



Legislation Details (With Text)

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**On agenda:** 6/18/2024      **Final action:**

**Title:** RESOLUTION NO. 109-24: 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 "530 NORTH SWINTON AVENUE PLAT," FOR THE PROPERTY LOCATED AT 530 NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Resolution No. 109-24, 530 N Swinton Ave Plat, 3. Exhibit A: Legal Description, 4. Exhibit B: 530 North Swinton Avenue Plat, 5. Legal Review

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis Director, Development Services Department  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 18, 2024

RESOLUTION NO. 109-24: 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 "530 NORTH SWINTON AVENUE PLAT," FOR THE PROPERTY LOCATED AT 530 NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL/PUBLIC HEARING)

**Recommended Action:**

Review and consider Resolution No. 109-24, a request for final approval of a minor subdivision plat with waivers to Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix - Nonresidential Zoning Districts, to reduce the minimum required lot width and lot frontage from 95 feet to 83.03 feet on Lot 1, and from 75 feet to 70.20 feet on Lot 2, created by the "530 North Swinton Avenue Plat," on a single piece of property currently addressed as 530 North Swinton Avenue.

**Background:**

The 0.521-acre subject property is situated on the southwest corner of North Swinton Avenue and NW 6th Street and abuts the Del-Ida Park Historic District to the east. The property, which is located within the Lake Ida Neighborhood Overlay District, has a Land Use Map (LUM) designation of Low Density Residential, 0-5 du/acre (LD). The site is developed with a 2,926 square foot single-family residence built in 1950, which the applicant has expressed an intent to demolish.

The current property owner is proposing to create two lots and construct single-family residences on each lot, which requires the approval of a Minor Subdivision Plat, per LDR Section 5.1.3. The applicant is requesting a waiver from LDR Section 4.3.4(K) to reduce the minimum required lot width and lot frontage for each lot in the proposed plat. Lot 1, at the southwest corner of NW 6th Street and North Swinton Avenue, provides a width and frontage of 83.03 feet, whereas a minimum of 95 feet is required for corner lots. Lot 2, located south of Lot 1, provides a width and frontage of 70.20 feet, whereas a minimum of 75 feet is required for interior lots.

Per LDR Section 2.4.8(D)(1), the platting of a minor subdivision shall involve only the City Commission; the City Commission shall be the final authority in this subdivision process and may approve or deny the final plat. Pursuant to LDR Section 2.4.8(D)(5) Minor Subdivision - Findings, no specific findings are necessary for the approval of a plat for a minor subdivision. Pursuant to **LDR Section 4.3.1(D), Application of District Regulation**, *no yard or lot existing at the time of the passage of this chapter shall be reduced in area or dimensions below the minimum requirements set forth herein. Lots or yards created after October 1, 1990 shall meet the minimum requirements established by this chapter unless the City Commission declares at the time of approval of an associated development application that it is necessary and appropriate to create such a nonconformity.*

The requested waivers to reduce the minimum lot width and frontage are subject to LDR Section 2.1.11(B)(5) Findings, which states, *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.*

The streetscape includes a variety of lot widths fronting along North Swinton Avenue, indicative of the developmental evolution throughout the corridor, which included larger estate-sized lots comprised of more than one platted lot, as well as smaller, more modest lots that maintained the individual platted lot width. While no significant adverse impacts are anticipated, the zoning district regulations anticipate that when there is redevelopment along the corridor that the lots provide a minimum width of either 75 feet or 95 feet. A general adverse impact could be the introduction of additional lots and densification of the neighborhood, where the current zoning does not anticipate a more dense neighborhood character. The waivers alone are not anticipated to create an unsafe situation due to the lesser width and frontage measurements, as all new construction and any associated improvements must comply with the LDR and building regulations, including the provision of a sight visibility triangle at the points of ingress/egress to assist with safe pedestrian crossing at the driveways. Given the established lot pattern along the North Swinton Avenue corridor, the City Commission should consider whether granting the waiver will result in a grant of special privilege, or if maintaining the existing configuration is more appropriate as it meets/exceeds the minimum requirements for the R-1-AA zoning district.

**City Attorney Review:**

Resolution No. 109-24 has been approved as to form and legal sufficiency.

**Funding Source:**

Not applicable.

**Timing of Request:**

If approved, Resolution No. 109-24 will become effective immediately upon issuance of the Certificate of Completion (the "Certificate") associated with the Demolition Permit for the existing structure on the Property. Upon issuance of the Certificate, the Mayor shall execute the plat on behalf of the City, and the Plat will be recorded.