



City of Sanibel

Planning Commission

Planning Department Staff Report

Planning Commission Meeting: July 22, 2025

Application Number: DPLF-2025-000267

Applicant: Kevin Davis (Bayside Dredging LLC)

Address: 634 N. Yachtsman Drive

PUBLIC HEARING DESCRIPTION

Consideration of an application for a Development Permit filed pursuant to Land Development Code Chapter 82, Article IV, Division 2, Subdivision III - Long Form, Section 82-421(1) and Section 82-422 - Scheduling and notice, for dredging of a human-made body of water for motorized boat access adjacent to the subject property located at 634 North Yachtsman Drive - tax parcel (STRAP) No. 20-46-23-T2-01500.0420. The application is submitted by Kevin Davis, Bayside Dredging LLC (the applicant), on behalf of Acme Sanibel FL LLC (the property owner). **Application No. DPLF-2025-0000267.**

PROJECT DESCRIPTION

Maintenance dredge 2,259 cubic yards of sediment from a 27,853 square foot area to a depth of -5 mean low water, adjacent to 634 N Yachtsman Dr, Sanibel, FL 33957, tax Parcel (STRAP) No. 20-46-23-T2-01500.0420, in a canal, Section 20, Township 46 South, Range 23 East, in Lee County. The spoil material will be deposited in uplands at a certified landfill.

ISSUES

Pursuant to Sanibel Code Section 82-424. – Action on application, the subject application has been referred to the Planning Commission to make the following findings:

1. The application is complete.
2. The proposed development is consistent with the requirements of the following:
 - a. The Sanibel Plan
 - b. The Land Development Code
3. That concurrency requirements of general law are met; and
4. The proposed development can be implemented in accordance with the standards contained in this section.

A development order approving the application may be issued, which imposes reasonable restrictions or conditions or which modifies the relief requested in order to ensure consistency with the Sanibel Plan and Land Development Code.

ATTACHMENTS

A	Survey
B	Dredge Plans
C	FDEP Exemption Verification Letter
D	ACOE Letter of Permission Permit
E	Natural Resources Department Memorandum dated July 11, 2025
F	Ordinance 86-42 establishing a Special Use District for Sanibel Marina

BACKGROUND

The subject property is located at 634 N. Yachtsman Drive adjacent to privately owned canals in the established neighborhood of Sanibel Estates. The private canals intersect with public canals that serve Shell Harbor and Anchors Aweigh and Sanibel Estates neighborhoods.

The existing marina is located within a Special Use District adopted by Ordinance 86-42, which permits a marina dock and mooring area for up to 72 boats (up to 65 feet in length), among other ancillary uses.

A copy of the survey is included as **Attachment A** and a copy of Ordinance 86-42 is included as **Attachment F**.

PROPOSAL

The applicant proposes to remove approximately 2,259 cubic yards of sediment from an approximately 27,853 square foot area to achieve a depth of -5.0 feet Mean Low Water. A copy of the proposed dredge plan is included as **Attachment B**.

ANALYSIS

The Sanibel Plan provides the following as it relates to dredge and fill activities in Section 3.2.1. Coastal Zone Protection Element:

Policy 1.4. *Ensure that dredge and fill activities are undertaken in compliance with Land Development Code requirements, as well as the requirements enforced by the Department of Environmental Protection, the South Florida Water Management District and the Army Corps of Engineers.*

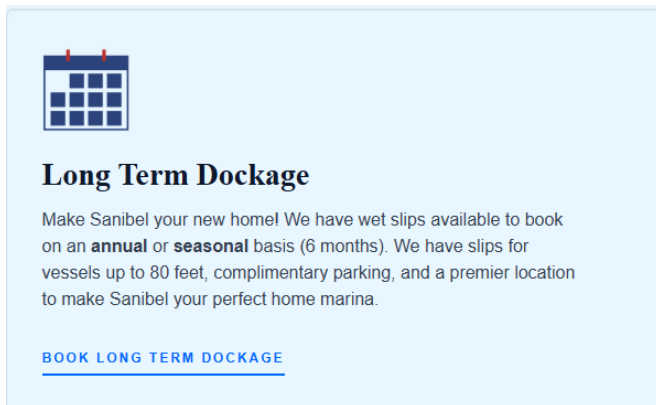
However, notably, there are no Land Development Code requirements specific to maintenance dredging of a canal. The city issues its permits on the basis of compliance with the requirements of other governmental agencies.

The Land Development Code does not have any applicable standards for review. The applicant has obtained letters from the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (ACOE). FDEP has verified that the activity is exempt from the need to obtain a regulatory permit. ACOE has issued a Letter of Permission permit. Please note that the second project listed by FDEP, to install boat lifts, is not the subject of this development permit.

Staff also reviewed the proposed scope of work as it relates to the dock facilities allowed by the Special Use District established by Ordinance 86-42 and as required by the Sanibel Plan, Section 3.2.1, Policy 4.2:

Policy 4.2. *Marinas will be located only in a Special Use District to ensure protection for the environment and compatibility with surrounding land uses, by establishing criteria and performance standards for the Special Use District, in accordance with procedures set forth in the Land Development Code.*

One of the recommended conditions of approval of the dredge permit requires a final inspection to verify the dock and mooring area accommodates no more than 72 boats and that none of the vessels exceed 65 feet in length, consistent with Ordinance 86-42. Staff noted that the Sanibel Marina website currently advertises slips for vessels up to 80 feet in length, as shown below.



The screenshot shows a light blue background with a calendar icon at the top left. Below the icon, the text reads: "Long Term Dockage", "Make Sanibel your new home! We have wet slips available to book on an **annual** or **seasonal** basis (6 months). We have slips for vessels up to 80 feet, complimentary parking, and a premier location to make Sanibel your perfect home marina.", and a blue link that says "BOOK LONG TERM DOCKAGE".

The Natural Resources Department completed a site inspection of the project area and provided a memorandum summarizing their findings:

- Staff did not observe any benthic resources within the proposed dredge footprint.
- The northeast section of the dredge template is adjacent to a mangrove fringe. Staff agrees that mangroves will likely not be impacted by the project.
- The applicant has received an exemption from FDEP and a letter of permission permit from ACOE.
- Natural Resources staff recommend the following condition to ensure protection of mangroves in the project area:

No mangrove trimming/alterations shall be authorized under the Development Permit without approval from Natural Resources. Any future trimming to maintain dock access or views of the water requires a separate annual mangrove trimming permit. If unanticipated impacts occur as a result of the project, mitigation may be assessed during the final inspection.

Copies of other governmental agency permitting information are provided as **Attachment C** and **Attachment D** and the Natural Resources Department Memo is provided as **Attachment E**.

PUBLIC COMMENT

No public comment has been received.

RECOMMENDATIONS AND CONDITIONS

Staff have made the following findings in support of its recommendations:

- The application is complete.
- The proposed maintenance dredge is consistent with the Sanibel Plan Coastal Protection Element (Section 3.2.1).

- FDEP and ACOE have reviewed the proposed dredge and issued approvals to ensure compliance with State and Federal requirements.
- Conditions are recommended to ensure compliance with requirements for material disposal, sediment control, exotic vegetation removal, and conditions of Ordinance 86-42 relating to dock and mooring facilities.

Staff, therefore, recommend approval of application DPLF-2025-000267 subject to the following conditions:

1. Dredge materials shall be removed and hauled to an off-island location. Dredged materials may not be retained anywhere on the subject property except for temporary storage prior to permanent removal.
2. A sediment control plan, including turbidity monitoring, shall be installed and maintained through construction.
3. A final inspection is required to verify compliance with limitations on the number and size of vessels prior to issuance of a Certificate of Completion. All advertisements for services on the Sanibel Marina website shall be consistent with the required conditions of the Special Use District or otherwise be removed promptly.
4. The applicant shall obtain any approvals required from other governmental agencies, including the Florida Department of Environmental Protection and United States Army Corp of Engineers, prior to commencement.
5. No mangrove trimming/alterations shall be authorized under the Development Permit without approval from Natural Resources. Any future trimming to maintain dock access or views of the water requires a separate annual mangrove trimming permit. If unanticipated impacts occur as a result of the project, mitigation may be assessed during the final inspection.
6. All Brazilian pepper, melaleuca, earleaf acacia, air potato, java plum, exotic inkberry, lead tree, and mother-in-law's tongue shall be removed from the lot, and the site is to be kept permanently free of these exotics.
7. Conditions contained herein are in addition to the requirements of the Sanibel Code. The applicant is required to comply with all regulations of the City of Sanibel. Some conditions stated herein reflect the current code requirements applicable at the time of approval of this permit. After the issuance of the completion certificate for this development or upon expiration of the development permit, any subsequent development must comply with the regulations in effect at that time.