



## Legislation Text

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**TO: Mayor and Commissioners**  
**FROM: Timothy Stillings, Development Services Department**  
**THROUGH: Neal de Jesus, Interim City Manager**  
**DATE: May 21, 2019**

FINAL (MAJOR) SUBDIVISION REPLAT OF PORTIONS OF BLOCKS 24, 25, AVENUE F AND AVENUE G "DEL RATON PARK", PLAT BOOK 14, PAGES 9 AND 10, ALSO KNOWN AS DELRAY CHEVROLET, AND ASSOCIATED TEMPORARY CONSTRUCTION ACCESS EASEMENT AGREEMENT, UTILITY EASEMENT AGREEMENT, AND LANDSCAPE MAINTAINENCE AGREEMENT.

### **Recommended Action:**

Motion to approve the Final (Major) Plat for Delray Chevrolet, 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions) along with the approvals for a Temporary Construction Access Easement Agreement, Utility Easement Agreement, and a Landscape Maintenance Agreement.

### **Background:**

The proposed 3.93 acres site encompasses Block 24 and Block 25, as well as portions of Fladell's Way (Avenue F) and Avenue G between South Federal Highway and Frederick Avenue as shown on Del Raton Park Plat recorded in Plat Book 14 on pages 9 and 10 public records of Palm Beach County. The site is located on northeast corner of the intersection of S. Federal Highway (US-1) and La Mat Avenue. The property is zoned Automotive Commercial (AC) with a General Commercial (GC) Future Land Use Map (FLUM) designation and located within the South Federal Highway Redevelopment Plan Area.

As further described in the attached staff report, several existing parcels that make up the plat boundary underwent processes for FLUM amendments as well as rezoning. Once the appropriate FLUM designation was obtained and rezoning was completed, a Class V Site Plan was submitted and approved on October 24, 2018 for a full service automobile dealership. As a condition of the site plan approval, the subject plat and subsequent agreements must be approved by the City Commission.

The plat proposes the following:

- Replat of a portion of Block 24 and 25, including the internal alleys, Fladell's Way (Avenue F) and Avenue G, "Del Raton Park", according to the plat thereof, as recorded in Plat Book 14 on pages 9 and 10 public records of Palm Beach County;
- Dedication of Tract A for private purposes; and,
- Dedication of Tracts B-1, B-2, and B-3 to the City of Delray Beach as public right-of-way

- (ROW) for streets and utility purposes; and,
- Dedication of Tract C as an access tract serving abutting properties.

As fully described in the attached staff report, positive findings are made with respect to LDR Section 2.4.5 (J), Major Subdivision.

A Temporary Construction Access Easement agreement will be recorded directly after the plat is recorded. The Class V site plan, proposes improvements to La Mat Avenue. The Temporary Construction Access Easement agreement provides for access from properties to the east of the subject parcel to S. Federal Highway during the time period needed for installation of the La Mat Avenue improvements. This agreement will terminate upon completion of the La Mat Avenue improvements.

A Utility Easement agreement will be recorded directly after the plat is recorded. The Utility Easement agreement establishes the right for the utility companies to install required facilities within the subject parcel under a blanket easement to be superseded with as-built (actual) utility locations post construction. This practice established that the utilities are within designated easements.

The development includes landscape improvements within the public ROW of La Mat Avenue and Frederick Boulevard. A Landscape Maintenance agreement shall be recorded in conjunction with the plat. The agreement will specify the entity responsible for the maintenance of the ROW landscape improvements as well as any specific requirements that may affect the improvements such as mowing, pruning, or watering schedules.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Building Permits cannot be issued until plat and associated agreements are recorded.