



Legislation Text

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TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: May 4, 2021

RESOLUTION NO. 78-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A FINAL PLAT FOR A THREE-LOT SUBDIVISION KNOWN AS "BELLA DELRAY" LOCATED AT 1634 NORTH SWINTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommended Action:

Review and consider the Resolution No. 78-21 and the Final Plat to subdivide one lot into three separate lots and to accept easements and right-of-way dedications.

Background:

The 0.92 acre subject property is located at the southwest corner of North Swinton Avenue and NW 17th Street within the Lake Ida Neighborhood. A single-family detached residence and associated improvements are located on the property. The residence could have historical significance as it was likely developed by F.J. Schrader, a local architect who came to Delray Beach in 1912, was president of Ocean City Lumber Company, built the Kentucky Hotel, was director of the Bank of Delray, and was a member of the Palm Beach County Board of Public Instruction. A brief review of building cards did not include Mr. Schrader's name; however, the research conducted by Staff was not extensive as historic designation or preservation of the property is not proposed by the Applicant.

The property is within the Single-family Residential (R-1-AA) zoning district; the current legal description is of metes and bounds, indicating that the property has never been individually platted. The property is, however, included in the land of the Crest Lake Park Replat of 1944. The Crest Lake Replat was requested by Mr. Schrader to restore the land "to its original acreage"; the Crest Lake Plat of 1926 subdivided the land into lots and blocks and included named streets. Only one platted and developed lot remains from the Crest Lake Plat and is located to the south of the subject property at 1616 North Swinton Avenue.

The proposed Bella Delray plat creates three conforming lots; Lot 2 and Lot 3 have frontage along NW 17th Street and the corner lot, Lot 1, faces North Swinton Avenue. In addition, a five-foot right-of-way dedication is included with the plat and is indicated as "Tract RW" along NW 17th Street. No additional right-of-way is required for North Swinton Avenue. The Plat also includes a 10-foot general utility easement along the north and east property lines.

This type of major plat is typically approved without a resolution; however, in this case a resolution is included to address sequencing concerns. Due to the location of the existing structure on the

property, the proposed subdivision would create a nonconforming situation with the requirements of the City's Land Development Regulations ("LDR") if the existing structure and associated site improvements are not removed prior to executing the plat. The resolution includes an effective date for the approval of the execution of the plat, requiring completion of the demolition of the structure and site improvements to prevent the creation of a nonconforming condition. Completion of a demolition is determined through a Certificate of Completion is issued by the Development Services Department following inspection.

Pursuant to **LDR Section 2.4.5(J) Major Subdivision**, *the City Commission must make a finding that the Final Plat is consistent with the findings associated with the preliminary plat.*

Pursuant to **LDR Section 3.1.1, Required Findings**, *prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.* These findings relate to four areas: Land Use Map, Concurrency, Consistency and Compliance with the LDRs. The R-1-A zoning district is consistent with the LD Future Land Use Map (FLUM) designation. Concurrency, which pertains to public facility needs, can be accommodated as further analyzed in the staff report attached. Positive findings regarding consistency of the proposal with the surrounding uses and conditions can be made. The proposal exceeds the minimum development standards for lots within the R-1-AA. Full compliance with the LDRs will be performed when a building permit to develop the lots is submitted.

A full review of the plat analysis and applicable findings are provided in the attached Planning and Zoning staff report.

On December 16, 2019, the Planning and Zoning Board approved the Preliminary Plat and provided a recommendation of approval to the City Commission for the associated Final Plat by a vote of 6-0.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The resolution is not effective until a Certificate of Completion associated with a Demolition Permit is issued by the Development Services Department. Upon receipt of a Certificate of Completion, the Mayor will execute the plat on behalf of the City. Development of the proposed lots is not allowed until the plat is recorded pursuant to procedures as set forth by the City Clerk.