



**Meeting Minutes - Draft
Planning Commission**

Tuesday, March 24, 2026

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. Call To Order

The meeting convened at 9:01 AM

2. Pledge of Allegiance (Commissioner Schopp)

Commissioner Schopp led the Pledge of Allegiance.

3. Roll Call

Present: 7 - Chair Paul Nichols, Vice Chair Erika Steiner, Commissioner Tiffany Burns, Commissioner Larry Schopp, Commissioner Kate Sergeant, Commissioner Ken Colter, and Commissioner Lyman Welch

a. Motion to excuse absent member(s):

All commissioners were in attendance.

4. Public Comments on Items Not Appearing on the Agenda

No public comments at this time.

5. City Council Liaison Report

Mayor Miller provided a comprehensive liaison report covering the City Council meetings from March 3rd and 17th. He reported on several land use matters, including the advancement of conditional use permit and variance applications for the CHR Riverview II development on Periwinkle. Both items received first reading and were scheduled for second reading on March 31st.

The Mayor also reported on legislative approvals including a ban on smoking and vaping in city beaches and parks (excluding cigars), and minor changes to milestone inspection rules exempting residential buildings with two habitable stories or less. Council approved rate increases for Island Water Association and formally accepted a \$160,000 Metropolitan Planning Organization grant for 30% design of four-way intersection improvements related to the round-about, with consensus to use funds for topographical survey and potential referendum consideration.

Additional contract approvals included a \$2.5 million Florida Department of Transportation grant for shared use path repairs, architectural services for the new

police station, beach road improvements, sewer collection system design work, and automation improvements for the weirs. Council also discussed speed limits, no passing lanes, and e-bike regulations, asking staff to develop a registration system requiring stickers for island residents and employees to use Class II and III e-bikes on shared use paths.

Commissioners asked questions about roundabout referendum timing and vegetative buffer requirements. The Mayor clarified that referendum language must be submitted by July for November ballot inclusion, and that additional vegetation conditions for the affordable housing project were specific to that application rather than general code concerns.

6. Consent Agenda

a. Adoption of Minutes: February 24, 2026

A commissioner noted a correction needed regarding site visit documentation for agenda item 7a.

Commissioner Welch moved, seconded by Commissioner Steiner to adopt the February 24th meeting minutes correcting the site visit notation for Commissioner Welch. The motion carried.

7. 9:05 - Public Hearings:

a. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to allow revisions to the vegetation buffer standards for commercial and institutional uses, Subpart B Land Development Code, Chapter 122, Article II Landscaping, Division 2 Commercial and Institutional Uses, Section 122-49 - Types, varieties and numbers of plants required, Section 122-50 - Installation standards, Section 122-51 - Maintenance standards, for the purpose of updating the Land Development Code regulations.

Director McMichael read the title of the item into the record.

Dana Dettmar from Natural Resources presented proposed revisions to commercial and institutional buffer standards. The changes were developed with input from a working group including Sanibel Captiva Conservation Foundation (SCCF) and landscape architect Leigh Gevelinger, focusing on reducing plant quantities while maintaining screening effectiveness and improving plant survival rates. The modifications account for a 2-3 year growing period rather than immediate dense screening, which should result in better plant structure and storm resilience.

Commissioners identified several technical corrections needed in the draft language, including referenced corrections and typographical errors.

Attorney Agnew listed the following changes:

- Section 122-49 Subsection B correcting the reference to 112-49 Subsection 1 (a).

- c.)
- Section 122-49 Subsection E. the reference to DPH correcting to DBH
- Section 122-49 Subsection F. correcting the misspelling of the word 'large'
- Section 122-49 Subsection G. Changing the reference to a.1, b.2, c.3 to simply a. and b.
- Section 122-50 Subsection F. Correcting the misspelling of the word 'vegetation'
- Section 122-51 Subsection B. Create consistency so that all 'state of emergencies' read as 'state of local emergencies'

The discussion covered concerns about enforcement of buffer requirements, with staff explaining that property owners are not prevented from opening while working on phased buffer compliance. Commissioner Sergeant asked about hedge installations, and staff confirmed that five different species are required but can be arranged to accommodate hedge designs.

Commissioner Colter requested that visual renderings from previous presentations be included when the item goes to City Council to help illustrate the differences between current and proposed standards.

Commissioner Welch moved, seconded by Commissioner Sergeant, to approve Resolution 26-09 with amendments to correct various technical references, typographical errors, and scrivener's errors as discussed. The motion carried by unanimous vote.

- b.** Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to allow accessory structures in front yards, except for accessory storage structures, subject to front setback requirements with limited exceptions, Subpart B Land Development Code, Chapter 126, Zoning, Article XIV - Supplementary District Regulations, Division 2 - Accessory Structures, Subdivision I - in General, Section 126-852 - Requirements, and Section 126-853 - Front Yards, for the purpose of updating the Land Development Code regulations.

Ms. McMichael read into the record the title of item 7(b) and further explained this draft clarifies and addresses inconsistent application of front yard accessory structure regulations. The revision adds specific language prohibiting accessory storage buildings in front yard areas while allowing other accessory structures like walkways, utilities, and signage with proper setbacks.

Commissioner Colter temporarily left the meeting at 9:42 a.m. and returned at 9:45 a.m.

Commissioner Welch noted technical corrections needed for consistency, suggesting "accessory structures" terminology throughout rather than mixing "buildings" and "structures." The commission discussed adding "little free libraries" to the permitted exceptions, with dimensions not to exceed 36 inches by 36 inches by 12 inches deep. Discussion ensued regarding fencing, Ms. McMichael confirmed that fences would continue to be regulated under existing fence code provisions.

Commissioner Welch moved, seconded by Commissioner Colter, to approve Resolution 26-06

with amendments to change references from 'buildings' to 'structures' throughout both sections, add little free libraries as permitted accessory structures with specified dimensional limits, and make other technical formatting corrections as discussed. The motion carried by unanimous vote.

- c. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to allow an exception for building design and construction for below market rate housing and remove an obsolete restriction relating to flat roofs, Subpart B Land Development Code, Chapter 86, Development Standards, Article III - Residential, Division 3 - Unified Residential Housing (Cluster Housing) and Multifamily Housing, Subdivision III - Multifamily Housing, Section 86-164 - Limitations on Principal Buildings, for the purpose of updating the Land Development Code regulations.

Planning Director McMichael read into the record the title of item 7(c).

Vice Chair Steiner recused herself due to potential bias regarding below market rate housing matters.

Planning Director McMichael explained the proposed changes to Section 86-164, which currently limits multifamily buildings to no more than two dwelling units vertically except in resort housing districts. The proposal would add an exception for below market rate housing developments and remove the obsolete flat roof prohibition to align with updated architectural standards.

Commissioner Schopp expressed opposition to the below market rate housing exception, arguing it could allow CHR to build three-story structures throughout commercial districts without limitation, potentially affecting the island's small-town character. He noted the Riverview projects would increase CHR's housing by approximately 50% and suggested such developments should require variances rather than being permitted as a matter of right. Commissioner Welch supported Commissioner Schopp's concerns about timing, noting the Riverview 2 variance was pending before City Council.

Public Comment:

- Nicole McHale, CHR's Executive Director - emphasized the community's workforce housing needs

- Rachel Beilert - discussed the challenges facing business owners trying to provide employee housing

Commissioner Welch moved, seconded by Commissioner Schopp, to approve Resolution 26-07 with the change to delete the proposed "below market rate housing development" exception, keeping only the flat roof provision changes. Commissioner Schopp seconded the motion. The motion carried by a vote of 6-0 with Vice Chair Steiner recused.

Recused: 1 - Vice Chair Erika Steiner

- d. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to allow a limited exception to height limitations for elevation of existing structures, Subpart B, Land Development Code, Chapter 126, Zoning, Article V, Nonconformances, Division 3, Structures, Section 126-172 - (Nonconforming structures) improvement, reconstruction or relocation prohibited;

exceptions; and Division 5, Standards for Building-Back (Reconstruction) of Structures Substantially Damaged by a Natural Disaster, Section 126-212 - Nonconforming Structures, for the purpose of updating the land development code regulations.

Planning Director McMichael read into the record the title of item 7(d).

Senior Planner Savannah White explained this provision addresses elevation of nonconforming structures, particularly as build-back provisions expire in December 2026. The change allows nonconforming structures to be elevated up to 10 feet above predevelopment grade even if it increases nonconformity with height or angle of light standards, supporting voluntary resilience improvements.

Commissioners requested language clarification to ensure the provision clearly allows elevation for resilience purposes rather than just minimum code compliance. Attorney Agnew suggested revised wording to clarify that structures nonconforming with elevation requirements may be elevated up to 10 feet even if such elevation increases nonconformity with other height standards.

Commissioners questioned the continued nonconforming status after elevation, and staff confirmed that while structures might become conforming with flood requirements, they could remain nonconforming regarding height and angle of light standards.

Commissioner Welch moved, seconded by Commissioner Sergeant, to approve Resolution 26-08 with language changes in Section 126-172A3 as proposed by Attorney Agnew to clarify the elevation exception provisions. The motion carried by unanimous vote..

- e. Consideration of an application for the revision of an approved preliminary plat pursuant to Land Development Code Chapter 82, Article IV, Division 2, Subdivision III - Long-Form, Section 82-421(1), Section 82-422 - Scheduling and notice, and Chapter 114, Article II, Division 5, Section 114-106 - Preliminary plat, to amend allocated impermeable coverage for lots 1 through 6 at a Unified Residential Housing (Cluster Housing) development known as “Coastal Creek” subdivision. The subject properties are located at tax parcel (STRAP) no. 13-46-21-T2-00002.2000 and 13-46-21-T2-00002.4000. The subject application is submitted by Brian Smith, Ensite Inc. (the applicant), on behalf of Buckingham 225 Development Inc. (Daniel W. Dodrill) (the property owner). Application No. SPLT-2022-000074.

Planning Director McMichael read the item into the record. Deputy City Clerk Hicks polled Commissioners for ex-parte, site visits and conflicts.

- Chair Nicols Site Visit No Ex-parte No Conflict
- Vice Chair Steiner Site Visit No Ex-parte No Conflict
- Commissioner Burns Site Visit No Ex-parte No Conflict
- Commissioner Colter No Site Visit No Ex-parte No Conflict
- Commissioner Schopp No Site Visit No Ex-parte No Conflict
- Commissioner Sergeant Site Visit No Ex-parte No Conflict
- Commissioner Welch No Site Visit No Ex-parte No Conflict

Commissioner Welch explained his previous public opposition to the Coastal Creek development due to contamination concerns but stated he could evaluate this limited revision objectively. Commissioner Colter temporarily left the meeting at 10:55 AM and returned at 10:57 AM

Chair Nicols temporarily left the meeting at 10:59AM and returned at 11:03AM

Planning Director McMichael explained that the approved preliminary plat contained incorrect impermeable coverage allocations that didn't match code-permitted maximums. The revision corrects the table to show maximum permitted developed area of 46,618 square feet and impermeable coverage of 40,931 square feet while maintaining compliance with all ecological zone requirements and previous approval conditions. Applicant Bryan Smith from InSight confirmed this was purely an administrative correction with no changes to the physical development, which has already been constructed and certified. He noted they used higher impermeable calculations (44,800 square feet) for their South Florida Water Management District permit and provided 3.5 times the required stormwater treatment capacity.

Public comment:

- Marsha Ellis and Gayle Dendinger - raised concerns about PFAS contamination on the former wastewater site and potential impacts to neighboring Heron's Landing. They referenced new scientific studies showing elevated PFAS levels and questioned whether increased impermeable coverage might affect water runoff and contamination issues.

Attorney Agnew clarified that the commission's scope was limited to the impermeable coverage revision, as the development had already been approved and constructed. Whether the revision was approved or denied, the same six homes would be built; the only question was the maximum allowable impermeable coverage on each lot.

Commissioners noted that staff had reviewed and supported the proposed coverage calculations, and the applicant had demonstrated conservative design practices with their water management systems. Commissioner Colter pointed out that the lake in question belongs to Heron's Landing, not the Coastal Creek development.

Public Comment:

- Marsha Ellis - General Opposition
- Gayle Dendinger - Water run-off flow, feels testing was not properly done

Commissioner Welch moved, seconded by Commissioner Sergeant to approve Resolution 26-10 with all previous conditions remaining in effect and authorizing the Chair to execute the resolution. The motion carried by unanimous vote.

10. Report from Planning Department

- a. Upcoming meeting dates:
 - i. Planning Commission - Tuesday, April 14, 2026
 - ii. Report to City Council - Tuesday, April 21, 2026 - Commissioner Nichols

- b. Planning Reports
 - i. Planning Permit Review Report

 - ii. Planning Projects

 - iii. Plan Application Status Report

 - iv. Introducing Ashlee Painter, Chief Resiliency Officer

Planning Director McMichael announced the next meeting date of April 14, 2026, and that Commissioner Nichols would provide the City Council report on April 21st.

Chief Resilience Officer Ashlee Painter introduced herself and her role in long-term climate resilience planning. She outlined current projects including a vulnerability assessment examining flooding, sea level rise, and storm surge impacts, and upcoming adaptation planning with a public workshop scheduled for May. She also described work on a strategic energy plan with a public workshop on April 20th from 6-8 PM at the Community House, and announced an Earth Day fair on April 18th at Community Park from 9 AM-12 PM.

Commissioners asked clarifying questions about workshop dates and received information about the steering committee update.

11. Report from Commission Members

Transportation Plan Steering Committee Member, Erika Steiner, reported on an upcoming public workshop scheduled for March 26th starting at 6:30 PM at the Community House, encouraging public participation in transportation improvement discussions.

Sanibel Master Plan Update Committee Member, Larry Schopp reported on technical presentations covering water supply and treatment, with excellent staff and Island Water Association participation providing valuable input for consultants.

Commissioner Schopp expressed frustration about Governor DeSantis signing Senate Bill 290 preempting local gas-powered leaf blower bans, which would allow their return as of July 1st despite previous local efforts for noise abatement and health protection.

Commissioner Steiner reflected philosophically on the challenges of balancing rights between existing neighborhoods and new developers, encouraging dialogue between parties in development processes.

Commissioner Colter reported unprecedented public contact regarding the CHR building project and sought clarification about potential city financial obligations if construction costs exceeded budget. The City Attorney confirmed the city has no obligation to contribute additional funds for cost overruns.

13. Public Comment

Public comment:

- Marsha Ellis - General opposition of Coastal Creek item

14. Adjournment

There being no further business, the meeting adjourned at 11:52 AM.