

RESOLUTION NO. 161-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT WITH WAIVERS FOR A TWO-LOT MINOR SUBDIVISION KNOWN AS “REYES PLAT,” FOR THE PROPERTIES LOCATED AT 342 AND 344 SW 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Developers Contracts Group, Inc (“Owner”), is the owner of land measuring a total of 9,398.5 square feet located at 342 and 344 SW 4th Avenue (“Property”) generally situated on the west side of SW 4th Avenue between SW 2nd Street and SW 3rd Street, as more particularly described in Exhibit “A”; and

WHEREAS, the PLACE Planning & Design, Inc. (“Agent”), submitted an application on behalf of the Owner for a minor subdivision plat (File No. 2022-235-PMI-PZB) known as Reyes Plat, seeking to subdivide the Property into two lots, one having frontage on the Alley of Block 32, platted as Lot 1, and the other having frontage on SW 4th Avenue, platted as Lot 2, as more particularly described in Exhibit “B”; and

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

WHEREAS, the Final Plat application requested waivers from Section 4.3.4(K), “Development standards matrix,” of the Land Development Regulations (LDR) to allow 50 feet for the lot widths and lot frontages for both Lots 1 and 2, where 60 feet is required; and

WHEREAS, the Final Plat application requested waivers from Section 4.3.4(K), “Development standards matrix,” of the Land Development Regulations (LDR) to allow lot areas of 4,399.3 square feet for Lot 1 and 4,999.2 square feet for Lot 2, where 7,500 square feet are required; and

WHEREAS, the Final Plat application requested a waiver from Section 4.3.4(K), “Development standards matrix,” of the Land Development Regulations (LDR) to allow a lot depth of 88 feet for Lot 1, where 100 feet is required; and

WHEREAS, LDR Section 2.4.7(B)(5) requires the approving body to 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 granting of a special privilege in that the same waiver would be granted under similar circumstances on other property; and

WHEREAS, LDR Section 2.4.5(K)(1) establishes that the City Commission is the final authority in the subdivision process; and

WHEREAS, pursuant to LDR Section 4.3.1(D), the City Commission must declare at the time of approval that it is necessary and appropriate to create a nonconformity; and

WHEREAS, at its meeting of September 19, 2022, the City Commission considered the proposed minor subdivision plat and waivers.

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

Section 1. The forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

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 minor subdivision plat, as reflected in Exhibit “B,” Reyes Plat, for the Property described in Exhibit “A”, Legal Description, which are incorporated herein, subject to the condition that the existing Unities of Title on the Property be dissolved.

Section 4. The City Commission declares it is necessary and appropriate to create nonconformities on Lots 1 and 2.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to the Designated Agent, Corey O’Gorman, PLACE Planning & Design, Inc, 700 US Highway One, Suite C, North Palm Beach, Florida, 33408.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT DEVELOPERS CONTRACTORS GROUP, INC, A FLORIDA CORPORATION, AS OWNER OF THE LAND AS SHOWN ON THIS PLAT, BEING A REPLAT OF LOTS 11, 12, 17 AND 18, "BLOCK 32 DELRAY", (PLAT BOOK 6, PAGE 97, PALM BEACH COUNTY RECORDS), IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 43 EAST, DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 11, 12, 17 AND 18, OF "BLOCK 32, DELRAY", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 97, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE WEST 2.00 FEET OF SAID LOTS 17 AND 18.

SAID LANDS CONTAIN 9,398.5 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" REYES PLAT

