



Meeting Minutes - Final
Land Development Code Review
Sub-Committee

Tuesday, June 11, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call to Order

The meeting convened at 9:03 a.m.

2. Pledge of Allegiance (Commissioner Grogman)

Commissioner Grogman led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chairperson Paul Nichols, Commissioner Ken Colter, Commissioner Roger Grogman, Commissioner Eric Pfeifer, Commissioner Erika Steiner, and Commissioner Lyman Welch

Absent: 1 - Commissioner Kate Sergeant

a. Motion to excuse absent member(s): Commissioner Sergeant

Commissioner Grogman moved, seconded by Commissioner Colter, to excuse absent Commissioner Sergeant. The motion carried.

Excused: 1 - Commissioner Sergeant

4. New Business

- a.** Discussion for review of Sanibel Code, Chapter 126 - Zoning, Article XII - Resort Housing District, Section 126-637 (b)(3) Height Limits for Buildings, and Sec. 126-639 Architectural Design Standards and Examples, and Chapter 86 - Development Standards, Article III - Residential, Sec. 86-169 Architectural design standards and examples, pursuant to City Council direction and Planning Commission request.

Planning Director Paula McMichael provided a brief PowerPoint presentation regarding the background for the proposed amendment.

Subcommittee Members inquired if the 51.8 feet would ever be allowed. Ms. McMichael responded that all calculations would be limited to the 49.8 feet and an additional 8.3 feet for the sloped roof. Discussion ensued regarding base flood level, the 33 feet being stricken, and if Staff recommended removing the 33-foot limit. Ms. McMichael responded this was for discussion, being one option to make height in all districts consistent, and the 2-foot discrepancy could be addressed by raising the limit to 35-feet above base flood elevation. Ms. McMichael spoke to the flood levels

determined by FEMA and FDEP (Florida Department of Environmental Protection). Further discussion ensued regarding the origin of the 49.8-foot limit.

Discussion continued regarding increasing the level to 35-feet above base flood level, if this would be an increase in height, and noting that the charter says no building higher than 3-stories. Ms. McMichael continued the presentation. Discussion ensued regarding mansard versus flat roof styles, what the intent of the language is, the standards being specific to multi-family dwellings, and regulations for slope/pitched roofs. Ms. McMichael spoke to the requirement for a pitched roof and an exception for open recreation space on a flat roof.

Public Comment:

- Mike Miller - Resident - spoke to how the measurements are calculated to provide ceiling height and consider the flood levels
- James Evans - Sanibel Captive Conservation Foundation (SCCF) - spoke to safety standards coming first; habitat should remain at top of hierarchy of values
- Larry Schopp - Resident - spoke to requirements for flat roofs
- Joyce Owens - Architect - spoke to concerns with requirement for pitched roof or recreation area flat roof and enhancing the community by contributing to the character and resiliency of the island
- Rory Connors - Joyce Owen's Architecture - concurred with setting a height limitation above base flood level

Discussion ensued regarding resiliency, consider allowing a flat roof, consider removing the need for pitched roof but keep 49.8 limit, consider changing 33 to 35 above base flood elevation (BFE) while maintaining NAVD limits, eliminate requirement for pitched roof without allowing the use of that extra 8.3 feet, incentivizing redevelopment, go with 35-foot for height above BFE, allow for 8.3 feet for pitched roof, and what next steps would be. Mr. Agnew advised a motion would be proper to forward to Planning Commission.

Director McMichael spoke to previous legislation for recreation area, not making it prohibited or required. Commission inquired if the language should include the 3-story limitation, which Ms. McMichael advised is included in the current code.

Public Comment:

- Larry Schopp - Resident - spoke to leaving the option for 8.3 feet for a sloped roof, which does not include a mansard roof, limiting to gable end roofs or hip roofs
- Javon Millet - Architecture Joyce Owens - spoke to specifying sloped or pitched roof and spoke to clarifications for calculations for ceiling heights of 9-feet when using 35 feet above BFE

- Joyce Owens - spoke to 9-foot ceilings being a good standard, allowing for overall building height limitations
- Rory Connors - spoke to freeboard being BFE plus one foot

Ms. McMichael advised the code covers the freeboard calculation.

Commissioner Steiner moved, seconded by Commissioner Grogman, directing Planning Staff to propose language for 35-feet above the base flood elevation, propose new language to do away with the pitched roof requirement, allowing for the 8.3 feet addition for a pitched roof. The motion carried.

Excused: 1 - Commissioner Sergeant

5. Old Business

a. Nonresidential Parking Standards

Deputy Planning Director Craig Chandler, provided a brief PowerPoint presentation summarizing the proposed amendments for parking standards.

Commissioner Colter stepped out of the meeting at 10:35 a.m. and returned at 10:38 a.m.

Discussion ensued regarding bike parking, reducing automobile parking, and if there could be an offset which includes minimum bike parking. Mr. Chandler advised staff wanted direction before proposing draft language. Discussion ensued regarding shared parking, interconnectivity and need for a permit for parking in the right of way. Commission spoke to removing a minimum parking requirement and specifying the requirement for a parking study. Mr. Chandler responded the current code requires parking for a conditional use permit (CUP) and this amendment would allow for the applicant to provide information without the requirement for a study from a traffic engineer. Commission spoke to concerns with parking regulations being contrary to the Sanibel Plan and spoke to a chart included in Mr. Chandler's presentation. Mr. Chandler spoke to the table in the PowerPoint presentation speaking to permitting process requirements. Discussion returned to the incentives and calculation updates being beneficial for the applicants.

There were no public comments from the audience.

Discussion ensued regarding the table being based on existing code language and Staff proposing updates.

Commissioner Welch moved, seconded by Commissioner Nichols, to direct Planning Staff to draft regulatory changes to the land development code and bring back to Planning Commission for consideration. The motion carried.

Excused: 1 - Commissioner Sergeant

- b. Continued discussion for Review of the Sanibel Code, generally, and specifically as it relates to Section 78-1 - Rules of construction and definitions continued discussion of open body of water definition, Chapter 82 and Chapter 126 amendments related to open body of water definition (Sections 82-363, 82-382, 126-250 new, 126-852 and 126-977), and Chapter 126 Zoning, Article XIII - Environmental Performance Standards, pursuant to City Council direction at the April 5, 2022, meeting.

Principal Planner Kim Ruiz provided a brief PowerPoint presentation summarizing the staff memorandum included in the agenda packet.

Commissioner Pfeifer stepped out of the meeting at 11:24 a.m. and returned at 11:29 a.m.

Discussion ensued regarding bringing back at the Land Development Code (LDC) Review Subcommittee level in August, concerns with how these regulations affect personal property rights, looking forward to reviewing Staff's proposed amendments, interested in distinction between purposeful or inadvertently created bodies of water, determining if there is a difference between human-made or natural, and background for the reduction of setbacks. Ms. Ruiz spoke to incorporating means to reduce setbacks by increasing buffers and vegetative plantings, and would review for additional revisions. Discussion turned to storm water retention.

Public Comment:

- Matt DePaolis - Sanibel Captiva Conservation Foundation (SCCF) - spoke to the protection of stormwater mitigation and wildlife habitats while reviewing setbacks, as well as incorporating wetland protections

Discussion ensued regarding concerns that human-made open bodies of water are affecting adjacent parcels and being able to fix concerns with these amendments. Attorney Agnew spoke to the standards currently existing in code, not that the standards are being changed.

Commissioner Nichols moved, seconded by Commissioner Steiner, to continue the topic to the next Land Development Code Review Subcommittee meeting. The motion carried.

Excused: 1 - Commissioner Sergeant

6. Discussion Items

- a. Motion to authorize Subcommittee Chair to review and approve the June 11, 2024 Land Development Code Subcommittee Meeting Minutes

Commissioner Grogman moved, seconded by Commissioner Welch, to authorize the Subcommittee Chair to review and approve the June 11, 2024 Land Development Code Subcommittee meeting minutes without bringing back for further consideration. The motion carried.

Excused: 1 - Commissioner Sergeant

7. Public Comment

There were no public comments from the audience.

8. Adjournment

There being no further business, the meeting adjourned at 11:55 a.m.