

**RESOLUTION 2022-**

**A RESOLUTION RELATING TO A MINOR SUBDIVISION; DETERMINING PETITION 21-MSD2 FOR THE COMBINATION OF TWO SINGLE FAMILY LOTS IN THE R1-10, RESIDENCE DISTRICT OWNED BY NIDO D'AQUILA, LLC, LOCATED AT 5058 SEAHORSE AVENUE AND 0 SEAGATE DRIVE MORE FULLY DESCRIBED HEREIN, TO CREATE ONE SINGLE FAMILY LOT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 54-4 of the Code of Ordinances contains procedures, standards and criteria for review of applications for a subdivision/replat; and

**WHEREAS**, Sections 54-31 of the Code of Ordinances details the approval procedures for a minor subdivision; and

**WHEREAS**, Nido D'Aquila, LLC, owner and petitioner, has authorized David T. Lupo, Esquire, to file this petition; and

**WHEREAS**, the petitioner has requested approval of Minor Subdivision Petition 21-MSD2 for the combination of two single family lots in the R1-10, Residence District located at 5058 Seahorse Avenue and 0 Seagate Drive to create one single family lot; and

**WHEREAS**, the Planning Advisory Board, following an advertised public hearing, considered the public input, the recommendation of the staff, and recommended by a vote of \_\_\_ to \_\_\_ that Petition 21-MSD2 be **APPROVED/DENIED**; and

**WHEREAS**, after considering the recommendation of the Planning Advisory Board and after providing the petitioner, staff, and the public an opportunity to present testimony and evidence, the City Council finds that the criteria for granting the petition **HAVE / HAVE NOT** been met and that the petition should therefore be **APPROVED / DENIED**;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:**

**Section 1.** That Minor Subdivision Petition 21-MSD2 for the combination of two single family lots in the R1-10, Residence District located at 5058 Seahorse Avenue and 0 Seagate Drive to create one single family lot, more fully described below, is hereby **APPROVED / DENIED**.

Parcel 1:

The West 360 feet of Lot 91, Seagate Subdivision, Unit One, according to the Plat thereof as recorded in Plat Book 3, Page 85, Public records of Collier County, Florida.

Parcel 2:

Lot 67, Unit One, Seagate Subdivision, Unit One, according to the Plat thereof as recorded in Plat Book 3, Page 85, Public records of Collier County, Florida.

**Section 2.**

**(if approved)** That the lot combination is based on the survey submitted with the petition prepared by Leland F. DySard, PLS, F.L.A. Surveys Corp., dated January 5, 2021, and is subject to the following:

- All existing improvements made nonconforming as a result of this minor subdivision, which may or may not be depicted on the attached surveys or survey sketches, will be demolished or altered to conform to Code prior to recording, sale or development of the properties.
- This approval does not alter or vacate existing easements. It shall be the responsibility of the owner to make application to alter or vacate existing easements as necessary.
- This approval does not determine required front, rear or side yards.
- At the date of approval, the City is not aware of any pending changes to the zoning district designation on this property or pending changes to the development standards for the district in which these parcels are located.

**Section 2.**

**(if denied)** That denial of this lot combination, pursuant to Subsections 54-4 and 54-31 of the Code of Ordinances as submitted with the petition prepared by Leland F. DySard, PLS, F.L.A. Surveys Corp., dated January 5, 2021 is **DENIED**, pursuant to Subsections 54-4(b) and 54-31(a)(2)(f) of the Code of Ordinances based on the following findings of fact and conclusions of law:

The existing parcels located at 5058 Seahorse Avenue and 0 Seagate Drive are separated by multiple rights-of-way and are dissimilar in configuration and orientation. The proposed combination of the two subject parcels would result in a parcel with lot lines that are not straight and are not parallel and are not similar in orientation to existing lot lines. The request would not result in a single lot with straight lot lines that are parallel or similar in orientation to existing lot lines. The two (2) lots are not abutting lots, not adjacent lots, and instead are two disparate lots that do not "touch each other." The two lots are not directly across the street from each other and their lot lines if extended directly across the street as straight lines are not parallel or similar in orientation to existing lot lines in the existing subdivision. The two lots are not next to each other in the existing subdivision. The creation of a lot that is inconsistent with the existing platted lots within the Unit One Seagate Subdivision is incompatible with the character of the residential neighborhood. The City Council has applied the applicable Subdivision standards in its review of petition 21-MSD2 and concludes that Sections 54-31(a)(2)(f) and 54-4(b) of the Land Development Code have not been met and the application is inconsistent with Comprehensive Plan Policies 1-3 and 5-2 of the Future Land Use Element and therefore finds that the standards and criteria required for approval HAVE NOT been met.

**Section 3.** That the lot(s) will be recorded in the public records of Collier County and with the Collier County Property Appraiser prior to being sold into separate ownership or redeveloped.

**Section 4.** **Disclaimer & Permit Condition (Applicable only if federal or state permits are required):** Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

**Section 5.** That this resolution will take effect immediately upon adoption.

**PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 15<sup>TH</sup> DAY OF JUNE 2022.**

Attest:

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Patricia L. Rambosk, City Clerk

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Teresa Lee Heitmann, Mayor

Approved as to form and legality:

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/s/ Nancy Stuparich, Esq.

Nancy Stuparich, City Attorney

Date filed with City Clerk: \_\_\_\_\_