



## Legislation Text

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File #: 21-005, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Enter Director, Sponsoring Department  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** January 5, 2021

RESOLUTION NO. 03-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION APPLICATION FOR A FINAL PLAT THAT CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "BANYAN 2020", WHICH IS A REPLAT OF LOT 39, DELRAY BEACH SHORES PLAT, AS RECORDED IN PLAT BOOK 23, PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 03-21, a final plat for a two-lot subdivision known as "Banyan 2020" Plat, located on the northwest corner of White Drive and South Ocean Boulevard within the R-1-AA zoning district, and determining that it is necessary and appropriate to create the proposed nonconformities for Lot 2.

### **Background:**

The subject 0.51 acre property is located on the Northwest corner of White Drive and South Ocean Boulevard in the R-1-AA Zoning District. The property, described as Lot 39, Delray Beach Shores (Plat Book 23, Page 167 of the Palm Beach County Public Records), was annexed into the City of Delray Beach on April 10, 1967 via Ordinance No. 06-67. The property is currently utilized as an overflow parking lot for the Banyan House Condominium development located across the street to the east at 1225 South Ocean Boulevard. Based on the records available, the subject property was not required nor included as part of the original development approval for Banyan House Condominium. Records also indicate the properties were annexed into the City at different times.

The request under consideration is a Minor Subdivision for a final plat to subdivide one existing lot of record into two lots of record. The proposed Lot 2, which is a corner lot, does not meet the minimum width or frontage requirements. Land Development Regulations (LDR) Section 4.3.4(K) requires a minimum width and frontage of 95 feet for corner lots in the R-1-AA Zoning District. The request proposes a lot width of 77.50 feet and frontage of 78.23 feet for Lot 2.

### **Plat Analysis:**

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.* The proposed plat is not associated with an approved site plan.

Pursuant to LDR Section 4.3.1(D), *lots created after October 1, 1990, shall meet the minimum requirements established in LDR 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 proposed subdivision creates nonconformities for Lot 2; therefore, the City Commission must declare, as part of this subdivision action, that it is necessary and appropriate to create the proposed nonconformities.

The following tables identify compliance of each proposed lot (Lot 1 and Lot 2) with LDR Section 4.3.4(K), Development Standards Matrix for Residential Zoning Districts:

<b>Lot 1 (Interior Lot)</b>				
<b>LDR Sec. 4.3.4(K)</b>	<b>Lot Size</b>	<b>Lot Width</b>	<b>Lot Frontage</b>	<b>Lot Depth</b>
Min. Required	9,500 sf	75 ft	75 ft	100 ft
Proposed	12,085 sf	77.50 ft	78.19 ft	155.9 ft
Code Compliance	In Compliance	In Compliance	In Compliance	In Compliance

<b>Lot 2 (Corner Lot)</b>				
<b>LDR Sec. 4.3.4(K)</b>	<b>Lot Size</b>	<b>Lot Width</b>	<b>Lot Frontage</b>	<b>Lot Depth</b>
Min. Required	9,500 sf	95 ft	95 ft	100 ft
Proposed	11,172 sf	77.50 ft	78.23 ft	145.36 ft
Code Compliance	In Compliance	<b>Non-conformity</b>	<b>Non-conformity</b>	In Compliance

The proposed two-lot subdivision is located in a residential neighborhood. The existing neighborhood consists of a mix of single family residences, multiple family structures, and parking lots. Those properties developed as single family residences with frontage along local roads west of Ocean Boulevard, such as White Drive, Brooks Lane and Rhodes Villa, have an average lot width and frontage of 75 feet. The existing single family residences with frontage on Ocean Boulevard and located within the vicinity of the subject property have a lot width and frontage that range from approximately 70 feet to 115 feet; which includes a corner lot measuring 80 feet of frontage as the narrowest corner lot.

It is important to note that the development standards for corner lots within the R-1-AA zoning district require a minimum setback of 15 feet from the property line along the side street and 10 feet from the side interior property line. As a result, the maximum building width for the proposed corner lot (Lot 2) with frontage along South Ocean Boulevard is 52.50 feet. If the subdivision is not approved, the lot could be redeveloped as one single-family lot and is not required to remain as a surface parking lot.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A