



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Planning Commission

Tuesday, June 23, 2026

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. Call To Order

The meeting convened at 9:00 a.m.

2. Pledge of Allegiance (Commissioner Colter)

Commissioner Colter led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chair Paul Nichols, Vice Chair Erika Steiner, Commissioner Tiffany Burns, Commissioner Larry Schopp, Commissioner Kate Sergeant, and Commissioner Ken Colter

Absent: 1 - Commissioner Lyman Welch

a. Motion to excuse absent member(s): Commissioner Welch

Vice Chair Steiner moved, seconded by Commissioner Schopp, to excuse Commissioner Welch.
The motion carried.

Excused: 1 - Commissioner Lyman Welch

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. City Council Liaison Report

Mayor Mike Miller, serving as City Council Liaison to the Planning Commission, reported on two Council meetings held June 16th.

At the regular Council meeting, Ordinance 26-012 was approved, formally prohibiting swimming pool dewatering onto private property or into the city's sewer or stormwater systems-a prohibition that had previously been in effect through the weekly mayoral proclamation. The Council also sent to first reading Ordinance 26-007, previously approved by the Planning Commission, addressing accessory structures in the context of front yard and setback rules.

The Council held an extensive discussion on proposed speed limit changes on various island roads. While no formal action was taken, preliminary proposals included retaining Sanibel-Captiva Road, West Periwinkle, and Palm Ridge at 35 mph; reducing East Periwinkle from the Causeway to Skiff Place to 25 mph (necessitated

by the new East Periwinkle Bridge), and setting the remaining segment to Lighthouse Beach Park at 30 mph; establishing Beachview roads at 25 mph; and setting roads in the sanctuary at 20 mph. The matter will return for further discussion and potential advancement to first reading.

The Council approved minor revisions to the strategic plan's fiscal year 2027 goals, and approved a construction contract for temporary repairs to the city's fishing pier at a total cost of approximately \$175,000, to be financed entirely through citizen contributions raised through a fundraising effort led by Sanibelian Richard Bernie. The Council also received a presentation from Chamber CEO John Lai and Corey Presland-Byrne of Hammerhead Technologies on the new SANCAP360 Community Health Dashboard, described as an ongoing tool tracking both storm recovery and community health resilience.

In the afternoon of that same day, the Council held its first budget workshop. Mayor Miller reported that a proposed constitutional amendment relating to ad valorem taxation was a central topic. If approved by voters in November, the amendment's first fiscal impact to the city would be in FY28. The homestead exemption would increase from the current \$50,000 to \$150,000 in FY28, and to \$250,000 thereafter. Approximately 30 percent of residential properties on Sanibel are homesteaded. Assuming the current millage rate of 2.5 mills, the city's ad valorem tax revenue would decline by approximately \$550,000 in FY28 and \$1.1 million in FY29 and beyond. Preliminary property value estimates received June 1st reflected a 1.75 percent decrease compared to FY26 budget values. Proposed expenditures represent approximately a 1 percent decline compared to the prior year's budget—a steeper decline in real terms when adjusted for inflation. The next Council budget event will be a full presentation on July 21st, at which the July 1st valuation numbers will be incorporated and the maximum millage rate will be established, as required by law, before the end of that month. Further budget workshops are planned for August, with two final hearings in September.

No questions were raised by commissioners.

6. Consent Agenda

- a.** Adoption of Minutes: June 9, 2026

Commissioner Sergeant moved, seconded by Commissioner Colter, to adopt the June 9, 2026 minutes. The motion carried 6-0 with Commissioner Welch excused.

Excused: 1 - Commissioner Lyman Welch

7. 9:05 - Public Hearings:

- a.** Consideration of an application for a variance filed pursuant to Land Development Code Chapter 82,

Article III, Division 3, Subdivision II - Variances, Section 82-138 - Application and hearing, to request a variance from Section 126-875(1)(b) - Waterward extension, to allow the installation of a boat lift with a waterward extension greater than 15-feet waterward of the mangrove roots, and to request a variance from Section 126-876 - Relation to mean low water level, to allow boat docking or mooring in an area with less than 3-feet of water above the bottom surface at mean low water level at 5270 Indian Court - tax parcel (STRAP) no. 12-46-21-T3-00009.0250. The application is submitted by Raychel Thomas with Pavese Law Firm (the applicant) on behalf of Gaetta Partners LP (the property owner). **Application No. PL20260025**

Planning Director Paula McMichael read the item into the record. The application, submitted by Raychel Thomas of Pavese Law Firm on behalf of property owner Gaetta Partners LP, requests two variances: (1) a variance from Section 126-875(1)(b) to allow installation of a boat lift with a waterward extension greater than 15 feet waterward of the mangrove roots, and (2) a variance from Section 126-876 to allow boat docking or mooring in an area with less than 3 feet of water above the bottom surface at mean low water level, at 5270 Indian Court (Application No. PL20260025).

City Clerk Scotty Lynn Kelly polled commissioners for site visits, ex parte communications, and conflicts of interest. Chair Nichols reported a site visit and no ex parte or conflict. Vice Chair Steiner and Commissioner Schopp reported no site visit and no ex parte or conflict. Commissioners Burns and Colter reported site visits and no ex parte or conflict.

City Clerk Kelly swore in the following:

- Kim Ruiz, City of Sanibel, Principal Planner
- Raychel Thomas, Pavese Law Firm, on behalf of owner
- Payson Nossaman, Stokes Marine
- Dana Dettmar, City of Sanibel, Environmental Biologist
- Rachel Rainbolt, City of Sanibel, Conservation Officer

Principal Planner Kim Ruiz presented the staff report. The subject property is located at 5270 Indian Court in the Calusa Shores neighborhood and falls within the Pine Island Aquatic Preserve, which carries additional regulatory requirements from FDEP-most notably a prohibition on mooring a boat waterward of the negative 4-foot mean low water contour. This constraint, combined with an irregular mangrove shoreline and shallow near-shore water depths, created a situation where a code-compliant dock configuration was not achievable without variances.

The proposal involves replacing an existing dock with a new two-slip dock. The southern boat slip requires a waterward extension variance because its lift extends approximately 20 feet waterward of the mangrove root line, exceeding the 15-foot standard. Both slips require a mean low water depth variance because portions of the mooring areas fall within less than 3 feet of mean low water. Critically, neither slip can extend further waterward to obtain deeper water because doing so would violate the

FDEP's negative 4-foot mean low water limit for the aquatic preserve.

Staff, Stokes Marine (the applicant's marine contractor), the property's mangrove trimmer, and Natural Resources staff conducted a joint on-site meeting to evaluate dock configurations and confirmed that the submitted plan represents the option with the least mangrove impact. Ninety-one percent of the shoreline will remain as mangrove shoreline. The project received letters of support from two adjoining properties and two neighboring properties sharing the same waterway.

Staff evaluated all seven variance criteria and found each was met. Staff recommended approval subject to three conditions, all of which adopt the proposed plans as submitted.

Discussion among commissioners included clarification of the significance of the red string line observed at the site, which Payson Nossaman of Stokes Marine confirmed marked the eastern side of the smaller pier and the limits of mangrove impacts and the trim line. Vice Chair Steiner sought and received clarification on which slip required which variance-the southern slip requires both the waterward extension and mean low water depth variances, while the northern slip requires only the mean low water depth variance. Ms. Steiner also raised concerns about whether boats could physically access the lifts given the mangrove canopy. Dana Dettmar of Natural Resources explained that additional mangrove trimming for boat access would be evaluated separately under a development permit once the dock is installed, and that the Land Development Code specifically permits mangrove alterations for purposes of accessing a boat dock or lift. The required 2-to-1 mitigation for any altered mangrove canopy was also discussed, with Ms. Dettmar explaining that smaller plants in greater quantities may be used when mature specimens are unavailable to achieve the required canopy replacement.

Chair Nichols confirmed that the proposed design stays within the FDEP's negative 4-foot limit for the aquatic preserve and that the variances are necessitated by the interplay between state aquatic preserve rules and the city's mean low water standards. The applicant, Raychel Thomas, confirmed acceptance of all three conditions.

No public comments were received from the audience.

Commissioner Schopp moved, seconded by Commissioner Sergeant, to adopt Resolution 26-15, approving Application PL20260025, to allow the installation of boat lifts with a waterward extension of more than 15 feet waterward of the mangrove roots and to allow for docking and mooring in an area with less than 3 feet above the bottom surface at mean low water, for the property at 5270 Indian Court, subject to the three conditions listed in the staff report, authorizing the Chair to execute the resolution without further consideration, and to close the public hearing. The motion carried 6-0 with Commissioner Welch excused.

Excused: 1 - Commissioner Lyman Welch

- b. Consideration of an application for a variance filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision II - Variances, Section 82-138 - Application and hearing, to request a variance from Section 126-875(1)(b) - Waterward extension, to allow the installation of a boat lift with a waterward extension greater than 15-feet waterward of the mangrove roots, and to request a variance from Section 126-894 - Location from lot lines, to allow installation of a dock and boat lifts less than the required side yard setback for structures not placed equidistant from lot lines at 2544 Harbour Lane - tax parcel (STRAP) no. 11-46-21-T1-00800.0020. The application is submitted by Raychel Thomas with Pavese Law Firm (the applicant) on behalf of Herbert and Rhonda Lord (the property owners).

Application No. PL20260014

Planning Director McMichael read the item into the record. The application, submitted by Raychel Thomas of Pavese Law Firm on behalf of property owners Herbert and Rhonda Lord, requests two variances: (1) a variance from Section 126-875(1)(b) to allow a waterward extension greater than 15 feet waterward of the mangrove roots, and (2) a variance from Section 126-894 to allow installation of a dock and boat lifts less than the required side yard setback for structures not placed equidistant from lot lines, at 2544 Harbour Lane (Application No. PL20260014).

City Clerk Scotty Lynn Kelly polled commissioners. Chair Nichols reported a site visit and no ex parte or conflict. Vice Chair Steiner, Commissioner Schopp, Commissioner Sergeant, and Commissioner Burns reported no site visit and no ex parte or conflict. Commissioner Colter reported a site visit and no ex parte or conflict.

City Clerk Kelly swore in the following:

- Kim Ruiz, City of Sanibel, Principal Planner
- Raychel Thomas, Pavese Law Firm, on behalf of owner
- Payson Nossaman, Stokes Marine
- Dana Dettmar, City of Sanibel, Environmental Biologist
- Rachel Rainbolt, City of Sanibel, Conservation Officer

Principal Planner Ruiz presented on behalf of staff. This property is located on the west end of the island. Unlike the previous application, it is not within the Pine Island Aquatic Preserve, so the FDEP's negative 4-foot constraint does not apply-though the city's negative 3-foot mean low water standard does. No variance from the mean low water standard was sought, as the dock design was adjusted to satisfy that requirement.

The property's shoreline curves unusually far inward compared to neighboring properties, which significantly constrains the available dock footprint. The proposed dock replaces a single-slip dock that existed prior to Hurricane Ian, upgrading to two slips. The dock is positioned closer to one side yard than the other, requiring the side yard setback variance because the code imposes increasingly restrictive lateral setbacks the further a non-equidistant dock extends waterward. Despite this technical encroachment, the dock remains well over 30 feet from the neighboring property's

dock, and the affected neighbor submitted a letter of support.

Staff, Stokes Marine, and Natural Resources conducted an on-site evaluation and worked through multiple design iterations to arrive at the configuration resulting in the least mangrove impact while satisfying code and meeting navigational standards. The neighboring property docks are actually positioned further waterward due to the shoreline curvature, confirming that the proposed dock does not interfere with navigation. The project received letters of support from neighboring properties, including an additional email received over the weekend (to be added to the record).

All seven variance criteria were found to be met, and staff recommended approval subject to three conditions adopting the proposed plans.

Vice Chair Steiner commended the applicants for having contacted all impacted neighbors, for obtaining support letters even from neighbors not directly affected, and for the thoroughness of the iterative design process. Commissioner Schopp raised a general question about why the Calusa Shores area falls within the Pine Island Sound Aquatic Preserve while Dinkins Bayou does not, and was informed by staff that the preserve boundary ends at Blind Pass.

Chair Nichols noted from his site visit that the neighbor at 2520 Harbour Lane does not appear to be adversely impacted by the proposed dock placement. City Attorney John Agnew prompted the chair to confirm the applicant's acceptance of the conditions, which Raychel Thomas provided on the record.

No public comments were received from the audience.

Commissioner Schopp moved, seconded by Vice Chair Steiner, to adopt Resolution 26-16, approving Application PL20260014, to allow the installation of a boat lift with a waterward extension of more than 15 feet from the mangrove roots and to allow a dock and boat lifts less than the required side yard setbacks for structures not placed equidistant from lot lines, for property at 2544 Harbour Lane, subject to the three conditions listed in the staff report, authorizing the Chair to execute the resolution without further consideration, and closing the public hearing. The motion carried 6-0 with Commissioner Welch excused.

Excused: 1 - Commissioner Lyman Welch

8. Report From Planning Department

- a Upcoming meeting dates:
 - i. Planning Commission - Tuesday, July 28, 2026
 - ii. Capital Improvement Projects Review (CIP) - 9:00 AM, Tuesday, July 14, 2026
 - iii. Report to City Council - Tuesday, July 21, 2026 - Commissioner Sergeant

Planning Director McMichael reported the following upcoming dates:
- Planning Commission: Tuesday, July 28, 2026. No Planning Commission meeting will be held on July 14, 2026.

- Capital Improvement Projects Review (CIP): 9:00 AM, Tuesday, July 14, 2026, for members of the CIP subcommittee.
- Report to City Council: Tuesday, July 21, 2026 - Commissioner Sergeant will represent the Planning Commission.

Director McMichael also noted that the July 28th meeting is expected to include a public hearing on a conditional use permit for the former Chevron station (Kangaroo Express), as well as a discussion on a proposed code amendment related to miniature golf, contingent on receipt of the applicant's proposed amendment language in time for staff review. A framework discussion on Transfer of Development Rights (TDRs) is also targeted for July 28th, prior to the topic returning to City Council for further consideration.

Vice Chair Steiner noted she would not be available for the July 28th meeting.

9. Report from Commission Members

a. Sanibel Plan Update Steering Committee Report

Commissioner Schopp reported on the Steering Committee meeting held on June 17th. The primary focus was the Future Land Use Element of the Sanibel Plan, which he understood to be the last substantive element under review. Consistent with the committee's established approach, members were encouraged to address broad issues and future direction rather than engage in line-by-line critique, with a particular emphasis on environmental stewardship, quality of life, and community concerns.

Planning Director McMichael's presentation to the committee covered population trends in Lee County and on Sanibel, and reviewed the genesis of the Sanibel Plan tracing back to the 1975 Sanibel Report, which established a comprehensive plan based on natural systems. Of note, Committee Member James Evans advised that an update to the Sanibel Report was underway in cooperation with FGCU and was expected to be available in the summer, a development Commissioner Schopp described as significant and previously unknown to him.

Ms. McMichael's presentation also addressed the concepts of Town Center and Civic Core in the area surrounding City Hall in connection with the plan's preservation and community design elements. Discussion among committee members touched on commercial uses, residential uses in commercial districts, transfer of development rights, encouragement of sustainable alternative power sources, and the Civic Core and Town Center concepts. There was also brief off-agenda discussion regarding how public housing is characterized in the Housing Element.

An upcoming virtual workshop, similar to the in-person workshops held June 3rd, is being planned for residents who were unable to attend in person; the format, likely via

Zoom, was still being finalized. The next Steering Committee meeting is scheduled for July 15th at 9:00 AM.

10. Public Comment

There were no public comments from the audience.

11. Adjournment

There being no further business, the meeting adjourned at 9:53 a.m.