

**RESOLUTION NO. 04-05**  
**CITY OF SANIBEL**  
**PLANNING COMMISSION**

**IN THE MATTER OF:** The Sanibel Fire & Rescue District  
**APPLICANT:** The Sanibel Fire & Rescue District  
**APPLICATION NO.:** 04-2128-V  
**CONCLUSION OF HEARING:** June 22, 2004  
**ADOPTION OF RESOLUTION:** July 13, 2004

**WHEREAS**, the Planning Commission heard Application No. 04-2128-V submitted by The Sanibel Fire & Rescue District for a request for a **Variance**, to demolish existing structures at Fire Station No. 1 and to reconstruct a new replacement fire station and accessory structures including fire and rescue training facilities and an emergency helicopter pad for use by essential community rescue personnel. The subject parcel is located at 2351 Palm Ridge Road (Tax Parcel No. 26-46-22-T2-00303.0020); and

**WHEREAS**, it has been determined that the Applicants have complied with the filing requirements of Chapter 82, Article III, Division 3, Subdivision II, of the Land Development Code; and

**WHEREAS**, a public hearing was legally and properly advertised and held on June 22, 2004; and

**WHEREAS**, the Sanibel Planning Commission, after full and complete consideration of the evidence presented at the hearing of June 22, 2004, at which written minutes were taken, makes the finding that the Record (without exhibits) is substantially as follows:

1. At the Planning Commission hearing of June 22, 2004, Chairperson Carla Johnston called the meeting to order. In addition to Chairperson Johnston, the following Commission Members were present: Vice Chair Jack Samler, Commissioner John Dillon, Commissioner Ellis Robinson, Commissioner Michael Valiquette and Commissioner John Veenschoten. Commissioner Marie Gargano was excused from this meeting. City Council Member Judith Workman (as Liaison) was also present. Staff present: City Attorney Ken Cuyler, Planning Director Bruce Rogers, Planner Jim Jordan and Recording Secretary Susan Beck. The following persons were duly sworn: Joe St. Cyr, Architect, Chief Rich Dickerson, Sanibel Fire & Rescue District, James Jordan, Planner, Bruce Rogers, Planning Director.
2. There were no site visits or ex-parte communications mentioned.
3. Jim Jordan, Planner, presented the Planning Department's Staff Report dated June 7, 2004 for Application No. 04-2128-V and attachments as City Exhibit C-2.

4. Mr. Jordan advised that when Application No. 04-2128-V was submitted, it was thought that the Fire Department would need variance approval to exceed the amount of coverage and developed area. After further review of the application it became apparent to Staff that Land Development Code Section 86-44, entitled "Public Facilities", allows the Planning Commission to grant deviations from applicable required conditions, limitations and restrictions of the Land Development Code for public facilities, "as long as the development approved is not inconsistent with the intent and purpose of the Sanibel Plan."
5. Mr. Jordan testified that Staff finds the redevelopment plan for Fire Station No. 1 to be consistent with the intent and purpose of the Sanibel Plan and, after consulting with the City Attorney, Kenneth B. Cuyler, it was determined that it was not necessary to grant a variance.
6. Mr. Jordan further testified that Staff supports the granting of relief to the required side yard setback and impermeable coverage and developed area limitations for the Sanibel Fire & Rescue District redevelopment plans and recommends approval of the requested deviations.
7. Mr. Jordan advised that the reason for the difference in the setback from 25' to 15' is due to the right-of-way on Palm Ridge Road and this seems like a reasonable request as does the additional coverage that is required.
8. Mr. Jordan further advised that the Planning Department recommends approval of the permit application.
9. Commissioner Veenschoten moved to have the City Attorney prepare a Resolution to grant the applicable deviation according to Land Development Code 86-44, "Public Facilities", allowing the Planning Commission to grant deviations from applicable required conditions, limitations and restrictions of the Land Development Code for public facilities, "as long as the development approved is not inconsistent with the intent and purpose of the Sanibel Plan", and that the four conditions stated in the June 7, 2004 Staff Report be included. The Resolution will be presented to the Planning Commission at the July 13, 2004 meeting at 9:10 A.M. The meeting is closed by order of the Planning Commission. Vice Chair Samler seconded the motion. The motion was approved by a unanimous 6 to 0 vote; Commissioner Gargano was excused from the meeting.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Sanibel that Application No. 04-2128-V requesting a deviation from applicable required conditions, limitations and restrictions of the Land Development Code, is not inconsistent with the intent and purpose of the Sanibel Plan and is hereby **GRANTED** pursuant to Section 86-44 and subject to the following conditions:

1. Minimum side yard setbacks shall not be less than 15 feet.
2. Maximum permitted coverage shall not exceed 43,700 SF.

3. Maximum permitted developed area shall not exceed 48,100 SF.
4. Strict adherence is required for all other applicable conditions and limitations of the LDC.

**EXPIRATION OF PLANNING COMMISSION ACTION:** The approval of the deviations shall expire if any necessary development permit to implement such approval is not obtained within a period of twelve (12) months after Planning Commission approval.

**EFFECTIVE DATE OF PLANNING COMMISSION ACTION:** In accordance with Land Development Code Section 82-97, all actions of the Planning Commission, including those which constitute final decisions, shall be effective upon the date of filing of the adopted resolution with the City Manager, or at a later date if provided in the resolution. However, permits authorized by final decisions shall not be issued until the expiration of the time-period for filing an appeal to City Council, if applicable, has elapsed; or if an appeal has been timely filed, until the City Council has finally disposed of the matter.

**RIGHT TO APPEAL PLANNING COMMISSION ACTION:** In accordance with Land Development Code Section 82-98, the applicant is hereby advised that the following persons have the right to appeal a final decision of the Planning Commission adverse to their interests: 1) The applicant; 2) The owner of the property proposed for development; 3) The developer of the property proposed for development; 4) Any other person residing upon, or owning property within the City, or owning or operating a business within the City, who participated by written comment before or at the Planning Commission hearing or who participated in person or through an authorized agent at the Planning Commission hearing.

**FIFTEEN DAY TIME LIMIT FOR FILING APPEALS OF PLANNING COMMISSION ACTION:** In accordance with Land Development Code Section 82-98, the appeal shall be filed in writing with the City Manager within fifteen (15) days after the date that the Planning Commission decision was filed; and the appeal filing fee shall be paid as a prerequisite to filing.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Planning Commission Member John Veenschoten and seconded by Vice Chair Samler, and the vote was as follows:

Michael Valiquette: Aye  
 Marie Gargano: Aye  
 Ellis Robinson: Aye  
 John Veenschoten: Aye

John Dillon: Aye  
 Carla Johnston: Aye  
 Jack Samler: Yes

**DULY PASSED AND ADOPTED** this 13<sup>th</sup> day of July, 2004.

**SANIBEL PLANNING COMMISSION**

SIGNED: Carla B. Johns 7-15-04  
Chairman Date Signed

Approved As To Form: Kenneth B. Cuyler 7/13/04  
City Attorney Date Signed

Date Filed With City Manager: 7/15/4