



City of Sanibel

Planning Commission

Planning Department Staff Report

Planning Commission Meeting: April 8, 2025

Application Number: CUP-2025-000255 and VAR-2025-000256

Applicant: Rachel Bielert (RLBCM, LLC)

Address: 1517 Periwinkle Way

PUBLIC HEARING DESCRIPTION

Consideration of applications filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V. – Conditional Uses, Section 82-204. – Application and hearing, to request increased density for below market rate housing; and Subdivision II. – Variances, Section 82-138. – Application and hearing, to request variances from Section 86-163. – Maximum number of dwelling units, Section 86-165. – Limitation on side yard setbacks and height of structures, Section 126-494. – Required conditions (side and rear yard setbacks), and Section 126-1404. – Driveways and service aisles (width) to allow for redevelopment of multi-family housing (15 units) dedicated to the Below Market Rate Housing Rental Program located at 1517 Periwinkle Way – tax parcel (STRAP) no. 30-46-23-T1-00004.0080. The application is submitted by Rachel Bielert (RLBCM, LLC) on behalf of Community Housing & Resources, Inc., the property owner. **Applications No. CUP-2025-000255 and VAR-2025-000256.**

ISSUES

Pursuant to Sanibel Code Section 82-136. – Authorization. and Section 82-137 – Conditions., the subject application has been referred to the Planning Commission to address the following issues:

1. Does the subject application comply with Sanibel Code Section 82-144. – Below market rate housing, which allows the planning commission to grant variances necessary to accommodate below market rate housing developments?
2. If the Planning Commission approves the application, what additional conditions should be required?

Pursuant to Land Development Code (LDC) Section 82-202. – Requirements and Section 82-203 – Conditions, the subject application has been referred to the Planning Commission to address the following issues:

1. Does the proposed development comply with general requirements of a conditional use provided in Sanibel Code Section 126-82 – general requirements?
2. Does the proposed development comply with specific requirements provided in Sanibel Code Section 126-85. – Increased density below market rate housing?
3. If the Planning Commission approves the application, what additional conditions should be required?

ATTACHMENTS

A	Applicant's narrative response to variance standards (Sec. 82-144)
B	Applicant's narrative response to conditional use standards (Sec. 126-82 and Sec. 126-85)
C	Survey
D	Site Plan
E	Elevation Drawings
F	Angle of Light Exhibit
G	Landscape Plans

BACKGROUND

The subject property is located at 1517 Periwinkle Way, however without roadway frontage to Periwinkle Way. The lot is surrounded on three sides by commercial developments – 7 Eleven (north), Fish House (west), VCA Animal Hospital (east) – and to the south is the Sanibel River. The property consists of approx. 0.95 acre.

Lands within four hundred (400) feet of Periwinkle Way are in the GC – General Commercial District. On the subject property approximately the northern 260 feet of the subject property is within the GC district. The remaining area of the property to the south is outside the commercial district and is in the D-2 Upland Wetlands ecological zone/residential district. All lands within two hundred (200) feet of the Sanibel River are also located within the Interior Wetlands Conservation District.

Access to the property is provided via a twenty (20) foot wide easement through 1521 Periwinkle Way (7 Eleven) to Periwinkle Way. The property was developed pre-city incorporation to a lawfully nonconforming residential density of 10 dwelling units (four efficiency and six one-bedroom apartments) in a single multi-family structure located in the northern portion of the site. The units were dedicated to the Below Market Rate Housing rental program starting in 1982. The subject property otherwise is permitted up to three (3) dwelling units based on the development intensity map of the Sanibel Plan.

The principal structure was destroyed by Hurricane Ian, and, in 2023, the building was demolished with intent to redevelop new Below Market Rate Housing units.

A copy of the survey is included as **Attachment C**.

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The Sanibel Plan controls development intensity and associated population growth on the basis of natural resources protection, hurricane safety, and adequate delivery of services. The plan for residential development intensity adopted in 1976 established a carrying capacity of Sanibel at approximately 7,800 dwelling units at build out. Increases of residential development intensity were granted between 1976 and 1988 (specific amendments), which increased projected build out to approximately 9,000 dwelling units.

The Sanibel Plan, Plan for Development Intensity, describes circumstances under which residential density could be increased for a specific site if mitigating consideration are found to exist that would outweigh potential drawbacks and work toward achieving other objectives of the Sanibel Plan, including:

Where opportunities are provided for below market rate housing.

There have been ten (10) ordinances approved to authorize a conditional use permit for increased density below market rate housing. Seven were implemented, the last in 2009 for 14-units at Centre Place.

The Plan for Development Intensity also provides the following regarding the importance of regulating development intensity in commercial districts:

- *To assure that adverse impacts on adjacent lands and developments are minimized.*
- *To assure that sufficient land area is available to accommodate the parking, drainage, wastewater disposal and service needs of the commercial development.*
- *To assure that enough native vegetation for the development is preserved or planted to have a pleasing appearance to both passersby and customers.*
- *To assure that the level of activity is in keeping with the maintenance and character of the community.*

Below Table 1 provides several other areas of the Sanibel Plan that relate to the subject application.

Table 1. Sanibel Plan references
Plan for Development Intensity Provision #2. By such implementing development regulations, the City Council may also permit residential densities in excess of those shown on the Development Intensity Map as incentives to the provision of below market rate housing.
Plan for Commercial Development Provision #7 Continue to seek alternatives to commercial development on Periwinkle Way by monitoring the feasibility of the incentives contained within the development regulations.
Section 3.6.1. Housing Objective 3 Increase the total number of housing (dwelling) units that are available to persons of very low, low, and moderate income in addition to providing essential services workforce housing based on needs.
Section 3.6.1. Housing Policy 3.7 Ensure that BMRH units continue to be developed and maintained in a manner that is compatible with the character of the community.
Section 3.6.1. Housing Policy 3.8 Evaluate opportunities for mixed commercial and residential developments in the commercial sector to provide housing opportunities for the Island workforce.

PROPOSAL

The applicant proposes a redevelopment of Riverview Apartments and increased density for below market rate housing (a conditional use) from three units (allowed) to fifteen (15) units in a single multi-family structure and associated facilities including twenty off-street parking spaces, mailboxes, trash and recycling.

The multi-family structure is proposed to be located on the northwest portion of the property within the GC – General Commercial District. The building location and orientation are necessary due to the existing access easement that runs parallel to the eastern property line. The former 10-unit multifamily structure was similarly situated.

The proposed site plan notably places the principal structure and accessory structures outside of the Interior Wetlands Conservation District, which is delineated by its boundary 200 feet north of the banks to the Sanibel River and where development is restricted.

The multi-family structure proposes three stories over parking. The building design is consistent “Island-style” architecture, as required by the Land Development Code, exhibiting “Old Florida” design elements such as porches, balconies, and a pitched roof with overhangs.

To allow the proposed plans for redevelopment, the applicant seeks four variances from requirements of the Land Development Code:

- Sec. 86-163. – Maximum number of dwelling units, to allow 15 units in one building instead of 12 units in one building
- Sec. 86-165. – Limitation on side yard setbacks and height of structures, to allow an angle of light encroachment on the west side of the property adjacent to the parking lot behind Fish House Restaurant.
- Sec. 126-494. – Required conditions (side and rear yard setbacks); to allow a side setback of 4.7 feet from the east property line for ten (10) 90-degree off-street parking spaces instead of 15 feet, a side setback of 1.6 feet from the north property line to accommodate shared trash and recycling facilities with 7 Eleven, and a side setback of 6.7 feet from the west property line for balconies that serve as ancillary habitable floor space and a serviceable location for condensing units.
- Sec. 126-1404. – Driveways and service aisles (driveway width), to allow a minimum driveway width of 20 feet instead of 22 feet.

The applicant also provided a plan to improve landscape buffers on all four sides of the commercially-zoned portion of the property. Due to setback encroachments proposed by the subject application, full compliance with landscape buffer standards is not possible. Prior to the submission, staff indicated that a waiver application would be required. However, after further review of the subject applications, staff found two additional variance requests are necessary to authorize the proposed plans – Sections 122-48. – Location and size of required vegetation buffers and 122-49. – Types, varieties and numbers of plants required. In the context of redevelopment, a waiver is not applicable. The applicant is preparing a revision of the narrative responses to variance standards and a public hearing has been legally advertised for the April 22, 2025, Planning Commission meeting.

A copy of the applicant’s responses to variance standards are included as **Attachment A** and conditional use standards as **Attachment B**. The proposed site plan is **Attachment D**, elevation drawings are in **Attachment E** with additional angle-of-light exhibit as **Attachment F**. The proposed landscape plans are included as **Attachment G**.

ANALYSIS

Tables 2 – 7 provide a summary of analysis relative to each condition or standard in review of the proposed conditional use for increased density below market rate housing and four variances necessary to approve the proposed development plans. The implementing development permit will be approved short-form, as permitted through December 31, 2025, by Sec. 82-421(b), to assist in recovery efforts.

Table 2. Analysis of Sec. 126-82. General Requirements (Conditional Uses)		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-82. – General Requirements	Please reference Attachment B alongside the corresponding staff comments below.	Yes.
(a) The proposed development shall not adversely affect compatibility with other uses, either on, adjacent to, or nearby the parcel; and shall not adversely affect the health, safety and welfare of the community or its goals and objectives. The proposed development shall not adversely affect the traffic flow to a significantly greater extent than permitted uses; however, there shall be a rebuttable presumption of no such relative adverse effects, absent competent, substantial evidence presented to the contrary.	The proposed development – its design and its intensity – is compatible with surrounding commercial land uses.	Yes.
(b) A request for conditional use approval shall be accompanied by a site development plan prepared in accordance with the requirements of subsection 82-382(13) .	A site plan has been submitted for review.	Yes.
(c) In reviewing requests for conditional uses, the planning commission may impose, as necessary, conditions to protect adjacent or nearby parcels and in furtherance of the public interests, with regard to location, design, intensity of use, architectural treatment, siting, landscaping, maintenance, and operation of the uses.	Planning staff recommends conditions to record easements that further goals of the Sanibel Plan and Land Development Code, such as: <ul style="list-style-type: none"> • Protect native vegetation adjacent to the Sanibel River. • Facilitate shared facilities (trash and recycling) between adjacent properties. 	Yes.
(d) The developer must demonstrate that the proposed use is coordinated, to the greatest extent possible, with adjoining developments. Where applicable, this coordination shall include examination of all opportunities to share or combine drives and entry points, parking areas, sewage treatment facilities, pedestrian walkways, and other service facilities.	The proposed redevelopment of Riverview Apartments has coordinated with adjacent developments, most notably 7 Eleven to shared trash and recycling facilities and repave asphalt parking areas at 1521 Periwinkle Way that will be impacted to support the proposed construction.	Yes.

<p>(e) The planning commission shall consider the nature of the site, its size, and its configuration to determine whether the parcel is adequate to:</p> <p>(1) Accommodate the placement and arrangement of structures so as to promote the best possible vehicular and pedestrian access and internal circulation;</p> <p>(2) Maximize energy efficiency and compatibility with adjoining uses on and off the site; and</p> <p>(3) Minimize the need for additional off-site transportation improvements.</p>	<ul style="list-style-type: none"> • The applicant coordinated with the Sanibel Fire District to ensure adequate emergency vehicle access to the principal structure. The proposed variance to ingress-egress driveway width is reasonably necessary due to a limited 20-foot-wide access easement to the north and an existing commercial structure at 1521 Periwinkle Way. • There is no need for off-site transportation improvements. 	<p>Yes.</p>
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<p>(f) In considering a proposed conditional use for approval, the planning commission shall evaluate the proposal in consideration of the following factors:</p> <p>(1) <i>Conformance with Sanibel Plan.</i> No conditional use may be approved unless it is in accord with the Sanibel Plan.</p> <p>(2) <i>Internal compatibility.</i> Any proposed conditional use must be compatible with other existing or proposed uses on the same site; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility of a conditional use should be based on the following factors:</p> <ul style="list-style-type: none"> a. The streetscape; b. The existence or absence of, and the location of, open spaces, plazas, recreational areas, and common areas; c. The use of existing and proposed landscaping; d. The treatment of pedestrian ways; e. Focal points and vistas; f. The use of the topography, physical environment, and other natural features; g. Traffic and pedestrian circulation pattern; h. The use and variety of building setback lines, separations, and buffering; i. The use and variety of building groupings; j. The use and variety of building sizes and architectural styles; k. The use and variety of materials; l. The separation and buffering of parking areas and sections of parking areas; m. The variety and design of dwelling types; n. The particular land uses proposed, and the conditions and limitations thereon; o. The form of ownership proposed for various uses; and p. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any existing or proposed use on the site. 	<p>(f)(1) Staff finds the proposed plans in compliance with the provisions cited in Table 1 of this staff report. There is adequate access to essential services and utilities and the proposed housing is compatible with the character of the community.</p> <p>(2) Internal compatibility is not applicable. The proposed below market rate housing multifamily development is the sole principal use on site.</p>	<p>Yes.</p>
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<p>(3) <i>External compatibility.</i> All proposed conditional uses must be compatible with existing and planned uses of surrounding properties; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use. An evaluation of the external compatibility of a proposed conditional use should be based on the following factors:</p> <ul style="list-style-type: none"> a. All of those factors listed in subsection (f)(2) of this section; b. The particular uses proposed, and the conditions and limitations thereon; c. The type, number, and location of surrounding external uses; d. The Sanibel Plan designation and zoning on surrounding lands; and e. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of lands surrounding the proposed conditional use and any existing or planned use of such lands. <p>(4) <i>Intensity of development.</i> The residential density and intensity of commercial use of a conditional use shall be compatible with (that is, shall have no undue adverse impact upon) the physical and environmental characteristics of the site and surrounding lands. Within the maximum limitation of the Sanibel Plan and this Land Development Code, the permitted residential density and intensity of commercial use in a proposed conditional use may be adjusted in consideration of the following factors:</p> <ul style="list-style-type: none"> a. The locations of various proposed uses within the site and the degree of compatibility of such uses with each other and with surrounding uses; b. The amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the site; c. The existing residential density and intensity of commercial use of surrounding lands; 	<p>(3) External compatibility factors of this project such as architectural design, parking and site design, and landscape buffers are consistent with the purpose and intent of such standards. The appearance, size and massing of the single multi-family structure is consistent with the massing of other elevated buildings in the GC – General Commercial District, such as Tradewinds Center (1648 Periwinkle Way) and Royal Shell Vacations (1547 Periwinkle Way).</p> <p>(4) Areas of the subject property located within the Interior Wetlands Conservation District are relevant to the preservation and protection of lands adjacent to the Sanibel River and environmental goals of the Sanibel Plan. Those lands should be dedicated to conservation use or deeded, as necessary to expand grant funding opportunities to manage wetland areas.</p>	
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<p>d. The availability and location of utilities, services, and public facilities and services;</p> <p>e. The amount and size of open spaces, plazas, common areas, and recreation areas;</p> <p>f. The use of energy-saving techniques and devices, including sun and wind orientation;</p> <p>g. The existence and treatment of any environmental hazards to the site or surrounding lands;</p> <p>h. The access to and suitability of transportation routes proposed within the site and existing external transportation systems and routes; and</p> <p>i. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare, and safety.</p> <p>(5) <i>Environmental constraints.</i> The site of the proposed conditional use shall be suitable for use in the manner proposed without hazards to persons, vegetation, or wildlife, either on or off the site, from the likelihood of increased flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of soil, water level, drainage, and topography shall all be appropriate to the pattern and intensity of development intended.</p> <p>(6) <i>Off-street parking.</i> Sufficient off-street parking, for bicycles and other vehicles as well as cars, shall be provided. The specific requirements of this Land Development Code shall be used as a guide only. Parking areas shall be constructed in accordance with such standards as are approved by the planning commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses.</p>	<p>(5) Proposed increased development intensity is compatible due to the property's location in the general commercial district. The proposed building site is located away from the Interior Wetlands Conservation District and staff recommends additional steps to further protect and preserve those areas.</p> <p>(6) Sufficient parking is proposed to accommodate the proposed use and intensity. LDC Sec. 126-1341 requires a minimum of 19 off-street parking spaces for 15 units. The proposed site plan includes 20 spaces, including a required ADA space.</p>	
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Table 3. Analysis of Sec. 126-85. Increased density below market rate housing		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-85. – Increased density below market rate housing	Please reference Attachment B alongside the corresponding staff comments below.	Yes.
<p>1. The planning commission may recommend to the city council, for below market rate housing, a greater development intensity than the maximum residential density established in section 86-91, but the density approved for below market rate housing shall be compatible with and shall have no detrimental effect on surrounding lands and actual and permitted uses thereof. Any recommended increases in maximum residential density shall require that such additional units be committed to the below market rate housing program.</p>	<p>Staff finds the proposed residential density, development and its design elements to be compatible with the surrounding commercial properties.</p> <p>Staff recommends an additional condition for the protection and preservation of lands within 200 feet of the Sanibel River.</p> <p>All units will be required to remain in the Below Market Rate Housing rental program in perpetuity.</p>	Yes.
<p>2. Below market rate housing units permitted as a conditional use must comply in all respects with the requirements of chapter 102, article II.</p> <p>All or a portion of the below market rate housing units may be set aside for either exclusive or preferential assignment to on-island employees, who are financially qualified, of the owner or an entity which transfers such housing or land to the housing foundation, and which maintains a business within the city limits.</p>	<p>The application is compliance in all respects with Chapter 102, article II, which relates to administration of the Below Market Rate Housing rental program.</p> <p>The units are not proposed to be set aside for exclusive or preferential assignment.</p>	Yes.

Table 4. Analysis of variance request to Sec. 86-163. – Maximum number of dwelling units		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The maximum number of dwelling units in a single structure is ten (10) and for a structure devoted to below market rate housing is twelve (12).</p> <p>The applicant considered a two-building design, but elevator requirements and associated costs made the design impractical.</p> <p>In the context of Sanibel Plan goals for housing to expand the number below market rate housing units, it is reasonably necessary to maximize the number of units in a single structure, so long as the appearance, size, and massing of the proposed structure and parking areas is consistent with the character of the surrounding area. In this case, the property is surrounded by commercial development. Therefore, the additional units in a single structure do not conflict with compatibility standards.</p>	Yes.

Table 5. Analysis of variance request to Sec. 86-165. – Limitation on side yard setbacks and height of structures		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The proposed variance to angle-of-light standards is not a compatibility concern due again to the property's location in the GC – General Commercial District. There is no angle-of-light height standard in commercial districts. However, multi-family residential development is subject to angle-of-light and setback requirements regardless of its zoning.</p> <p>Staff finds a commercial structure designed in the same manner would not require a variance. Therefore, the proposed variance is not considered to be adverse to the intended appearance and character of this district.</p>	Yes.

Table 6. Analysis of variance request to Sec. 126-494. – Required conditions (side and rear yard setbacks)		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The min. required side and rear yard setbacks are 15 feet from the property lines. The proposed variance is reasonably necessary for the following reasons:</p> <ul style="list-style-type: none"> • Balcony decks/porches that also serve elevated and serviceable condensing units • Parking • Lift Station • Shared trash and recycling facilities 	Yes.

Table 7. Analysis for variance request to Sec. 126-1404. – Driveway and service aisles (driveway width)		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The subject property has access to Periwinkle Way via a twenty (20) foot wide access easement at 1521 Periwinkle Way (7 Eleven). There is not an opportunity to install a compliant 22-foot-wide ingress-egress entrance within a 20-foot-wide easement. There is not a practical alternative to expand the existing easement due to the location of the 7 Eleven convenience store.</p> <p>The applicant proposes to maintain access in the same manner as has served this development for 40+ years.</p>	Yes.

PUBLIC COMMENT

Staff have not received any public comment on this item.

RECOMMENDATIONS AND CONDITIONS

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

- Staff find the proposed conditional use in compliance with general and specific requirements.
- Staff find the proposed variances to accommodate below market rate housing are reasonably necessary and will not have an adverse effect on surrounding uses. However, two additional variances to vegetation buffer standards are necessary to approve the proposed plans. The application has been re-advertised to include the additional code sections and is scheduled for April 22, 2025.

- Conditions are recommended to implement the proposed plans, to facilitate shared facilities between adjacent development, and to preserve and protect lands in the Interior Wetlands Conservation District.

Staff recommend approval of a resolution recommending City Council authorize a conditional use permit to increase density for below market rate housing (CUP-2025-000255), with the following conditions of approval:

1. All dwelling units shall be dedicated to the Below Market Rate Housing rental program indefinitely and in conformance with Chapter 102, Article II. – Below Market Rate Housing.
2. The attached site plan and proposed scope of work are not considered approved until variance application VAR-2025-000256 is approved by the Planning Commission.

The public hearing for application VAR-2025-000256 will be held April 22, 2025. The subject application will be revised to include two additional variance requests related to vegetative buffers. Staff find compliance with all variance requests and recommend the following conditions for adoption at the April 22, 2025, Planning Commission meeting.

1. The proposed scope of work is contingent upon City Council approval of an application to increase density for below market rate housing (CUP-2025-000255).
2. An as-built survey is required to verify conformance with the approved site plan.
3. Pursuant to Section 126-651. – Preservation and enhancement of resources, development shall not take place within the Interior Wetlands Conservation District. The portion of the property within the Interior Wetlands Conservation District shall be preserved by means of a conservation easement or through dedication of such land areas to the city or to a nonprofit conservation entity to manage, or other means, to provide the continued maintenance of conservation lands. Any easement shall be recorded in the official records of the Lee County Clerk of Courts.
4. An easement for the use of shared trash and recycling facilities located on the subject property to the property owner of 1521 Periwinkle Way (Southland Corporation) shall be recorded in the official records of the Lee County Clerk of Courts prior to issuance of a Certificate of Occupancy.
5. Bike parking facilities for no less than 15 bikes shall be installed and maintained in conformance with all applicable development standards (i.e. setbacks, developed area, coverage).
6. Obtain all necessary building, development, and vegetation permits prior to commencement and within twelve (12) months from the effective date of this resolution.