



City of Sanibel

Planning Commission

Planning Department Staff Report

Planning Commission Meeting: April 22, 2025

Application Number: DPLF-2021-29

Applicant: Bel Lan Apartment Owners Inc.

Address: 1610 Middle Gulf Drive

PUBLIC HEARING DESCRIPTION

Consideration of an application to amend a Long Form Development Permit, filed pursuant to Land Development Code Section 126-152(10), (Nonconforming uses) Repairs, rehabilitations or reconstruction of existing nonconforming seawalls in human-made waterbodies to allow a revision to the planting plan within the rip-rap waterward of the existing seawall located at 1610 Middle Gulf Drive (Spanish Cay Condominium) – tax parcel (STRAP) no. 25-46-22-T3-01400.00CE. The application is submitted by the Bel Lan Apartment Owners Inc. the property owner. **Application No. DPLF-2021-29.**

ISSUES

Pursuant to *Sanibel Code* Section 126-152(10). – (Nonconforming uses) exceptions and prohibitions: Reconstruction of existing nonconforming use seawalls in human made waterbodies, the subject application has been referred to the Planning Commission to address the following issues:

1. Is the proposed revision to Planning Commission Resolution 22-03 condition 6 consistent with *Sanibel Code* Section 126-152(10)?
2. If the Planning Commission approves the application, what additional conditions should be required?

ATTACHMENTS

A	Applicant's requested amendment to Planning Commission Resolution 22-03
B	Planning Commission Resolution 22-03
C	Plans approved by Planning Commission Resolution 22-03

BACKGROUND

The Spanish Cay Condominiums are located at 1610 Middle Gulf Drive (Fig. 1). The development of these condominiums with a seawall were approved prior to the City of Sanibel's incorporation. The buildings are setback approximately ten feet from the existing seawall. When the owners noticed the nearly 50-year-old seawall was deteriorating, they contacted the city to verify if the seawall could be replaced or repaired. The property is located on a human-made body of water where a seawall is not an allowed use. The owners hired a coastal engineer to evaluate the options for securing their shoreline that would not compromise the existing

condominium buildings. In 2021, Hans Wilson and Associates, Inc. submitted an application following *Sanibel Code* Sec. 126-152(10) standards for replacement of nonconforming use seawalls. The Planning Commission approved the plans through Resolution 22-03 (Attachment B). Sec. 126-152(10) requires that reconstruction of nonconforming use seawalls be “approved by the planning commission at a hearing as for a development permit;” that is per Sec. 82-421(a)(1). As the development was approved subject to conditions imposed by the Planning Commission at the public hearing, the current request to amend the conditions of that approval likewise requires review by the Planning Commission at a public hearing. The applicant accepted all the conditions of the staff report at the hearing of March 8, 2022.

Figure 1: Location of Spanish Cay Condominiums



PROPOSAL

The applicant proposes an amendment to Planning Commission Resolution 22-03 condition 6 which requires:

“Red mangroves (18 inches minimum height nursery grown seedlings, or equivalent) shall be planted among the boulders on three-foot staggered centers, 3ft in depth, on the portion of the rip-rap closest to the seawall.”

The applicant proposes to plant black needlerush (*Juncus roemerianus*) and saltmarsh cordgrass (*Spartina alterniflora*) 330 one-gallon container size, planted in two staggered rows amongst the rip-rap in lieu of the red mangroves (18 inches minimum height nursery grown seedlings, or equivalent).

A copy of the applicant's requested amendment may be found in **Attachment A**. A copy of Planning Commission Resolution 22-03 is provided as **Attachment B** with a copy of the plans approved through Resolution 22-03 as **Attachment C**.

ANALYSIS

The *Sanibel Code* includes standards for replacement of nonconforming use seawalls (Sec. 126-152(a)(10)). The previously approved plans incorporated the installation of rip-rap waterward of the existing nonconforming use seawall that had become unstable. Condition 6 of Planning Commission Resolution 22-03 requires red mangroves (18 inches minimum height nursery grown seedlings, or equivalent) shall be planted among the boulders on three-foot staggered centers, 3-foot in depth, on the portion of the rip-rap closest to the seawall. The applicant has made a request to substitute low growing native plants (i.e., black needle rush and saltmarsh cordgrass). This request is consistent with the following *Sanibel Code* standards:

- Sec. 126-152(a)(10)(b) - In making its decision, the planning commission shall be guided by the principle that the banks of human made waterbodies should be as natural appearing as possible and should provide habitat for native wildlife and water quality protection, in addition to being stabilized to protect structures on the upland property.
- Sec. 126-152(a)(10)(e)(1) - Planting shelf waterward of the seawall planted with two staggered rows, minimum one-gallon container size mangrove or other appropriate native vegetation three-foot on center.

Natural Resources staff does not take issue with the plant substitution request and finds that the plants proposed for substitution would be appropriate for the location and environmental conditions. The vegetation plan will be reviewed and approved by the Natural Resources Department subject to condition 8 of Resolution 22-03.

PUBLIC COMMENT

Staff have not received any public comment on this item.

RECOMMENDATIONS AND CONDITIONS

Staff have made the following finding in support of its recommendation:

- Staff find the proposed revision to the planting plan complies with all general requirements for reconstruction of a nonconforming use seawall (Sec. 126-152(a)(10)).

Staff, therefore, recommends approval of revising condition 6 of Planning Commission Resolution 22-03 as follows:

~~Red mangroves (18 inches minimum height nursery grown seedlings, or equivalent)~~ 330 plants with a mix of black needlerush (*Juncus roemerianus*) and saltmarsh cordgrass (*Spartina alterniflora*) one-gallon container size shall be planted among the boulders on three-foot staggered centers, 3-foot in depth, on the portion of the rip-rap closest to the seawall.