



## Legislation Text

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**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, Development Department**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: September 19, 2022**

RESOLUTION NO. 161-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT WITH WAIVERS FOR A TWO-LOT MINOR SUBDIVISION KNOWN AS "REYES PLAT," FOR THE PROPERTIES LOCATED AT 342 AND 344 SW 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 161-22, a request for final approval of a minor subdivision plat with a waiver to Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix: Nonresidential Zoning Districts, to reduce the minimum required lot width and lot frontage from 60 feet to 50 feet for Lots 1 and 2; to reduce the minimum lot size from 7,500 square feet to 4,399.3 square feet for Lot 1 and 4,999.2 for Lot 2; and, reduce the minimum lot depth for Lot 1 from 100 feet to 88 feet, as created by the "Reyes Plat", currently addressed as 342 and 344 SW 4<sup>th</sup> Avenue.

### **Background:**

The subject properties consist of Lots 11, 12, 17 and 18 within Block 32, which is bound by SE 4<sup>th</sup> Avenue to the west, SW 4<sup>th</sup> Street to the south, SW 5<sup>th</sup> Avenue to the east, and SW 3<sup>rd</sup> Street to the north. Each of the subject lots were platted with a width of 25 feet. Lots 11 and 12 face SW 4<sup>th</sup> Avenue and were platted with a depth of 100 feet, while Lots 17 and 18 face the alley and were platted with a depth of 90 feet. In 2021, Lots 11 and 12 and Lots 17 and 18 were each combined by a Unity of Title.

Block 32 was platted in 1917 and included 42 individual lots ranging in widths from 25 to 50 feet. Unlike the typical platted blocks throughout the city, the Block 32 alley was offset from the center of the block to create lots facing both the primary rights-of-way (now SW 4<sup>th</sup> and 5<sup>th</sup> Avenues) as well as the alley along the eastern portion of the block. This lot pattern resulted in 100-foot-deep lots facing what are now SW 4<sup>th</sup> and 5<sup>th</sup> Avenues with shallow lots facing the alley at a depth of 90 feet. A copy of the Block 32 plat is provided as an attachment.

Pursuant to **LDR Section 2.4.4(K)(5), Minor Subdivision: Findings**, *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 request is classified as a minor subdivision as it creates no more than three lots and does not include the dedication of right-of-way. The dedication of two-feet along the alley is being provided by separate action. However, the request requires specific review by the City Commission, as opposed to being placed on the Consent agenda given the proposed lot configurations.

Pursuant to **LDR Section 4.1.4(B), Use of Lots of Record**, *a residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. However, this provision shall not prevent construction of a residential structure on a Single Family Lot (or Parcel) of Record which conforms with all other aspects of minimum lot size requirements but which has no frontage. Further, such a Lot of Record with no suitable access may achieve private access for a single family residence and similar uses by means of a nonpublic (private) access easement.*

The subject properties are zoned Single-Family Residential with the R-1-A designation, and a land use designation of Low Density (LD). The R-1-A zoning district allows for the smallest lot patterns available for single-family residential properties and is the predominant zoning district for the city's oldest platted neighborhoods. The proposed width and frontage of the new lots is 50 feet, while the minimum required by the zoning district is 60 feet. The proposed lot width and frontage and other provided dimensions are consistent with the pattern of the neighborhood, and formally establish new Lots of Record by combining platted lots.

Pursuant to **LDR Section 4.3.1(D), Application of District Regulations**, *no yard or lot existing at the time of the passage of this chapter shall be reduced in area or dimensions below the minimum requirements set forth herein. Lots or yards created after October 1, 1990 shall meet the minimum requirements established by this chapter 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.*

As the minor subdivision creates two individual lots of record that do not meet the minimum requirements, the City Commission shall make a determination as to whether the requested relief to reduce the minimum lot frontage, lot depth, and lot area for Lots 1 and 2, and the minimum lot depth for Lot 1, is necessary and appropriate. As required by the LDR, a public notice has been sent out to all property owners with a 500-foot perimeter of the subject properties.

Pursuant to **LDR Section 2.4.7(B)(5), Waivers: Findings**, *prior to granting a waiver, the granting body shall make findings that the granting of the waiver:*

- (a) *Shall not adversely affect the neighboring area;*
- (b) *Shall not significantly diminish the provision of public facilities;*
- (c) *Shall not create an unsafe situation; and,*
- (d) *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The request to legally establish the two lots with the Reyes Plat, which do not meet the minimum development standards, is not anticipated to adversely impact the neighboring area. Most of the

West Atlantic Avenue neighborhoods were platted in the 1920s, with a majority of the lots measuring 50 feet wide by 100 feet deep. This historic pattern remains throughout the southwest neighborhood and is generally consistent with the dimensions of the proposed lots. Four other lots north of the subject property also face the alley and do not meet the minimum development standards. The proposal is not anticipated to diminish the provision of public facilities, as the existing facilities are adequate to serve the new lots; any new facilities needed (if identified through the building permit process) could still be accommodated given the proximity to existing City services.

The subject property is located in the West Atlantic Master Plan area, which recognizes the original development pattern established by the plats of the 1920s. Throughout the plan, there are statements to reinforce the desire to maintain the historically smaller scale development pattern, which is achieved with the smaller lots as opposed to requiring lot sizes that are inconsistent with the predominant established neighborhood pattern. Further, the properties are located in an area identified as "Needing Rehabilitation" pursuant to the Always Delray Residential Neighborhood Stabilization Map (Map #AD-5). The result of the proposed lot sizes will allow for the construction of two new single-family residences that will assist in the continued efforts to revitalize and stabilize the residential neighborhood.

It is noted that the Unity of Title that is currently recorded for each property will need to be dissolved prior to recording the Reyes Plat.

**City Attorney Review:**

Resolution No. 161-22 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Resolution No. 161-22 will become effective immediately upon adoption and is needed prior to building permit issuance.