



City of Sanibel

Planning Commission

PLANNING DEPARTMENT Staff Report

Planning Commission Meeting: May 14, 2024
Planning Commission Agenda Item: 7a.
Application Number: LDC-2023-000191
Applicant: Dan Delisi, AICP, Delisi, Inc.

RE: Consideration of a request for Amendment to the Land Development Code, filed pursuant to Land Development Code Section 82-476. - Filing of application, Section 82-477. - Hearing procedure, and Section 82-241. - Amendments to Land Development Code or zoning district boundaries, to amend Chapter 126, Article XVI. – Planned Unit Development, Division 3. – Bailey’s Shopping Center Property and revise the Master Development Plan on file for property located at 2477 Periwinkle Way (Bailey’s Shopping Center) - tax parcel number 26-46-22-T3-00006.0010 and 2431 Periwinkle Way - tax parcel number 26-46-22-T2-00004.0010. The subject application is submitted by Dan DeLisi, AICP, of DeLisi, Inc. (the applicant) on behalf of Baileys Center LLP and Periwinkle Adventures LLP (the property owners). **Application No. LDC-2023-000191.**

ISSUES

Pursuant to Land Development Code (LDC) Section 82-241. – Amendments to Land Development Code or zoning district boundaries, the subject application has been referred to the Planning Commission to address the following issues:

- (1) Make reference to the Sanibel Plan to determine if the proposed amendment to the land development regulations is consistent with the intent and purpose of the Sanibel Plan.
- (2) The planning commission shall determine whether the proposed amendment:
 - a. Will encourage the most appropriate use of land and city resources, consistent with the public interest;
 - b. Will prevent the overcrowding of land and avoid the undue concentration of population;
 - c. Will adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the city;

- d. Will adversely affect the character and stability of the present and future land use and development of the community;
- e. Will adversely affect orderly growth and development;
- f. Will preserve, promote, protect and improve the public health, safety and general welfare of the community; and
- g. Is consistent with the City Charter.

(3) If the planning commission determines that a proposed amendment is inconsistent with the Sanibel Plan or its intent and purpose, the planning commission may recommend approval of the proposed amendment, along with a corresponding amendment to the Sanibel Plan, if it's determined that the proposed amendment should be approved based upon a consideration of the factors specific in subsection (2) of this section.

ATTACHMENTS

A	Applicant's Narrative Statement
B	(Proposed) LDC Amendment
C	(Proposed) PUD Master Development Plan
D	LDC Chapter 126, Article XVI, Division 3. – Bailey's Shopping Center Property
E	(Existing) PUD Master Development Plan

BACKGROUND

The Bailey's Shopping Center, previously known as the Island Shopping Center, was originally developed in the 1960s. In 1979, the city approved Ordinance 79-16 to allow an expansion of the shopping center to 70,000 square feet with a parking requirement of 385 spaces. The application included the parcel now developed as Doc Ford's restaurant (the "west parcel," on the west side of Tarpon Bay Road). However, in 1981, the owners decided not to expand the shopping center, instead revising their application to expand to 54,000 square feet and a minimum 321 parking spaces.

At the time, land uses within the commercial center on the east parcel included restaurant, retail, service, office, grocery, hardware, movie theater, gas station, a 13-room boarding house for employees, and a single-family cottage.

The east parcel is partially located within the Town Center General Commercial District. The commercially zoned portion of the east parcel is (currently) 83% developed and 83% covered with impermeable surfaces, resulting from the large asphalt surface parking lot. Areas of the parcel outside the commercial district are located within the G – Altered Lands, D-2 – Upland Wetlands, and D-1 Lowland Wetlands ecological zone. A large freshwater body is located on the south end of the property.

Specific Amendment Ordinance 85-01 allowed an additional 91 square feet of floor area resulting from the conversion of a walkway corridor into enclosed building space.

In 1993, resulting from an out-of-court settlement agreement, Bailey's Shopping Center Property Planned Unit Development was established with development conditions and a Master Development Plan adopted in the Land Development Code.

In conjunction with a Conditional Use Permit for a coffee bar at Bailey's General Store, which required at least 200 feet between an access driveway and the intersection of Periwinkle Way and Tarpon Bay Road, an amended Master Development Plan was approved in 2011. The most notable change related to the placement of parking and a driveway at the porte-cochere of the corner restaurant with shell walkways and bonus outdoor dining.

Doc Fords Restaurant was approved for construction on the west parcel in 2015.

In 2021, the PUD Master Plan and Land Development Code standards were amended. The amendment was made in the context of a planned renovation of the shopping center. Allowable commercial floor area was expanded to 60,000 square feet with 3,000 square feet dedicated to warehouse storage on the second floor. The amendment also expanded the PUD to include 2431 Periwinkle Way, a commonly-owned former mixed-use development – most recently used as a consignment shop with two dwelling units in two structures. A parking demand study, completed by a traffic engineer, concluded that the intensity of intended uses required a minimum of 249 parking spaces. Lastly, the amended Master Development Plan included parcel descriptions that anticipated a minor subdivision and use of residentially zoned areas of the PUD for Below Market Rate Housing. A copy of the existing Master Development Plan is provided as **Attachment E**.

A copy of Land Development Code, Chapter 126, Article XVI, Division 3. – Bailey's Shopping Center Property is included as **Attachment D**. This division currently consists of seven sections:

- Purpose and Intent
- Subject property
- Master development plan
- Master vegetation plan
- Density/intensity
- Permitted uses
- Required conditions

The boarding house, single-family cottage, former consignment shop, and movie theater were demolished. The first stages of site construction were nearing commencement when Hurricane Ian substantially destroyed the center and corner restaurant (formerly George & Wendy's Seafood Grill), which have since been demolished. Applications for minor subdivision and other associated development permit applications anticipated by the 2021 amendment were never filed.

In 2023, following the demolition of all structures on the east parcel, except the former gas station (now the Grog Shop), the owner indicated a desire to redevelop the center with an elevated building to avoid future storm impacts.

PROPOSAL

The applicant is proposing an amendment to the Master Development Plan, which is adopted in *Section 126-1473. – Master development plan* by reference.

The proposed plan reconfigures building placement and size, expanding parking areas under and around structures, and increases vegetation buffers (as required) for the redevelopment of Bailey's Shopping Center. The Master Development Plan provides other information including commercial zoning designations, off-street parking, commercial floor area, developed area, and impermeable coverage totals. The Master Development Plan also proposes to combine parcels at 2477 Periwinkle Way and 2431 Periwinkle Way, as necessary to eliminate the shared property line and associated setback/landscape buffer requirements.

The applicant proposes text amendments in two sections of Division 3. – Bailey's Shopping Center Property.

In Section 126-1475. – Density/Intensity, the applicant proposes new descriptions of parcels within the Bailey Shopping Center PUD, consistent with the proposed reconfiguration of parcels on the Master Development Plan, as Parcel A (Doc Ford's Restaurant) and Parcel B (the Bailey's shopping center proper).

In Section 126-1477. – Required condition, the applicant proposes an update of parcel references, to eliminate obsolete setback provisions, and to establish short-form permitting procedures for other development activities, so as to streamline specific improvements in the public interest without the need for City Council to adopt a revised Master Development Plan.

A copy of application materials and plans are provided as **Attachments A** through **C** of this staff report.

Subsequent to this LDC amendment process, the applicant will complete an application for a conditional use permit (CUP) and development permit (BLDC) to permit construction of a grocery store, which requires Planning Commission approval.

ANALYSIS

i. Master Development Plan

Staff completed a review of the draft Master Development Plan for Bailey's Shopping Center PUD. Please see Table 1 (below) for a summary of compliance relative to Land Development Code standards for the Bailey's Shopping Center PUD, Commercial Use Site Planning, and Required Conditions of the Town Center General Commercial District.

Table 1. – Master Development Plan Analysis		
LDC Standards (re: Master Development Plan)		Compliance Status
Bailey’s Shopping Center PUD	Density/intensity	Yes, pending review of floor plan with CUP-2024-000214.
	On-site parking	Yes
Sec. 126-1029. – Site Planning (Commercial & Institutional Uses)	Setbacks	Yes
	Location of off-street parking	Yes
	Parking design	Yes
	Site access and internal circulation	No, regarding number of access driveways, however Planning Commission may authorize multiple points of ingress-egress along a single arterial, if deemed necessary for efficient traffic circulation. Staff considers four access driveways necessary for efficient traffic circulation.
	On-site utilities, equipment, lighting, trash containers, dumpsters and service areas	Yes
	Landscaping, buffering, and screening	Yes
Sec. 126-514. – Required Conditions. (Town Center General Commercial District)	Maximum floor area ratio	Yes – in compliance with Sec. 126-1475. – Density/Intensity.
	Height	Yes
	Front yard setback	Yes
	Side and rear yard setbacks	
	Open body of water setback	
	Coverage	Yes – Master Development Plan proposed reduction of lawfully nonconforming developed area by ~1%.
	Developed area and vegetation removal	Yes – Master Development Plan proposed reduction of lawfully nonconforming developed area by ~1%.
	Environmental performance standards	Yes – pending review of landscape plan with CUP-2024-000214.

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ii. Proposed text amendment of Sec. 126-1475. – Density/Intensity.

Staff finds the proposed text amendments to be consistent with the proposed Master Development Plan. There are no substantive changes to the intent or application of this section.

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iii. Proposed text amendment of Sec. 126-1477. – Required conditions.

Staff finds the proposed text amendments to be beneficial to establish clear procedures for future development and associated permitting. The proposed amendment deletes obsolete text that is not applicable to redevelopment of Parcel B of the Bailey's Shopping Center PUD. There are no substantive changes to the intent or application of this section.

PUBLIC COMMENT

As of May 8, 2024, there have been zero (0) written public comments provided to staff following the legal advertisement of this public hearing application.

RECOMMENDATIONS AND CONDITIONS

Staff recommends the following, as it relates to Land Development Code amendments within Division 3. – Bailey's Shopping Center Property:

1. Deletion of Section 126-1474. – Master Vegetation Plan, as redevelopment is required to comply with landscaping and environmental performance standards, this section is now obsolete.

Staff makes the following recommendations to the proposed Master Development Plan:

1. A landscape plan is required for submittal with application CUP-2024-000214 in compliance with landscape buffer, vegetation screening, parking islands, and environmental performance standards. Revise the vegetation buffer area at the southeast corner of the landscape buffer area so as not to overlap the 15-foot-wide buffer with an open body of water.
2. Approve four points of ingress-egress for efficient traffic circulation, in compliance with Section 126-1404(2)(c), as it relates to maintaining 200 feet from driveway location to the Periwinkle Way/Tarpon Bay Road intersection.
3. Consistent with the Plan for Scenic Preservation, which states *concrete and asphalt paving of parking areas should be minimized*, encourage the use of suitable pervious surfacing for parking areas to lessen lawful noncompliance to coverage standards (82%) of the Town Center General Commercial District.