

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP
Director, Planning, Zoning and Building Department

REPORT DATE: April 14, 2021

MEETING DATE: May 3, 2021

SUBJECT: Subdivision Replat: Collier-Walker Subdivision, Phase III

Recommended Action

Pass Subdivision Order 2021-02

Background

A Subdivision Replat request is proposed for two properties, Lot 24 of the Coquina Beach Subdivision (640 Neptune Avenue) and the adjacent Lot 8 of the Collier-Walker Subdivision (Parcel ID 0005090059), which are located on Neptune Avenue, east of Gulf of Mexico Drive. The properties are zoned R-4SF, "Single-Family Medium-Density Residential District" and have a Future Land Use designation of RM-4, "Medium Density Single-Family/Mixed Residential". The properties, totaling 0.574-acres, are currently vacant. The applicant intends to build two single-family homes.

The applicant seeks to legally subdivide the lots into two new equal-sized and conforming lots, to be identified as Lots 1 and 2 of a new subdivision, called the "Collier-Walker Subdivision, Phase III."

This process is typically completed through a Boundary Adjustment, which is an administrative process per Section 157.32 of the Subdivision Code. However, the two existing Lots 24 and 8, are in two different subdivisions: Coquina Beach and Collier-Walker. The Boundary Adjustment process cannot be used in this case, because the Subdivision Code does not allow for such an adjustment when properties are located in two different subdivisions¹.

Analysis

Subdivision Code Sections 157.16 and 157.17 provide review standards for Replat applications. The following is an analysis of the Findings of Fact standards for Replat approval.

The proposed final plat complies with the plat specifications and design standards of the Town Subdivision Regulations (Section 157).

¹ Section 157.26(B) states: "No subdivision of lands as defined herein within the town shall be made without prior approval of a plat thereof by the town, and no plat shall be considered finally approved until it has been submitted and approved by Manatee or Sarasota County, for recording purposes, and dedication of public streets, parks, easements, and places have been accepted by the town."

The final plat is in conformance with the Town's Subdivision Regulations, (Chapter 157), the Zoning Code (Chapter 158), and all other applicable Town Code requirements, including development of the land designed to preserve the unique island character of the Town and enacted in order to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the people.

The final plat is in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.

The two lots comply with the minimum lot width, depth and area requirements for their respective Zoning District, R-4SF. Note: This would result in the elimination of an existing nonconforming lot (Lot 24 is 6,251 square feet and the R-4SF zoning district requires a minimum of 10,000 square feet lot size.).

The road, drainage and public utility easements meet all of the minimum requirements, as required by the Town Subdivision Regulations.

The proposed subdivision use and density are consistent with the Future Land Use as identified within the Future Land Use Element of the Town's Comprehensive Plan.

All procedural and substantive requirements of Town Code regarding the subdivision application have been satisfied.

Planning & Zoning Board (P&Z Board) Recommendation

At their March 16, 2021 Regular Meeting, the P&Z Board recommended approval (7-0) of Subdivision Order 2021-02 to replat the lots into Collier-Walker Subdivision, Phase III to the Town Commission.

Staff Recommendation

Pass Subdivision Order 2021-02.

Attachments

- A. Subdivision Order 2021-02
- B. Final Plat, Collier-Walker Subdivision, Phase III (Available in Town Clerk's Office)
- C. March 16, 2021 P&Z Board Meeting Minutes
- D. PowerPoint Presentation (Available in Town Clerk's Office)

**TOWN OF LONGBOAT KEY, FLORIDA
TOWN COMMISSION
ORDER NO. 2021-02**

AN ORDER OF THE TOWN OF LONGBOAT KEY (“TOWN”) TOWN COMMISSION APPROVING REPLAT APPLICATION NO. PPL21-0001, A REPLAT OF LOT 24 OF THE COQUINA BEACH SUBDIVISION, AND LOT 8 OF THE COLLIER-WALKER SUBDIVISION, TO LEGALLY SUBDIVIDE THE LOTS INTO TWO SEPARATE PARCELS FOR THE COLLIER-WALKER SUBDIVISION, PHASE III; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christopher and Julie Navratil (hereinafter the “Owners”) owns certain real property located at 640 Neptune Avenue (hereinafter “Property”); and

WHEREAS, Walker Collier Estate Holdings, Ltd. (hereinafter the “Owners”) owns certain real property located on Lot 8, Parcel ID 0005090059 of the Collier-Walker Subdivision (hereinafter “Property”); and

WHEREAS, the above described real properties are immediately adjacent to one another and immediately front Neptune Avenue; and

WHEREAS, the Owners have given Mark Ursini and Richard Lawrence (hereinafter the “Applicants”), authorization to act on their behalf for the submittal of a certain Replat application; and

WHEREAS, the Applicants have submitted Replat Application No. PPL21-0001, which is comprised of a signed and sealed Replat prepared by Palmer Land Surveying, received by the Town on February 3, 2021 and comprised of three sheets; and

WHEREAS, the Applicants seek to legally subdivide the Property into two separate lots; and

WHEREAS, the replat would result in the creation of new Lots 1 and 2 of a new subdivision, Collier-Walker Subdivision, Phase III; and

WHEREAS, the Property is zoned R-4SF (Single-Family Medium-Density Residential District); and

WHEREAS, the Town’s Planning and Zoning Board held a public hearing on March 16, 2021, and considered the evidence and testimony relating to the proposed replat provided by Town Staff and public comment regarding the subject replat; and

WHEREAS, the Town’s Planning and Zoning Board found that the proposed replat is consistent with the Town of Longboat Key Subdivision Regulations and forwarded the replat to the Town Commission for consideration; and

WHEREAS, on _____, 2021, the Town Commission conducted a duly noticed public hearing on the proposed replat and makes these conclusions and findings of fact:

1. The proposed final plat complies with the plat specifications and design standards of the Town Subdivision Regulations (Section 157).
2. The final plat is in conformance with the Town's Subdivision Regulations, (Chapter 157), the Zoning Code (Chapter 158), and all other applicable Town Code requirements, including development of the land designed to preserve the unique island character of the Town and enacted in order to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the people.
3. The preliminary and final plat is in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.
4. The two lots comply with the minimum lot width, depth and area requirements for their respective Zoning District, R-4SF.
5. The road, drainage and public utility easements meet all of the minimum requirements, as required by the Town Subdivision Regulations.
6. The proposed subdivision use and density are consistent with the Future Land Use as identified within the Future Land Use Element of the Town's Comprehensive Plan.
7. All procedural and substantive requirements of Town Code regarding the subdivision application have been satisfied.

NOW, THEREFORE, BE IT ORDERED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. The above recitals are true and correct and are fully incorporated herein by reference.

Section 2. The Replat application for a two-lot subdivision, Collier-Walker Phase III, located at the currently addressed 640 Neptune Avenue, Longboat Key, Florida 34228 is hereby approved.

Section 3. The applicant shall submit the original and one copy of the approved final plat to the Town. The applicant shall also provide the Town with the costs of processing and recording, and within thirty (30) days the Town shall submit the final plat to Sarasota County for approval and recording in the official records.

Section 4. This Replat Order shall become effective immediately upon adoption.

ORDERED at a meeting of the Town Commission of the Town of Longboat Key on the ____ day of _____ 2021.

Kenneth Schneier, Mayor

ATTEST:

Trish Shinkle, Town Clerk

**TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING
MARCH 16, 2021**

Members Present: Chair David Green; Vice Chair Phil Younger; Secretary Penny Gold;
Members Gary Coffin, David Lapovsky, Jay Plager, Debra Williams

Also Present: Maggie Mooney, Town Attorney (via Zoom), Allen Parsons, Planning,
Zoning & Building Director; Maika Arnold, Senior Town Planner; Donna
Chipman, Senior Office Manager

1. Pledge of Public Conduct

Chair Green noted the Town's Civility Policy and read the Pledge of Public Conduct.

2. Call to Order

The regular meeting of the Planning and Zoning Board was called to order at 9:15 AM by
Chair David Green.

3. Roll Call

Senior Office Manager, Donna Chipman, called roll for attendance with all members
present.

4. Virtual Meeting Protocols and Process

Allen Parsons, Planning, Zoning & Building Director, reviewed the process and protocols
for this hybrid meeting.

Chair Green questioned how much longer the Town will have the virtual protocols in place.
Mr. Parsons responded he was unsure, but believed the Town Commission will be
discussing the continuation of the mask ordinance at their March 22, 2021 Regular
Meeting. They might be providing for the continuation of the 'hybrid' format to
accommodate those that still are uncomfortable attending a meeting in person. Maggie
Mooney, Town Attorney, explained that as long as the Board has a physical quorum in
place, they can continue with the virtual meetings. Discussions with the Town Manager
indicated that only half of the Town's population has been vaccinated, so since not
everyone has been vaccinated, there is reservation for requiring everyone to attend
meetings in person.

5. Public to be Heard

At each meeting, the Planning & Zoning Board sets aside time for the public to address
issues not on the agenda. No one wished to address the board.

6. Consent Agenda

**MR. PLAGER MOVED THE MINUTES BE AMENDED TO INCLUDE SHOWING
MEMBER COFFIN AS IN ATTENDANCE. MS. GOLD SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

MR. LAPOVSKY MOVED APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2021, REGULAR MEETING, AS AMENDED, AND SETTING THE NEXT MEETING FOR APRIL 20, 2021. MR. YOUNGER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

7. Public Hearings

640 Neptune Avenue, Final Plat Application (QUASI-JUDICIAL)

Pursuant to published notice, the public hearing was opened. All those testifying at this hearing have previously submitted a '*Request to Be Heard*' form affirming their evidence or factual representation. Mark Ursini, agent representing the applicant, previously provided the digital Return Receipts to staff.

Maggie Mooney, Town Attorney, reviewed the process for Quasi-Judicial hearings as outlined in Chapter 33, Section 33.25, of the Town Code. She asked the Board if anyone had any Ex Parte communications or Conflicts of Interest that they wish to disclose on the record. The board members noted they had no Ex Parte communications or Conflicts of Interest.

Maika Arnold, Senior Planner, provided an overview of the application with reviewing a PowerPoint presentation and noting:

- The request was to subdivide two separate parcels into new lots 1 and 2
- The new subdivision will be named Collier Walker Subdivision, Phase III
- The process is typically completed through a Boundary Adjustment; however, Lots 24 and 8 are in two different subdivisions, resulting in the requirement for a formal replat
- The application will require final approval by the Town Commission

Discussion ensued between the Board and staff regarding:

- Whether the Board should be concerned with setting a precedent if there were other situations similar to this property; staff did not believe there were other locations with similar issues
- If there were lots that could be subdivided in order to create larger lots, most could be accomplished typically through a Boundary Adjustment
- This application required a formal subdivision application due to the subject lots being platted in two different subdivisions
- Whether the process would require a Comprehensive Plan review; it was relevant when looking at density and future land use, which this application complied with what is required

Mark Ursini, Brista Homes, agent representing the applicant, discussed:

- the approval would be a benefit, because it would increase the lot from 50 feet to 100 feet to allow construction of a home that was more conducive to the homes in the neighborhood; as platted it would restrict construction to only allow for a narrow home
- His company would be constructing the homes planned for both lots and hoped to begin construction by the end of 2021

Mr. Coffin referenced page 2 of the application, which included the approximate price range of the proposed home, and asked whether it was construction costs or the price of the property. Mr. Ursini noted it was construction costs only

No one else wished to be heard, and the hearing was closed.

MR. YOUNGER MOVED TO RECOMMEND APPROVAL OF THE FINAL PLAT APPLICATION FOR 640 NEPTUNE AVENUE, INCLUDING THE FINDINGS OF FACT IN THE STAFF REPORT AND CONDITIONS OF APPROVAL WITHIN TOWN COMMISSION ORDER 2021-02. MR. LAPOVSKY SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: COFFIN, AYE; GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; PLAGER, AYE; WILLIAMS, AYE; YOUNGER, AYE.

8. New Business

Allen Parsons, Planning, Zoning & Building Director, informed the Board that due to a conflict with the Jewish Holiday of Shavuot, the Town Commission has rescheduled their May 17th meeting to May 18th, which is the regularly scheduled P&Z Board meeting. As a result, the P&Z Board will need to find an alternative date to hold their regular meeting. Following discussion, the P&Z Board reached a consensus to reschedule their May meeting from May 18th to May 21st beginning at 9:15 AM.

9. Staff Update

Mr. Parsons provided a Staff Update to the Board as follows:

- Noted that staff have scheduled May 14, 2021 from 9:00 AM to 2:30 PM for Planning & Zoning Board and Zoning Board of Adjustment training with Gene Boles, Building Livable Communities, Inc., and Town Attorney Maggie Mooney. The invitation will also be extended to the other barrier island communities and their staff, however, participation for the outside entities will be via Zoom.
- Thanked Penny Gold and Debra Williams for their service on the Board and congratulated them on their election to the Town Commission, and informed the Board that Phill Younger was not seeking re-appointment to the P&Z Board, which will leave three seats open
- There were seven applicants seeking appointment to the P&Z Board; Mr. Plager and Mr. Coffin will be seeking re-appointment
- Staff was expected to schedule Mike Mailliard, with MIC Insurance Florida, to provide a presentation at the April P&Z Board meeting on new flood insurance revisions that would impact properties on the island, and possibly one application that is currently under review

Concerning the April 20th P&Z Board meeting, Mr. Plager informed the Board that he would not be able to attend that meeting in person, but will try to arrange for a Zoom connection. Mr. Coffin noted he will also be away for that meeting, but could participate by Zoom.

Mr. Younger recommended that it would be logical for the Town Commission to appoint three members at their April meeting, and that he would resign his position, effective immediately, in order to make the process easier and prevent a delay.

Mr. Plager suggested the Board consider rescheduling the presentation from Mr. Mailliard until the May meeting since there will be limited members in attendance.

10. Adjournment

The meeting was adjourned at 10:03 am.

Penny Gold, Secretary
Planning and Zoning Board

End of Agenda Item