



## Legislation Text

File #: 19-691, Version: 1

**TO: Mayor and Commissioners**  
**FROM: Steve Tobias, Interim Development Services Director**  
**THROUGH: Neal de Jesus, Interim City Manager**  
**DATE: August 20, 2019**

RESOLUTION NO. 128-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST ASSOCIATED WITH A MINOR SUBDIVISION WHICH CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "PINEAPPLE TRAIL" PLAT, LOCATED ON THE SOUTHEAST CORNER OF NE 10TH STREET AND NE 2ND AVENUE WITHIN THE R-1-A ZONING DISTRICT.

### **Recommended Action:**

Review and consider Resolution No. 128-19: Approval of a final plat and its necessity and appropriateness to create two non-conforming lots as known as "Pineapple Trail" Plat, located on the southeast corner of NE 10<sup>th</sup> Street and NE 2<sup>nd</sup> Avenue within the R-1-A zoning district.

### **Background:**

The subject property, located in the R-1-A Zoning District at 204 NE 10<sup>th</sup> Street on the southeast corner of NE 10<sup>th</sup> Street and NE 2<sup>nd</sup> Avenue, consists of two lots of record described as Lot 15 and 16, Block 9, Dell Park (Plat Book 8, Page 56 of the Palm Beach County Public Records). As shown on the survey, the corner lot, Lot 16, is 125 ft. wide by 50 ft. deep; the interior lot, Lot 15, is 50 ft. wide by 125 ft. deep. The two existing lots are considered lots of record which were previously platted as part of the Dell Park subdivision and, therefore, can be developed separately by right per LDR Section 4.1.4. Given the narrowness of the existing lots, the applicant's request is to reorient the lots to face NE 2<sup>nd</sup> Avenue.

### **Plat Analysis:**

Pursuant to LDR Section 4.3.1(D), lots created after October 1, 1990, shall meet the minimum requirements established in Chapter 4 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 applicant's request is to reorient the two lots to have frontage along NE 2<sup>nd</sup> Avenue. The proposed replat will not create additional lots, however, action by the City Commission is required as the proposed reconfiguration does not meet the minimum development standards for new lots. The existing and proposed configuration and code compliance of each lot is identified below:

Interior Lot Development Standards	Min. Lot Size: 7,500 sf.	Min Lot Width: 60 ft.	Min. Lot Frontage: 60 ft.	Min. Lot Depth: 100 ft.
Existing Interior Lot/ Lot 15	6,250	50	50	125

Code Compliance	Existing Nonconformity	Existing Nonconformity	Existing Nonconformity	In Compliance
Proposed Interior Lot/ Lot 2	6,000	60	60	100
Code Compliance	Increased Non-conformity	In Compliance	In Compliance	In Compliance

Corner Lot Development Standards	Min Lot Size: 7,500 sf.	Min. Lot Width: 80 ft.	Min. Lot Frontage: 80 ft.	Min. Lot Depth: 100 ft.
Existing Corner Lot/ Lot 16	6,117	50	50	125
Code Compliance	Existing Nonconformity	Existing Nonconformity	Existing Nonconformity	In Compliance
Proposed Corner Lot/ Lot 1	6,367	65	65	100
Code Compliance	Decreased Nonconformity	Decreased Nonconformity	Decreased Nonconformity	In Compliance

In comparison with the existing lots dimensions, the proposed configuration will: eliminate two existing nonconformities, decrease three existing nonconformities, and increase the existing interior lot size nonconformity from 6,250 sf. to 6,000 sf. As corner lots require a greater side street setback than an interior lot side setback, the increase in the lot size non-conformity for the interior lot size would be deemed appropriate to ensure the corner lot has an adequate lot area to have a usable building envelope. As shown in the table above, the proposed replat will be more in compliance with current code requirements than the existing lot configuration. In addition, the replat will be more appropriate and compatible with the existing neighborhood pattern. The residential lots abutting NE 2<sup>nd</sup> Avenue were originally platted as 50 ft. wide per the Dell Park plat. As the area developed, some of the lots were combined with adjacent lots to enlarge the property size and frontage. Today, the neighborhood consists of a mixture of lot sizes, ranging from 50 ft. to over 100 ft. wide, with smaller lots adjacent to larger lots throughout the area. Although there is a variation in the width of lots fronting NE 2<sup>nd</sup> Avenue, the proposed reoriented lots would be compatible with the neighborhood pattern and would not negatively affect the existing streetscape.

When analyzing the development and architectural design flexibility of the existing lots, it is noted that this is restricted by the narrowness of the lots. After the setbacks are accommodated (front: 25 feet; side interior: 7 ½ feet; side street 15 feet; rear 10 feet) a structure on Lot 15 (interior lot) would be limited to a maximum front façade width of 35 feet and Lot 16 (corner lot) would be limited to a maximum front façade width of 27 ½ feet. With the proposed replat, the lots would be wider; a single-family structure on proposed Lot 1 (corner lot) would be limited to a maximum front façade width of 42 ½ feet and proposed Lot 2 (interior lot) would be limited to a maximum front façade width of 45 feet. Given the possible increase in the frontage width, the future development of the reoriented properties would allow for a design that can articulate different architectural features and express spaciousness.

A five-foot general utility easement is being dedicated along the east side of each lot (proposed rear) and the south side of Lot 2 (side interior). A five-foot sidewalk easement is dedicated along the front

of each lot and the north (side street) perimeter of Lot 1. The proposed replat has been reviewed by the City Engineer, and all technical civil matters were addressed.

Positive findings regarding the necessity and appropriateness of the replat application which contains non-conformities can be made as the proposed lots layout will be more in conformance with code requirements than the existing lots. The replat will maintain the neighborhood quality and will be consistent with the development pattern.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Reconfiguration of the properties is dependent on the approval of the replat request.