



## Legislation Details (With Text)

**File #:** 18-587      **Version:** 1      **Name:**  
**Type:** Request      **Status:** Passed  
**File created:** 9/6/2018      **In control:** City Commission  
**On agenda:** 10/2/2018      **Final action:** 10/2/2018  
**Title:** FINAL (MINOR) SUBDIVISION REPLAT OF LOT 9, BLOCK 93 TOWN OF LINTON (NOW DELRAY BEACH) LOCATED AT 50 SE 4TH AVENUE AND ASSOCIATED AGREEMENTS FOR ARCADE ROW AND PEDESTRIAN CLEAR ZONE EASEMENT.

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Location Map, 3. Mylar Plat, 4. 2.50 SE 4th Ave\_SP1, 5. Arcade Agreement Final, 6. Pedestrian Clear Zone Easement Agreement - Final, 7. Reference only - Approved SPRAB Report w-board order approval, 8. Legal Review Form-Replat-Pedestrian-ArcadeAgts-8-2-18

Date	Ver.	Action By	Action	Result
10/2/2018	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Development Services Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** October 2, 2018

FINAL (MINOR) SUBDIVISION REPLAT OF LOT 9, BLOCK 93 TOWN OF LINTON (NOW DELRAY BEACH) LOCATED AT 50 SE 4TH AVENUE AND ASSOCIATED AGREEMENTS FOR ARCADE ROW AND PEDESTRIAN CLEAR ZONE EASEMENT.

### **Recommended Action:**

Motion to approve the Final Plat for 50 SE 4th Avenue; by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.5(K)(Minor Subdivisions) of the Land Development Regulations along with approval for Pedestrian Access Easement pursuant to Sec. 4.4.13(E)(2)(a)2 and an Arcade Agreement pursuant to Sec. 4.4.14(E)(4)(f)1b of the LDRs.

### **Background:**

The final plat is for 50 SE 4th Avenue, a 0.13 acre property located in the Central Business District (CBD) within the Central Core (CC) sub-district. The site currently has a 2,619-sf office building which was constructed in 1969. The property is located on the west side of SE 4th Avenue, between E. Atlantic Avenue and SE 1st Street.

At its meeting of January 10, 2017, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan application (2017-112) to demolish the existing one-story building and construct a new two-story building with an arcade. As a condition of approval, the applicant was required to

provide a 2-ft dedication onto Tract “B” at the rear of the property to contribute to a 20-ft wide ultimate Right-of-Way (ROW) alleyway and a 5-ft. dedication on to Tract “A” at the front of the property to contribute to a 60-ft wide ultimate ROW along SE 4th Avenue. In addition to the Tract “A” dedication, the applicant was also required to provide an additional 2.98-ft (approximately) dedication, to provide a required 6-ft wide Pedestrian Clear Zone Easement (the “Easement”) in accordance with 4.4.13 (E) (2)(a)2. The easements along Tract ‘A’ would allow for the applicant to construct the arcade over the proposed pedestrian ROW for which a agreement is required pursuant to 4.4.13 (E)(4)(f)1b.

The proposed subdivision is a replat of Lot 9, Block 93, Town of Linton (now Delray Beach) according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 18. The replat dedicates a 5-ft wide ROW along SE 4<sup>th</sup> Avenue (Tract “A”), an approximately 2.98-ft ROW easement located west of Tract “A”, and a 2-ft wide ROW along the alley located at the rear (west) of the property (Tract “B”).

In accordance to LDR section 2.4.5(K)(5), a finding can be made by the City Commission that the boundary/final plat is consistent with the findings made upon the approval of the site and development plan. City staff has reviewed the plat and determined that all technical comments have been satisfied and that the final plat is consistent with the findings made upon approval of the site and development plan.

Pursuant to LDR Section 2.4.5(K)(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. The City Commission may approve or deny the final plat.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Approval of the permit application for the construction of the development is dependent on the approval of the plat.