



Legislation Text

File #: 18-719, Version: 1

TO: Mayor and Commissioners
FROM: Tim Stillings, Development Services Department
THROUGH: Mark R. Lauzier, City Manager
DATE: January 15, 2019

FINAL (MINOR) SUBDIVISION (RE)PLAT OF THE REGIONS DELRAY PLAT (FIVE 55 DELRAY PLAT) LOCATED AT 555 SE 9TH STREET ON THE NORTH SIDE OF SE 9TH AVENUE BETWEEN SE 5TH AVENUE AND SE 6TH AVENUE.

Recommended Action:

Motion to approve the minor Final Plat application for the replat of Parcel A, according to the Regions Delray plat thereof as recorded in the plat book 112, pages 31 and 32, being in section 21, township 46 south range 43 east, of the City of Delray Beach., 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.

Background:

The 0.85-acre property is located at 555 SE 9th Street, in between SE 5th Avenue and SE 6th Avenue along the north side of SE 9th Street, in the GC (General Commercial) zoning district. The property parcel control (PCN) number is 12-43-46-21-80-001-0000 according to the Palm Beach County property appraiser. The site is Parcel "A" of the Regions Delray Plat.

In 2006, the site contained a 3,360-sf restaurant building which was demolished leaving the site vacant to the present day. In 2007, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan for the redevelopment of the site for a Regions Bank and associated site improvements. However, the site plan approval expired, and the redevelopment never commenced. On August 24, 2016, SPRAB approved a Class V Site Plan (2016-130) for the construction of two, four-story mixed-use buildings with associated site improvements and a waiver to decrease the required stacking distance. As part of the staff recommendations associated with the site plan approval, the applicant was required to replat the property prior to the issuance of the building permit to abandon the existing 12' Sanitary Sewer Easement and the 10' General Utility Easement to accommodate a new sewer and utility easements associated with the new site development in accordance with LDR section 2.4.5 (F)(5).

Request:

The agent Paul Engle of O'Brien, Suiter and O'Brien, Inc., on behalf of the owner CDS 555, LLC., is requesting to replat Parcel "A" of the Regions Delray Plat, to abandon approximately 156 LF (Linear Feet) of a 12' Sanitary Sewer Easement, 223 LF of a 10' General Utility Easement and to propose, as replacement, approximately 148.51 LF of 12' Sanitary Sewer Easement, 238 LF of 10' Drainage Easement and 203 LF of 10' General Utility Easement.

Analysis:

Pursuant to Florida Statute F.S. 177.101 (2), the approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

Pursuant to LDR Section 5.1.3 (A), Plat required. A plat is required for the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building occupants.

Pursuant to LDR Section 2.4.5(K)(1), Minor Subdivision (Boundary Plat, Lot Split): Rule, 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.

Pursuant to LDR Section 2.4.5(K)(5), no specific findings are necessary for the approval of a final plat for a minor subdivision, except that when it is a boundary plat for a single parcel which is to be developed pursuant to an approved site and development plan, a finding must be made by the City Commission that the final plat is consistent with the findings made upon approval of the site and development plan. City staff has reviewed the plat and determined that proposed plat is consistent with the Class V Site Plan (2016-130) approved by SPRAB and requirements in the LDR.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The issuance of a building permit for the construction of two, four-story mixed-use buildings with associated site improvements is dependent on approval of this replat.