

CITY OF SANIBEL
PLANNING COMMISSION RESOLUTION 24-06

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO REVISE THE MASTER DEVELOPMENT PLAN ON FILE AS REFERENCED BY CHAPTER 126, ZONING, ARTICLE XVI, PLANNED UNIT DEVELOPMENT, DIVISION 3, BAILEY'S SHOPPING CENTER PROPERTY, SECTION 126-1473. – MASTER DEVELOPMENT PLAN; DELETING CHAPTER 126, ZONING, ARTICLE XVI, PLANNED UNIT DEVELOPMENT, DIVISION 3, BAILEY'S SHOPPING CENTER PROPERTY, SECTION 126-1474. – MASTER VEGETATION PLAN; AMENDING SECTION 126-1475. – DENSITY/INTENSITY AND SECTION 126-1477. – REQUIRED CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on May 14, 2024, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to revising a master development plan on file; and

WHEREAS, the Planning Commission finds application LDC-2023-000191 to be generally consistent with the Plan for Commercial Development in Section 3.6.2. Future Land Use Element of the Sanibel Plan and standards provided in Section 82-241. – Amendments to Land Development Code or zoning district boundaries; and specifically finds consistency with Provision 17 of the Plan for Commercial Development, as it relates to the City's Redevelopment Planning Work Program for Commercial Districts, including the enhancement of the scenic appearance of these areas; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the standards set forth in Land Development Code Section 82-241.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission finds as follows: 1) the proposed amendments to the Land Development Code attached hereto as Exhibit A, are consistent with the Sanibel Plan, meet the above-referenced requirements, and recommends that the City Council adopt said amendments in the form of an ordinance; and 2) the following are recommendations to the proposed Master Development Plan: a) 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; b) 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; and c) 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.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 15TH DAY OF MAY 2024.

Attest:



Scotty Lynn Kelly, City Clerk



Roger Grogman, Chair

Approved as to form and legality:



John D. Agnew, City Attorney

Date filed with City Clerk: 5/24/24

Vote of Commission Members:

Grogman	<u>Yea</u>
Pfeifer	<u>Yea</u>
Colter	<u>Yea</u>
Nichols	<u>Excused</u>
Sergeant	<u>Yea</u>
Steiner	<u>Yea</u>
Welch	<u>Yea</u>

EXHIBIT A OF RESOLUTION

Agenda Item
Meeting of

CITY OF SANIBEL
ORDINANCE 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO REVISE THE MASTER DEVELOPMENT PLAN ON FILE AS REFERENCED BY CHAPTER 126, ZONING, ARTICLE XVI, PLANNED UNIT DEVELOPMENT, DIVISION 3, BAILEY'S SHOPPING CENTER PROPERTY, SECTION 126-1473. – MASTER DEVELOPMENT PLAN; DELETING CHAPTER 126, ZONING, ARTICLE XVI, PLANNED UNIT DEVELOPMENT, DIVISION 3, BAILEY'S SHOPPING CENTER PROPERTY, SECTION 126-1474. – MASTER VEGETATION PLAN; AMENDING SECTION 126-1475. – DENSITY/INTENSITY AND SECTION 126-1477. – REQUIRED CONDITIONS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on May 15, 2024, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission heard and considered comments and recommendations from the Planning Department Staff and public; and

WHEREAS, the Planning Commission finds application LDC-2023-000191 to be generally consistent with the Plan for Commercial Development in Section 3.6.2. Future Land Use Element of the Sanibel Plan and standards provided in Section 82-241. – Amendments to Land Development Code or zoning district boundaries; and specifically finds consistency with Provision 17 of the Plan for Commercial Development, as it relates to the City's Redevelopment Planning Work Program for Commercial Districts, including the enhancement of the scenic appearance of these areas; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code (LDC), in accordance with the standards set forth in LDC Section 82-241; and

WHEREAS, the Code of Ordinances must be amended to alter a Master Development Plan as requested by the owner of the Bailey's Shopping Center; and

WHEREAS, the Planning Commission found the proposed amendments to the LDC as referenced above to be consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of _ to _ that the City Council adopt said amendments in the form of an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances, Subpart B. Land Development Code, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – ZONING

ARTICLE XVI. – PLANNED UNIT DEVELOPEMMENT

DIVISION 3. - BAILEY'S SHOPPING CENTER PROPERTY**Sec. 126-1471. - Purpose and intent.**

The purpose and intent of this division is to provide a means to address special and unique circumstances surrounding the history of this lawful but nonconforming development, while also providing for protection of the public health, safety, and welfare through the regulation of land use, yet providing some degree of flexibility in planning, designing, and carrying out the intended purpose of the project. This is to be accomplished through the adoption and implementation of a master development plan for this planned unit development together with appropriate conditions for development.

Sec. 126-1472. - Subject property.

The planned unit development consists of three separate parcels totaling 13.55 acres located at the intersection of Tarpon Bay Road and Periwinkle Way and more particularly described in the legal description which is on file in the city manager's office.

Sec. 126-1473. - Master development plan.

The master development plan is on file with the city manager and is hereby incorporated into this division and shall generally control the location of structures and other development on the subject property. A reduced scale copy is on file in the city manager's office.

Upon any approved development permit that constitutes an amendment to the planned unit development master development plan, an as-built survey that is found to be in substantial compliance shall be filed as the final master development plan.

~~Sec. 126-1474. - Master vegetation plan.~~

~~The master vegetation plan is on file with the city manager and is hereby incorporated into this division and shall generally control the location and size of vegetation buffers, as well as the types, varieties, and numbers of plants required on the subject property. The master vegetation plan also provides controls to maximum developed area and vegetation clearance, maximum coverage, minimum commercial parking setback, and interior landscaping (off street parking design).~~

~~Upon any approved development permit that constitutes an amendment to the planned unit development master vegetation plan, an as-built vegetation survey that is found to be in substantial compliance shall be filed as the final master vegetation plan.~~

Sec. 126-14745. - Density/intensity.

- (a) A maximum of 60,000 square feet of commercial floor area is permitted within the ~~on the 6.4 acres of~~ commercially zoned land on Parcel B ~~the 8.9-acre parcel east of Tarpon Bay Road~~. No less than 3,000 square feet of commercial floor area ~~on the second floor~~ shall be devoted to only warehouse storage (expansion of office, service, and retail use in this area is prohibited).
- (b) The area of Parcel B 2.25-acre property, partially located outside of ~~in the~~ Town Center General Commercial Zone District ~~and predominately within the G-Altered Lands residential district, is effectively encumbered and does not retain any residential~~

~~density or allowable commercial floor area. Future land use of this area parcel includes passive recreation (a permitted use) or increase-density below market rate housing (a conditional use) may only be considered for increased density below market rate housing, pursuant to Land Development Code section 126-85, or passive recreation.~~

- (c) A maximum of 11,412 square feet of commercial floor area plus parking, or 14 dwelling units, is permitted on Parcel A ~~the 2.4-acre parcel west of Tarpon Bay Road.~~

Sec.126-14756. - Permitted uses.

The following uses shall be permitted uses within the Bailey's Shopping Center PUD:

- (a4) *Primary intended uses.* The primary intended commercial uses shall be the same as the permitted uses contained within article VIII, division 3 of this chapter regarding the TCG Town Center General Commercial District. See subsection 126-491(a) for a listing of primary intended uses.
- (b2) *Other permitted uses.* Other permitted uses shall be as follows:
- (1)a. Single-family dwellings.
 - (2)b. Duplex dwelling units.
 - (3)e. Residential cluster developments and multifamily developments, subject to the provisions of section 86-71.
 - (4)d. Occupancy of a dwelling unit by one family.
 - (5)e. Public facilities.
- (c3) *Conditional uses.* The same conditional uses which are provided for in section 126-512. See section 126-492 for a listing of conditional uses.
- (d4) *Accessory uses.* Accessory uses customarily incidental to the uses listed in this section.

Sec. 126-14767. - Required conditions.

- (a) *Generally.* Except where otherwise specifically provided for in this division, the requirements of the Land Development Code shall control.
- (b) When the planning commission approves a development permit, the development permit shall constitute an amendment to the planned unit development master development plan.
- (cb) Procedure for changes to the master development plan ~~Additional development within the planned unit development.~~
- (1) Long form:
 - a. New development, redevelopment, additions, or any remodel that alters the building footprint or floor area.
~~When the planning commission approves a development permit, the development permit shall constitute an amendment to the planned unit development master development plan.~~
 - b. If Cchanges to the planned unit development regulations are required, they shall be processed as an amendment to this division.
 - (23) Short form. Consistent with the public interest, the specified development activities below do not require planning commission authorization to amend the master development plan. ~~The required setback from Periwinkle Way and Tarpon Bay Road for bonus outdoor seats and tables for the restaurant located at the~~

~~northwest corner of the east parcel are established by two lines: One line connects the northeast corner of the building with the northeast corner of the canopy; the other line connects the northwest corner of the building with the northwest corner of the canopy. Both of these lines are shown as dashed lines on the master development plan. In any case, bonus outdoor seating shall setback a minimum 75 feet and 66 feet from the centerline of Periwinkle Way and Tarpon Bay Road rights of way, respectively.~~

- (4)a. Green building practices. A development permit to implement green building practices, renewable energy, or adaptive design may be authorized by the city manager, or designee, via administrative deviation, ~~without an amendment to the master development plan,~~ if found to comply be consistent with the master development plan and required conditions of this division-city Charter.
- (5)b. Interconnectivity and bike parking. A development permit to construct or relocate implement-interconnectivity paths and bike parking may be authorized by the city manager, or designee, if found to comply with required conditions of this division without an amendment to the master development plan, pursuant to Land Development Code section 126-855.
- c. Permeable parking, driveways, and walkways. A development permit to replace impermeable coverage with permeable materials, as necessary to reduce or eliminate nonconforming impermeable coverage area, may be authorized by the city manager or designee.
- d. Driveway and service aisle connectivity. A development permit to make traffic circulation improvements, as necessary for safe and efficient vehicular access, may be authorized by the city manager, or designee, if found to comply with required conditions of this division.
- e. Reduction of vehicle parking spaces. A development permit to reduce the number of vehicle parking spaces may be authorized by the city manager, or designee, if found to comply with minimum parking requirements below in (c)(1).
- f. Landscape islands in parking areas. A development permit to create or expand landscape islands in parking areas may be authorized by the city manager or designee.
- g. Bonus outdoor dining and associated improvements. A development permit to create, expand, or relocate bonus outdoor dining may be authorized by the city manager or designee, if found to reduce or maintain the existing degree of noncompliance to developed area and impermeable coverage within the subject parcel.
- h. Trash and recycling facilities. A development permit to create, expand, or relocate trash and recycling facilities may be authorized by the city manager or designee, if found to reduce or maintain the existing degree of noncompliance to developed area and impermeable coverage within the subject parcel.
- i. Building access for people with disabilities. A development permit to create, expand, or relocate accessibility improvements for people with disabilities may be authorized by the city manager, or designee, pursuant to section 126-940.
- (de) On-site parking. Conditions for on-site parking shall be as follows:
- (1) There shall be at least 249 parking spaces to which shall serve as shared parking

for up to 60,000 square feet of commercial floor area ~~shown on the master development plan.~~

~~(2a) A development permit is needed in order to add or to eliminate parking on either the east or west parcel.~~

~~b. However, the parking standards set forth in this subsection are subject to review by the planning commission as part of the process of development of the west parcel.~~

~~(2) On-site parking for development of the 2.4-acre west parcel shall be in accordance with the Land Development Code standards in effect at the time of development.~~

~~The owner of such parcel may choose to develop in either of the following options:~~

~~a. The owner may set aside an area for development of additional parking spaces if later deemed necessary by the planning commission pursuant to section 126-1363; or~~

~~b. Provide additional parking spaces as may be required, in a developed parking area on the west parcel to be used as accessory overflow parking for the shopping center on the east parcel.~~

~~(ed) Parcel A West parcel development standards. The development of Parcel A the west parcel shall, in the following respects, meet more stringent development standards than currently called for in the Land Development Code:~~

~~(1) There shall be no traffic access to or from Sanibel Boulevard in an effort to minimize the traffic impact upon the residential area to the west.~~

~~(2) The landscaping adjacent to the residential area to the west shall meet requirements of 125 percent of the amount and size of vegetation called for by chapter 122, article II, division 2 in a further effort to improve compatibility with the residential area to the west.~~

~~(3) The architectural character of any structure placed upon the west parcel shall be harmonious with the neighboring structures and the natural environment. No horizontal wall plane shall exceed 60 feet. No vertical wall plane shall exceed 20 feet. No roof plane shall exceed 70 feet horizontal. The texture of exterior surfaces and architectural elements shall as nearly as possible represent the repetitive small-scale elements as found in native vegetation.~~

Secs.126-14778 – 126-1510. - Reserved.

