



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes Planning Commission

*The times are estimated, but public hearings will not commence prior to
the time stated*

Tuesday, March 27, 2018

9:00 AM

MacKenzie Hall

1. Call To Order

The meeting was called to order at 9:01 a.m.

Present: 7 - Chair Phillip Marks, Vice Chair Dirk deWerff, Commissioner Chuck Ketteman, Commissioner Karen Storjohann, Commissioner Richard Johnson, Commissioner Roger Grogman, and Commissioner Matthew Kirchner

2. Pledge of Allegiance

Commissioner Johnson led the Pledge of Allegiance.

3. Welcome New Planning Commissioner

a. Matthew Kirchner Application

Chair Marks welcomed Matt Kirchner to the Planning Commission. Commissioner Kirchner is a full-time resident and has been a trusted contractor on Sanibel for many years.

Commissioner Kirchner thanked Chair Marks and stated he looks forward to serving on the Commission.

4. Public Comments on Items Not Appearing on the Agenda

None.

5. City Council Liaison Report

Councilwoman Smith welcomed Commissioner Kirchner to the Commission. She also thanked the Commissioners who contacted her to discuss the applicants and appreciated hearing the input of the Commissioners.

Councilwoman Holly Smith provided a brief update on City Council's March 6, 2018 meeting. City Council had its first reading of Ordinance 18-002 for the adoption of the Model Floodplain Ordinance. City Council also had a first reading of Ordinance 18-003 for a technical amendment to Chapter 14 of the Sanibel Code of Ordinances relating to storage areas below an elevated floor.

City Council also reviewed and approved the 2018 Planning Commission goals.

Council had additional discussion regarding perceived "sign pollution" in the City. Councilwoman Smith was not sure if the number of signs would be an element of the Planning Commission's review of the sign ordinance. Council planned to discuss the issue more thoroughly and determine what might be warranted.

Councilwoman Smith has been following the short term rental legislation for the State. In current proposals, Sanibel would be exempt as its regulations were in place prior to 2011. Councilwoman Smith stated she anticipates the issue will come before the legislature again.

Councilwoman Smith congratulated Commissioner Johnson on being named the COTI Person of the Year.

6. Planning Commission Liaison To City Council Report

Acting as Planning Commission Liaison to City Council, Commissioner Kettelman provided a brief update of the March 6 Council meeting as it related to Planning Commission activity.

Commissioner Storjohann noted that one item of interest was the Phase IV of the ongoing sewer project. She noted that some of the areas that were not connected may not be due to low volume usage. Council discussed that the cost of Hurricane Irma was \$4.5M. Although the City will be reimbursed, it will be quite some time and even when reimbursed, there will be a shortfall between the costs and the reimbursement. This has also impacted the sewer project.

Chair Marks noted that is why the City has reserves and Sanibel is fortunate to have sufficient reserves.

Councilwoman Smith clarified that the Resolution relating to Phase IV of the sewer project was to determine the feasibility of expanding the sewer at Woodring and West Gulf Drive and the funding thereof. The Resolution involved more than just low flow volume in the determination of whether to go forward with the expansion.

7. Consent Agenda

- a.** Approval of the February 27, 2018 Planning Commission Meeting Minutes.

Vice Chair deWerff noted a brief correction to the minutes. Under his Liaison report, the question by Council was "if" the Commission were unanimous, not "that" the Commission be unanimous.

Acting Director Gibson noted a misspelling to be corrected.

Vice Chair deWerff moved, seconded by Chair Marks, to adopt the February 27, 2018 Planning

Commission minutes as amended. The motion carried by a vote of 7-0.

8. 9:05 - Public Hearings:

- a. Consideration of an application submitted for Conditional Use Permit approval filed pursuant to Land Development Code Sections 126-82. General Requirements, and 126-99, Erosion Control Structures, for the rebuilding of approximately 170 linear feet of existing riprap and the stabilization of approximately 710 linear feet of existing vegetated shoreline by the installation of “living shoreline” an erosion control structure comprised of rip-rap, concrete pipes and “Reefballs” to accommodate the planting of appropriate shoreline native vegetation waterward of Woodring Road located within the Mangrove Forest zone and abutting the existing shoreline of San Carlos Bay; and,

Consideration of a Development Permit application filed pursuant to Land Development Code Section 82-421, Application, to implement the construction of the erosion control structure and all other related activities specified in the conditional use permit application.

The proposed accessory structure will be constructed and installed within an eroded section of the Woodring Road right-of-way adjacent to the shoreline of San Carlos Bay on a property located west of Dixie Beach Boulevard and owned by the U.S. Fish & Wildlife Services (tax STRAP number 23-46-22-T2-00009.0000; Both applications are submitted by Hans Wilson & Associates on behalf of the City of Sanibel (applicant) for the U.S. Fish & Wildlife Service (property owner). Application Nos. 18-10608CUP and 18-10609DP.

Acting Planning Director Roy Gibson read the title into the record.

The Commissioners were polled for Site visits and ex parte communications.

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|-------------------------|--|------------|
| Commissioner Grogman | Site Visit | No Exparte |
| Commissioner Kettelman | Site Visit | No Exparte |
| Vice Chair deWerff | Site Visit | No Exparte |
| Chair Marks | Site Visit | No Exparte |
| Commissioner Storjohann | No Physical Site Visit Virtual Site Visit | No Exparte |
| Commissioner Johnson | Site Visit | No Exparte |
| Commissioner Kirchner | Site Visit | No Exparte |

Planning Commission Secretary Sherri Enright swore in the following witnesses:

James Evans, Director of Natural Resources
Roy Gibson, Acting Planning Director
Josh Ooyman, Planner
Hans Wilson, Applicant, on behalf of the City of Sanibel.

Josh Ooyman, Planner, provided a brief overview of the application and entered into the record the Planning Department Staff Report dated March 27, 2018 as City

Exhibit C-1, including attachments A-J. The Attachments include copies of the Conditional Use Permit application and the Development Permit application to implement the conditional use. Mr. Ooyman provided a brief summary of the remaining attachments.

Erosion control structures are allowed under the Land Development Code as a conditional use. The City has applied for a rip rap revetment (living shoreline) to address erosion control occurring along Woodring Road at San Carlos Bay. Planning Department Staff believes the applicant has complied with the general and specific requirements for this conditional use permit. Subject to the twenty-six (26) conditions set forth in the Staff Report, the Planning Department supports the Planning Commission's approval of the application.

Natural Resources Director James Evans provided a brief history of this project. The area at issue has been subject to significant road erosion, particularly after last summer's storms and rainfall events. Prior attempts to establish vegetation in this area have not been successful. Therefore, the City looked at the option of a living shoreline in this area to protect the shoreline. The City has utilized living shorelines in other areas with success. Once the vegetation has taken, that should significantly help to reduce erosion.

The City has received all State and Federal permits, including the Army Corps of Engineer permit. Director Evans noted that the project is also consistent with the Sanibel Plan and the existing Beach Management Plan.

Director Evans introduced Hans Wilson, the Project Manager. Mr. Wilson presented the Planning Commission with a brief overview of the project, displayed onscreen to the Commission. Mr. Wilson initially noted that prior, similar projects have been successful in establishing mangroves and providing protection from erosion. In one area, the rip rap is completely covered with vegetation and other than during significant wave action, the rip rap is no longer visible.

In the area in question, the wave action combined with rising water levels will continue to impact the area. The shoreline has been eroding and will continue to erode. It will be mandatory to maintain this living shoreline for continued access to Woodring Road.

There are 17 homes in this area that are impacted. The project is intended to stabilize the road surface so that residents can continue to access their homes. The living shoreline is intended to stabilize the shoreline so that it does not continue to erode; instead, it should create a way for vegetation to take hold and shore up that area. There are issues in this area that exacerbate the conditions, including previous work done with the placement of rip rap with no real plan involved and the wave energy coming across the Bay at that area. Boat wakes are also particularly frequent in this

area.

Mr. Wilson provided pictures of the historical erosion of the shoreline over 18 years. Mr. Wilson also provided a picture showing the current erosion. The previous fill used to stabilize is now washing into the roadway and the mangroves in the area do not have a base within which to take hold. Currently, there has been no way to keep the fill in place; as a result, it either erodes into the Bay or washes into the roadway.

Mr. Wilson also showed pictures of the lack of needed substrate to hold vegetation and avoid erosion. Mr. Wilson provided a map of the detailed plan for protecting the existing sea grasses and adding additional vegetation. The project will use existing rip rap that will be rebuilt per the accepted designs. The mangroves will also be shored up at that area.

The rip rap, reef balls, and reinforced concrete pipes provide good structure to establish vegetation and shore up mangroves in the area. Mr. Wilson provided examples of the three different products that will comprise the living shoreline. These are good products for encouraging vegetation, including mangroves and oyster beds. As the living shoreline takes place, the concrete, rip rap and reef balls will absorb into the vegetation and will not be visible.

Mr. Wilson also presented a cross section of the project. The project will also include sand placement to deal with storm surge erosion and other wave action. All of the activity area is inside of the location of the sea grasses. Mr. Wilson has had significant success with these products in past projects.

Finally, Mr. Wilson provided a picture of the intended outcome of a rip rap project.

The Commissioners posed questions to the Applicant, which were answered accordingly.

Chair Marks noted that the Planning Commission was fortunate to have an expert in this area who knows local conditions and has completed prior projects. Chair Marks asked about the payment of permit fees. Director Evans clarified that the City paid the Planning Department permit fees. Chair Marks believes this is a good example of the cooperation between the various entities involved.

Commissioner Johnson noted that the positive aspects of the project are apparent. Commissioner Johnson did ask if there were anything else the Planning Commission should be aware of that might be considered a negative to the project. Mr. Wilson noted there may be some traffic impacts that will arise as the project is implemented and continues. Director Evans noted that even with the temporary traffic impact, the long term gain would be of greater benefit to the City. Mr. Wilson noted that there

was no guarantee to the ultimate success of the vegetation growth. The structures will protect the roadway and there will be beneficial habitats created in the water.

However, Mr. Wilson noted that other projects have been successful in this type of environment. Director Evans noted that the City would continue to vegetate the area as needed to maintain vegetation growth.

Commissioner Storjohann referenced page 13 of the Staff Report regarding the maps of erosion over time and would like to know the distance between the erosion lines. Mr. Wilson noted that he did not measure exactly but it is approximately 20'. That area of the shoreline has an erosion rate of approximately one foot per year. Director Evans noted that these shoreline impacts are often from "punctuated" changes versus a linear measurement. Commissioner Storjohann asked how much erosion would be "regained" from the project contemplated. Mr. Wilson noted that the mangroves, if successful, will continue to migrate to areas that are available. Director Evans noted that the goal is not to per se regain land but instead to stop the continuing erosion.

Chair Marks noted that the Planning Commission has had several applications over the past couple of years that required site visits on that road. The roads in that area can definitely be difficult to traverse and the stability of the road can be questionable. Chair Marks also noted the City of Sanibel has been proactive in its approach to these types of issues, where other communities have struggled with rising water levels.

Vice Chair deWerff asked about the overall costs of the project to the City. Director Evans noted that the City has budgeted approximately \$200,000 for the project. The City did seek funding from Lee County TDC but that was not successful. Vice Chair deWerff asked about the Bailey Beach project and this project. Director Evans clarified that at the Bailey Beach project, there are a lot of sea walls that tend to attack the wave action. As a result, the vegetation has taken the brunt of the wave action. However, the City does continue to replace vegetation. The difference with this project is the City has permission to work below the mean high water line that will allow devices to be put lower and better help reduce the wave action.

Commissioner Kettelman asked about the proposed timing for the project. Director Evans noted the City would like to send to it bid by late April, with the goal of having the project completed by early summer in order to avoid potential tropical storm events. Commissioner Kettelman asked what would happen if the living shoreline was not successful. Mr. Wilson noted that this project is the first step and he believes it will be successful to assist with erosion. However, in the future, there could be impacts to the roadway from storm events and wave actions. It is possible that the roadways will need to be addressed to take care of these types of impacts. At this point, this is the best and most cost effective solution for the problem.

Commissioner Grogman noted that it was wonderful to see science applied to the

situation. While rip rap is not the end-all, be-all to containing erosion, the use of several combined approaches is important to this area and may have broader implications for other areas in the City.

There was no public comment.

Commissioner Kettelman moved, seconded by Vice Chair deWerff, to approve the applications for a conditional use permit and a development permit to implement the conditional use permit in such a manner that the Resolution can be executed by the Planning Commission Chair without further Planning Commission action. The motion carried unanimously 7-0.

9. Report from Director of Planning

a. 2018 Planning Commission Goals & Planning Department Priorities and Background Materials for Redevelopment Goal

Acting Planning Director Roy Gibson provided a brief update on the 2018 Planning Commission Goals and Planning Department priorities and noted City Council approved these goals at its March 6, 2018 meeting.

Acting Planning Director Gibson also referred the Planning Commission to background materials provided with the packet related to redevelopment of resort housing outside of the Resort Housing District. Mr. Gibson distributed a composite map of the Resort Housing District, overlaid with resort properties outside of the District. These are grandfathered, non-conforming uses outside of the District. The purpose of the redevelopment goal was to address the potential for redevelopment in light of these non-conforming uses. Acting Planning Director Gibson also distributed copies of two sections of the Sanibel Code with a written inventory of the properties identified on the maps.

One of the desired outcomes would be to determine if there were a set of standards that would allow for redevelopment opportunities for these non-conforming uses outside of the Resort Housing District, similar to what was done for those properties inside of the Resort Housing District.

Vice Chair deWerff asked about the height limit and if that were an issue for this discussion. Acting Planning Director Gibson reminded the Commission that the height standard for multi-family structures applied only to structures in the Resort Housing District and was not a part of this goal; however, the review of height standards for potential impacted properties outside the Resort Housing District remains as a task for the Planning Department.

Commissioner Kettelman asked when the time frame for this consideration may take place. Acting Planning Director Gibson suggested that perhaps the Land Development Code Review Subcommittee could take the lead on the project. Commissioner Kettelman asked that the public be included in any review of this topic,

and not just as a part of "public comments" on the agenda but instead by reaching out directly to those impacted. Commissioner Kettelman noted that the Planning Commission's past work with other Districts should provide a good template for this work.

Commissioner Kirchner asked if the height issue should be reviewed before addressing the non-conforming properties. Acting Planning Director Gibson provided a brief overview of the previous work done by the Planning Commission regarding height limits for structures inside the Resort Housing District. Outside of the Resort Housing District, there is only one other area that allows multi-family structures to exceed the height limit and that is a Planned Unit Development in the Sanctuary/Wulfert Point. Otherwise, the height limits are not applicable outside of the Resort Housing District.

Commissioner Storjohann is concerned about the Planning Commission Goal regarding non-conforming uses outside of the Resort Housing District being heard at the subcommittee level and whether there would be sufficient participation by the public.

Councilwoman Smith asked if consideration of the goal regarding non-conforming uses was in fact delegated to the Subcommittee. She thought it had not been fully determined and therefore, that concern could be paused until a final determination was made. Her perception of the vision was that properties outside of the Resort Housing District are in disrepair and do not have a way to repair or redevelopment with their current non-conformities. The process that was put in place for waivers was a good example of what has been done and perhaps could be applied to those properties outside of the Resort Housing District.

Larry Schopp, Sanibel Resident and President of COTI asked whether it was desirable to have these non-conforming uses redeveloped as non-conforming uses or should they, in fact, be redeveloped as conforming. For instance, given the language of Land Development Code Section 86-2, should redevelopment be limited along West Gulf Drive. Acting Planning Director Gibson noted that with respect to these non-conforming properties, there are certainly neighborhood considerations that must be taken into account.

Acting Planning Director Gibson noted that the Staff would be ready to bring forward additional background information by June 12, 2018, when the Land Development Code Subcommittee is scheduled to meet and material could be provided at that meeting.

Commissioner Storjohann asked about the Planning Department's project relative to beach fires and asked about the current requirements. The Sanibel Code does allow

for certain types of beach fires but requires a permit from the Sanibel Fire Department. City Staff has been looking at the impacts and what types of incidents are being reported to determine what the requirements should be. This task was prompted by inquiries and concerns about beach fires over the course of the last year.

b. Permit Activity and Code Enforcement Monthly Reports

Acting Planning Director Gibson referred the Commissioners to the materials provided with the Agenda packet.

Commissioner Storjohann asked about the holiday light violations noted in the Code Enforcement report and whether we had e-mail addresses of the violators to remind the entities ahead of time. Acting Planning Director Gibson noted that the City does send out multiple reminders but if the entity has not signed up for the City's e-mail blasts, it might not receive the notices.

c. Horizon - Upcoming Important Dates

NEXT MEETING DATE APRIL 10, 2018

The next Planning Commission meeting is April 10, 2018 and it is anticipated that one quasi-judicial application for a variance will be presented on that day.

The Subcommittee Workplan was also attached with the Agenda Materials. The Permitting Process Review Subcommittee is currently scheduled for April 10, 2018. Acting Planning Director Gibson will be meeting with Subcommittee Chair Storjohann to determine agenda items for that meeting. Acting Planning Director Gibson had discussions with the Chair of the Below Market Rate Housing Review Subcommittee; as materials are still being reviewed, the next meeting will be June 12, 2018.

Chair Marks reminded the Commissioners to let Ms. Enright know if they had planned absences for upcoming meetings.

10. Report from Commission Members

Vice Chair deWerff complimented the City on the bike path on Bowman's Beach road and is appreciative of the work.

Chair Marks believes the City is very proactive and its motto should be the City never sleeps.

Commissioner Grogman noted that several articles have been circulated on workforce housing needs. There is an article in today's News Press about a similar project on San Carlos Island and how approximately 300 units have been devoted to workforce

housing needs. The topic of erosion has also been of great interest and he was pleased to see the City being proactive in these areas.

11. Report from Commission Chair

None.

12. Public Comment

Claudia Burns, Sanibel Resident. Ms. Burns welcomed Commissioner Kirchner to the Commission and congratulated Commissioner Johnson on his recent award. Ms. Burns asked Mr. Gibson the status of Director Jordan's health. Mr. Gibson did not have a specific update but noted that Director Jordan did appreciate the cards, well wishes, and prayers.

13. Adjourn

The Planning Commission meeting adjourned at 10:46 a.m.