



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final Planning Commission

Tuesday, December 10, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call To Order

Due to traffic issues, the meeting was postponed until 10:00 a.m. The meeting convened at 10:03 a.m.

2. Pledge of Allegiance (Commissioner Welch)

Commissioner Welch led the Pledge of Allegiance.

3. Roll Call

Present: 5 - Vice Chair Eric Pfeifer, Commissioner Ken Colter, Chair Paul Nichols, Vice Chair Erika Steiner, and Commissioner Lyman Welch

Absent: 2 - Chairperson Roger Grogman, and Commissioner Kate Sergeant

- a. Motion to excuse absent members: Chair Grogman and Commissioner Sergeant

Commissioner Nichols moved, seconded by Commissioner Steiner, to excuse Chair Grogman and Commissioner Sergeant. The motion carried.

Excused: 2 - Chairperson Roger Grogman, and Commissioner Kate Sergeant

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. City Council Liaison Report

Councilmember Holly Smith spoke her appreciation for the service of Chair Grogman and Vice Chair Pfeifer as their terms expire in January. She further welcomed incoming Commissioners Larry Schopp and Tiffany Burns.

Councilmember Smith provided the following brief report of the December 3rd meeting:

- Building Fee Study Update presentation
- Stormwater Master Plan Update Presentation
- Passed Ordinance for determination of impermeable coverage
- Open Body of Water discussion postponed to January meeting
- Periwinkle and Causeway Intersection Study presentation - approved moving forward with next steps

Discussion ensued regarding the round-about topic and requesting the public to contact the City Council via email, not only on social media.

Attorney Agnew spoke to the resolutions passed regarding extending the allowance for staggered implementation of vegetative buffers and extending the allowance for placement of flag banners or temporary signs on commercial properties. Planning Director Paula McMichael spoke to the resolution for vegetative buffers and looking at the standards as a Planning Commission priority for 2025.

Discussion ensued regarding removing the sign at the entrance of the island.

6. Consent Agenda

- a. Adoption of Minutes: November 19, 2024

Commissioner Welch moved, seconded by Commissioner Colter, to adopt the November 19, 2024 minutes. The motion carried.

Excused: 2 - Chairperson Roger Grogman, and Commissioner Kate Sergeant

7. 9:05 - Public Hearing:

- a. Consideration of an application filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision VII. - Amendments, Section 82-242. - Amendments to Sanibel Plan to amend permitted uses and associated standards of a Special Use District (Sanibel Marina) to allow for vehicle rental use (10 carts and 20 bicycles) at 634 N. Yachtsman Drive - tax parcel (STRAP) no. 20-46-23-T2-01500.0420. The application is submitted by Miles and Chelsea Sweiss, the applicant, on behalf of Acme Sanibel FL LLC, the property owner. **Application Nos. SP-2024-000238.** (Supplemental 1- Attachment J added)

Planning Director Paula McMichael advised the application had been withdrawn and the public hearing was cancelled.

- b. Consideration of an application filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V. - Conditional Uses, Section 82-204. - Application and hearing to amend Resolution 21-25 and obtain a conditional use permit for the addition of bicycle rental to an existing vehicle rental use in the General Commercial district at 975 Rabbit Road, unit 6 - tax parcel (STRAP) no. 21-46-22-T3-00002.0020. The application is submitted by Laura DeBruce, the applicant, on behalf of Timothy McGowan, the property owner. **Application Nos. CUP-2024-000251.**

Planning Director Paula McMichael read into record the description of Applications CUP-2024-000251.

City Clerk Scotty Lynn Kelly polled the Commission for site visits, ex-parte communications and conflict:

- Vice Chair Pfeifer	Site Visit	No Ex-parte	No Conflict
- Commissioner Colter	Site Visit	No Ex-parte	No Conflict

- Commissioner Nichols Site Visit No Ex-parte No Conflict
- Commissioner Steiner Site Visit No Ex-parte No Conflict
- Commissioner Welch Site Visit No Ex-parte No Conflict

By motion and second, Chair Grogman and Commissioner Sergeant were excused from the meeting.

City Clerk Kelly swore in the following:

- Craig Chandler - City of Sanibel, Deputy Planning Director
- Laura DeBruce - Applicant
- Billy Kirkland - Billy's Bikes, Sanibel Resident

Deputy Director Chandler summarized the staff report included in the agenda packet and provided a brief PowerPoint presentation.

Applicant Laura DeBruce spoke to agreeing with the staff recommendations and provided a summary of the proposed business and benefits if approved.

Commissioner Colter stepped out of the meeting at 10:34 am and returned at 10:37 a.m.

Discussion ensued regarding the connection to the shared use path. Mr. Chandler spoke to the discussions held recently during a hearing for another business in the center, advising the previously approved connection would be for this business as well. Ms. DeBruce spoke to the proposed connectivity as demonstrated in the PowerPoint presentation. Commission inquired if the bike rack requirements previously approved covered both businesses. Mr. Chandler advised the provisions would be covered by the Bit of Bailey's approval, as it applies to the center as a whole. Further discussion ensued regarding the bikes being stored inside and the customers arriving by vehicle, having the opportunity for staff to show where the path is and provide training for use of the e-bikes.

Further discussion ensued regarding the City's age restrictions for e-bike use and turned the parking requirements for previous business approvals. Ms. DeBruce explained how the transitions of the businesses have been approved for the current parking regulations.

Commission inquired why the business plan is specific to e-bikes. Ms. DeBruce responded that the resolution is written in a way that allows both e-bikes and regular bikes.

Discussion ensued regarding the difference between the applications for the first hearing which was withdrawn and this one; one being in the special district and one

being in a commercial district.

Public Comments:

- Billy Kirkland - advised he does not oppose the application, believes the location would be beneficial, and expressed the need for a study regarding the use of the shared use paths.

Discussion ensued regarding condition number 5 limiting the total of bikes to 20, to which Mr. Chandler confirmed and Ms. DeBruce accepted.

Public Comment:

- Billy Kirkland - offered his expertise to the applicant

Commissioner Nichols moved, seconded by Commissioner Welch, to adopt Resolution 24-23, approving application CUP-2024-000251, with the 11 conditions listed in the staff report, to close the public hearing in this matter, and to authorize the Chair to execute the Resolution without bringing back for further consideration. The motion carried by a vote of 5-0 with Chair Grogman and Commissioner Sergeant excused.

Excused: 2 - Chairperson Roger Grogman, and Commissioner Kate Sergeant

- c. CONTINUED- FOR DISCUSSION ONLY. Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to consider a Sustainable Development Program; amending Chapter 86, Development Standards, creating Article V, Sustainable Development Practices, and adding new sections: Sec. 86-226, Intent, Sec. 86-227, Applicability, Sec. 86-228, Definitions, Sec. 86-229, Administration, Sec. 86-230, Incentives, Sec. 86-231, Sustainable Building and Structure Standards, Sec. 86-232, Landscape and Vegetation Standards, Sec. 86-233, Solar installations and EV charging stations; amending Chapter 90, Fees, Article II, Development Permits, Division 5, Miscellaneous, by creating a new Sec. 90-134 Reduction of development permit fees for Sustainable Development Practices.

Planning Director McMichael advised the item was for continued discussion and provided a brief introduction to the topic. Public Comments from Bob Moore were provided to the Commission and will be added to the record. Senior Planner Savannah White provided a brief PowerPoint presentation.

Ms. McMichael highlighted changes made in the draft.

Discussion ensued regarding concerns with the fast track incentive, financial considerations with fee incentives, and how to obtain "levels" for consideration of green building incentives.

Commission inquired who would be paying for the refund of the cost of certification and what the incentives were for resilient building. Ms. White spoke to the fast track being an incentive for green building certification, the other items being included in resilient and green building incentives. Ms. McMichael spoke to the fast track

development review only applying to new construction that is green building certified. Commission expressed concerns with a fast track review allowing applicants to jump ahead of others in the queue.

Discussion continued regarding how to determine levels for green building certifications.

Commission inquired what the purpose of the checklist was. Ms. McMichael responded that it was to determine green building certification; being an internal list for offering incentives to applicants. Discussion ensued regarding the direction having been to address green building standards; not resiliency at this time. Attorney Agnew advised the request to consider green building standards originally came from the Commission and was authorized by Council. Mr. Agnew further noted the topic could be dropped if the Commission requested. Councilmember Smith spoke to the background for the issue being considered.

Discussion ensued regarding this being an important initiative for Sanibel, aligning with the vision statement. Commission inquired what the response has been from applicants regarding the proposed incentive of fast tracking review. Ms. McMichael spoke to restrictions from Senate Bill 250 and only being able to offer incentives to applicants.

Discussion ensued regarding supporting the checklist, the need for the actions to be included during design and prior to any construction beginning, and the recommendation to remove any incentives for fast track review. Commission inquired if Staff is qualified to offer and run a green building certification program. Attorney Agnew spoke to looking at what could be achieved through the legislation.

Continued discussion ensued regarding looking at resilience as opposed to green building standards, some Commissioners feeling the proposal is aspirational but not needed in the code, and some feeling the program is worthy of being put forward. Discussion ensued regarding certain proposed changes that should be in the code, such as solar charging and EV charging stations.

Public Comments:

- Larry Schopp - Sanibel Resident - spoke to the need to address resilience and sustainability
- Peter Pappas - Sanibel Resident - spoke to the need to recover the financial sustainability of the island

Planning Director McMichael spoke to the process for reviewing and developing code amendments and asked Commission for recommendations of next steps. Commissioners spoke appreciation for the work that has been done but advised most

were not inclined to add the incentives to the code. Discussion ensued regarding how to make the program publicly available without incorporating it in the code. Ms. McMichael advised Section 86-230 could be added to the priorities list and restated the direction from Commission being 1) providing information about green building standards on the website, 2) looking into development of a green building certification, and 3) tabling further discussion of the incentives.

8. New Business

a. Proposed 2025 LDC Amendment Priorities

Planning Director McMichael reviewed the updated priorities list based on previous discussions. Ms. McMichael advised she was looking for comments or approval of the list.

Discussion ensued regarding how green building standards would be addressed without including code changes. Commission inquired if distressed properties would be included as a code amendment. Ms. McMichael advised the code enforcement process had begun and a report would be provided at the next meeting.

Discussion ensued regarding the vulnerability assessment to which Ms. McMichael responded was just to advise the project was in process.

Commission inquired if pre-development grade and fill could be prioritized, coming back as single item. Attorney Agnew spoke to prioritizing the list. Discussion turned to riprap and code violations for beaches being prioritized.

Ms. McMichael advised the following would be level 1 priorities:

- definitions - fill, developed area, predevelopment grade
- unauthorized riprap revetments
- Chapter 122 landscaping buffer standards
- Section 86-230 solar installations and EV charging stations

Discussion ensued regarding adding temporary flood structures as more of a priority than Section 86-230. Commission concurred with the prioritization of flood over charging stations.

9. Report from Planning Department

a. Upcoming meeting dates:

- i. Planning Commission - Tuesday, January 28, 2025
- ii. Below Market Rate Housing (BMRH) Review Subcommittee- Tuesday, December 10, 2024
(following Planning Commission)

iii. Report to City Council - Tuesday, January 14, 2025 - Commissioner Sergeant

b. Planning Reports

- i. Planning Permit Review Report
- ii. Planning Priority Tasks and Project Matrix
- iii. Plan Application Status Report

Ms. McMichael advised the next meeting is the organizational meeting on January 28, 2025, and spoke to the reports included in the agenda packet.

Ms. McMichael spoke to Chair Grogman and Vice Chair Pfeifer not seeking reappointment to the Planning Commission and read into record a Planning Department Proclamation recognizing Vice Chair Pfeifer's service on the Commission, noting there was one for Chair Grogman as well.

10. Report from Commission Members

Commissioner Colter expressed his appreciation for Commissioners Grogman and Pfeifer and their service on the Commission.

Commissioner Nichols concurred and recommended the training available from the Planning Organization. Ms. McMichael advised scheduling of the training would be looked into.

Commissioner Steiner concurred with the appreciation for Commissioners Grogman and Pfeifer.

Commissioner Welch further expressed his appreciation for the Chair and Vice Chair.

Vice Chair Pfeifer thanked all for the recognition and expressed he would still be on island and available. He further spoke to concerns with the delays in getting the beach communities back up and running following the storm, looking for any ways to expedite getting businesses and accommodations open again.

11. Public Comment

There were no public comments from the audience.

Deputy Planning Director Chandler spoke to Director McMichael receiving the Roland Eastwood Planner of the Year Award and noted today is her birthday.

12. Adjournment

There being no further business, the meeting adjourned at 12:34 p.m.