEREAS, Section 4.3.4(K), "Development standards matrix," of the Land Development Regulations (LDR) requires a minimum of 80 feet for lot frontage and lot width; and

WHEREAS, the proposed five-lot subdivision only provides a lot frontage and lot width of 65.82 feet for Lot 1 and 64.80 feet for Lots 2 through 5; and

WHEREAS, LDR Section 5.1.3 requires a plat for the subdivision of any lot, tract, or parcel of land; and

WHEREAS, LDR Section 4.3.1 requires any lot created after October 1, 1990, to meet the minimum requirements of Chapter 4, unless the City Commission declares the creation of a nonconformity

to be necessary and appropriate; and

WHEREAS, Section 5.1.6(A)(1) of the LDRs states that all subdivisions shall conform with, at least, the minimum zoning regulations applicable to the property being subdivided and a nonconforming situation cannot be created through the act of subdivision; and

WHEREAS, LDR Section 4.5.1(F)(1), requires that no structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued; and

WHEREAS, LDR Section 4.5.1(F)(2), requires that the application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property; and

WHEREAS, LDR Section 4.5.1(F)(3), requires that demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness; and

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, LDR Section 2.4.8(B)(3)(b), requires a preliminary review be conducted by the Historic Preservation Board prior to being considered by the Planning and Zoning Board when a major subdivision plat requests relief in a historic district; and

WHEREAS, pursuant to LDR Section 2.4.8(B)(3)(b), the Historic Preservation Board considered the request at a public hearing on January 17, 2024, and voted 4 to 3 to recommend denial of the Major Subdivision to the Planning and Zoning Board; 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 January 22, 2024, and voted 3 to 1 to recommend approval of the Major Subdivision to the City Commission; and,

WHEREAS, the City Commission considered the Major Subdivision request on March 5, 2024, 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 incorporated herein by this reference.

Section 2. The City Commission makes positive findings that the creation of nonconforming lots with lot frontage and lot width of 65.82 feet for Lot 1 and 64.80 feet for Lots 2 through 5 to be necessary and appropriate.

Section 3. The City Commission approves the Major Subdivision Application for a five-parcel subdivision known as "Magnolia Place" (A.K.A Downtown Delray Villas), as more particularly described in Exhibit "B."

Section 4. This Resolution shall be effective upon issuance of the Certificates of Completion (the "Certificates") associated with the Demolition Permits for the Properties. Upon issuance of the Certificates, the Mayor shall execute the plat on behalf of the City.

Section 5. The plat shall be recorded pursuant to procedures as set forth by the City Clerk. In accordance with LDR Section 2.2.4(F)(4)(a), the final plat must be recorded within 18 months of the approval date of the City Commission meeting. If the final plat is not recorded within 18 months from the approval date, the approval expires.

Section 6. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jeff Costello at 981 Delray Lakes Drive, Delray Beach, Florida 33444

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. This Resolution shall be effective upon the issuance of the Certificates.

PASSED AND ADOPTED in regular session on the 5th day of March 2024.

ATTEST:

Alexis Givens Jr
Katerri Johnson, City Clerk

Shelly
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney



EXHIBIT A

LEGAL DESCRIPTIONS:

130 SE 1st Avenue (PCN: 12-43-46-16-B4-070-0131)

South one Half of Lot 13 and all of Lot 14, Amended Plat of Sundry and Cromer's Subdivision of Block 70, Delray Beach, Florida, according to the map or plat thereof, as recorded in Plat Book 6, Page(s) 17, of the Public Records of Palm Beach County, Florida.

134 SE 1st Avenue (PCN: 12-43-46-16-B4-070-0150)

Lots 15 and 16, Amended Plat of Sundry and Cromer's Subdivision of Block 70, Original Town of Linton (now Delray), according to the plat thereof as recorded in Plat Book 6, Page 17, Public Records of Palm Beach County, Florida.

148 SE 1st Avenue (PCN: 12-43-46-16-B4-070-0170)

Lot 17, Amended Plat of Sundry & Cremers Subdivision of Block 70, Original Town of Linton, (Now Delray), according to the plat thereof, as recorded in Plat Book 6, Page 17, Public Records of Palm Beach County, Florida.

19 SE 2nd Street (PCN: 12-43-46-16-B4-070-0180)

Lots 18 and 19, Amended Plat of Sundry & Cremers Subdivision of Block 70, Original Town of Linton, (Now Delray), a subdivision according to the plat thereof recorded at Plat Book 6, Page 17, in the Public Records of Palm Beach County, Florida.

EXHIBIT B

THE SOUTH HALF (S. V2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA



MAGNOLIA PLACE

BEING A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

NOTES:

1. THE LOTS SHOWN ON THIS PLAT ARE THE RESULT OF A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

2. THE LOTS SHOWN ON THIS PLAT ARE THE RESULT OF A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

3. THE LOTS SHOWN ON THIS PLAT ARE THE RESULT OF A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

4. THE LOTS SHOWN ON THIS PLAT ARE THE RESULT OF A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

5. THE LOTS SHOWN ON THIS PLAT ARE THE RESULT OF A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

LEGEND:

1. LOT AREA

2. LOT AREA

3. LOT AREA

4. LOT AREA

5. LOT AREA

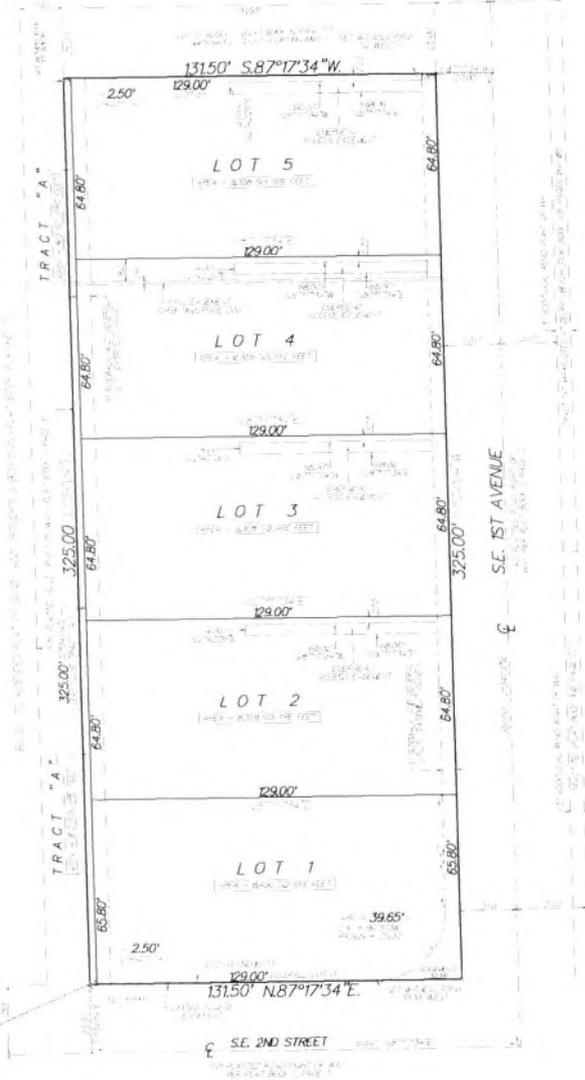
6. LOT AREA

7. LOT AREA

8. LOT AREA

9. LOT AREA

10. LOT AREA



1. THE LOTS SHOWN ON THIS PLAT ARE THE RESULT OF A REPLAT OF THE SOUTH HALF (S.1/2) OF LOT 13 AND ALL OF LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 70 AMENDED PLAT OF SUNDY AND CROMER'S SUBDIVISION OF BLOCK 70 ORIGINAL TOWN OF LINTON (NOW DELRAY), PLAT BOOK 6, PAGE 17 (P.R.P.B.CO.), BEING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.





CITY OF DELRAY BEACH

OFFICE OF THE CITY CLERK

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7050

Delray Beach

Florida



All-America City



1993 • 2001 • 2017

CERTIFICATION

I, **Alexis Givings, Deputy City Clerk of the City of Delray Beach**, do hereby certify that the attached document is a true and correct copy of **Resolution No. 19-24**, as the same was passed and adopted by the Delray Beach City Commission in regular session on the 5th day of March 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 6th day of March 2024.

Alexis Givings

Deputy City Clerk

City of Delray Beach, Florida

