



**Meeting Minutes - Draft**  
**Planning Commission**

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Tuesday, October 22, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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**1. Call To Order**

The meeting convened at 9:02 a.m.

**2. Pledge of Allegiance (Commissioner Colter)**

Commissioner Colter led the Pledge of Allegiance.

**3. Roll Call**

**Present:** 7 - Chairperson Roger Grogman, Vice Chair Eric Pfeifer, Commissioner Ken Colter, Commissioner Paul Nichols, Commissioner Kate Sergeant, Commissioner Erika Steiner, and 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**

Vice Mayor Mike Miller provided the following brief report:

October 1, 2024 meeting

- First reading of Ordinance 24-023 regarding elevated dune walk overs
- First reading of Ordinance 24-024 regarding the development permit process
- Approved a development permit for a commercial property over 2,000 square feet
- Tabled the proposed ordinance regarding open body of water regulations
- Supported Community Housing and Resources (CHR) request for CDBG-DR funding for affordable housing
- Approved an ordinance relating to the purchasing process
- Decreased the composition of the General Employee Pension Board (GEPB) from 9 members to 5

Hurricane Milton update:

- 455 structures with minor damage
- 135 structures with major damage
- Activated Crowder-Gulf to gather debris which will be covered by FEMA for the first 90 days
- Currently do not have authorization for commercial debris pickup, authorization has been requested

Commission inquired how long the state of local emergency would continue. Vice Mayor Miller responded it would continue as long as there were opportunities for recovery funding.

## 6. Consent Agenda

- a. Adoption of Minutes: September 24, 2024

Vice Chair Pfeifer moved, seconded by Commissioner Nichols, to adopt the September 24, 2024 minutes. The motion carried.

- b. Approval of the 2025 Planning Commission Meeting Schedule

Commission inquired if one meeting in November and December would be adequate. Deputy Planning Director advised it was customary to adjust the calendar during the holidays.

Commissioner Welch moved, seconded by Commissioner Sergeant, to approve the 2025 Planning Commission Meeting Schedule as drafted. The motion carried.

## 7. 9:05 - Public Hearings:

- a. Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to strike required conditions relating to vegetated landscape buffers that have been subject to an “administrative stay” since 2014; amending Subpart B Land Development Code, Chapter 86, Development Standards, Article II, Site Preparation, Section 86-42, Determination of impermeable coverage, for the purpose of updating the land development code regulations.

Deputy Planning Director Craig Chandler read into record the hearing description and summarized the staff report included in the agenda packet. Natural Resources Director Holly Milbrandt spoke to the value of vegetation buffers and summarized the comments she provided in the agenda packet.

Commission requested clarification regarding item b(4)(f). City Engineer Oisin Dolley responded that curbed driveways are not allowed and this section of the code is not the reference point for the review process. Commission inquired if the private drive connected with a private road. Mr. Dolley advised that it would be included in the subdivision drainage plan. Discussion ensued regarding keeping Subsection (f) since it applies to private driveways and proposed keeping the curbing verbiage in (f). Mr. Chandler advised it was acceptable by staff to leave the verbiage in.

Commissioner Welch moved, seconded by Commissioner Nichols, to adopt Resolution 24-20, retaining the verbiage in 86-42(b)(4)(f). The motion carried unanimously.

- b. Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to consider a Sustainable Development Program; amending Subpart B Land Development

Code, Chapter 86, Development Standards, creating Article V, Sustainable Development Program, and adding new sections, including Section 86-226, Intent, Section 86-227, Applicability, Section 86-228, Definitions, Section. 86-229, Administration, Section 86-230, Building and Structure Standards, Section 86-231, Landscape and Vegetation Standards, Section 86-232, Incentives, Section 86-233, Solar installations/EV charging stations; amending Chapter 90, Fees, Article II, Development Permits, Division 5, Miscellaneous, and adding Section 90-134, Reduction of development permit fees for Sustainable Development Program for the purpose of updating the land development code regulations.

Deputy Planning Director Craig Chandler read into record the description of the hearing. Senior Planner Savannah White provided a brief PowerPoint presentation regarding the proposed code amendments.

Commissioner Colter stepped out of the meeting at 9:27 a.m. and returned at 9:30 a.m.

Discussion ensued regarding the concerns with permitting delays. Ms. White spoke to the goal being to have a fast track development review process. Deputy Director Chandler spoke to being a small municipality with a small Staff, advising there would not be a dedicated Staff member for only doing reviews. He further spoke to the purpose of the fast track review program. Commission inquired as to the reduction of permit fees and what that may be. Ms. White spoke to Section 90-134 on page 7 speaking to the fee reductions.

Commission expressed concerns with the fast track review process and other incentives. Discussion ensued regarding if the last sentence in Section 86-232(a)(1) should say "any sustainable development application".

Discussion ensued regarding some Commissioners believing incentives are necessary and appropriate and resilience being imperative to the community. Discussion ensued regarding concerns with the vague language included and if the incentives were enough to create the sustainable practices. Commission inquired if this should be an ordinance or a separate program. Discussion ensued regarding including a checklist with application process. Ms. White spoke to Staff discussions regarding how to make it easy on the Staff and Applicant's behalf. Commission suggested incorporating the comments provided in Bob Moore's email (to be added to the record).

Discussion ensued regarding Section 86-228 IBHS fortified standard and if the incentives apply to that as well; Ms. White confirmed the incentives apply. Discussion continued regarding the third party rater. Ms. White clarified the process of the third party rater.

Commissioner Pfeifer stepped out of the meeting at 9:57 a.m. and returned at 10:00 a.m.

Commission inquired as to the difference between discounts for residential and commercial. Ms. White spoke to the commercial projects tending to be more costly resulting in the different discounts but they could be altered as desired by the Commission. Discussion ensued regarding the estimated amount to appropriate for the reimbursement program. Mr. Chandler spoke to the upcoming fee study for both planning and building permits.

Discussion returned to the email provided by Mr. Moore and comments he made regarding solar panels, generators, insulation, and in Section 86-233 if solar panels may exceed the building height. Ms. White spoke to the building having to conform to the building height, while the incentive would be to exempt the solar panel installation. Discussions turned to allowing air conditioner units to exceed height as well being a topic for future consideration.

Commission recommended that the first sentence of Section 86-232 could be deleted as it is covered in the definitions and inquired who would be responsible for maintaining the website. Discussion ensued regarding what is being approved today, clarifying the incentives, establishing a minimum rating for fast tracking, and the need to find a checklist that addresses rural housing. Mr. Chandler advised that staff could continue the work on the draft amendments and bring back for consideration.

Commission inquired if this should be an ordinance or could be set up as a separate program. Attorney Agnew advised that it would need to be in the code which requires an ordinance.

**Public Comment:**

- Larry Schopp - Sanibel Resident - spoke to resilient steps taken to protect his home.

Commission requested Staff bring back less subjective language, include the comments from Bob Moore, and to include more incentives. Discussion ensued regarding some Commissioners being in support of a fee reduction incentive while not being comfortable with the fast tracking incentive. Further discussion ensued regarding concerns with the amount of funds that go to Lee County. Mr. Chandler advised that there is not a cost share program with Lee County, the reduction is coming from the building permit fees. Mr. Agnew clarified that any approval would come in the form of a recommendation to Council.

Discussion ensued regarding including the checklist with approval and bringing back to Commission. Mr. Chandler spoke to the process for Council creating policy while the City Manager implements policy. Ms. White inquired if the fast track review should be included. Discussion ensued regarding the specifics for qualifying for fast

track review without affecting others and setting a minimum rating for qualifying for fast track review. Mr. Agnew inquired as to if there were consensus to include the fast track review. Commissioners spoke to having different levels for the incentives and a minimum standard for fast track review and there not be a consensus to remove the fast track incentive.

**Commissioner Welch moved, seconded by Commissioner Sergeant, to revise the language in light of discussions today and bring back to the Commission for further consideration. The motion carried unanimously.**

## 8. Report from Planning Department

- a. Upcoming meeting dates:
  - i. Planning Commission - Tuesday, November 19, 2024
  - ii. Permitting Process Review (PPR) Subcommittee- Tuesday, November 19, 2024 (following Planning Commission)
  - iii. Report to City Council - Tuesday, November 12, 2024 - Commissioner Pfeifer
  
- b. Planning Reports
  - i. Planning Permit Review Report
  - ii. Planning Priority Tasks and Project Matrix
  - iii. Plan Application Status Report

Mr. Chandler spoke to the latest permit report and expecting an uptick on the next report. He further spoke to the priority tasks and project matrix update. Finally, he spoke to the application status report.

Commissioner Sergeant stepped out of the meeting at 10:52 a.m. and returned at 10:56 a.m.

Commission inquired as to a timeline for outdoor lighting. Mr. Chandler advised that an update could be provided by Natural Resources at the next meeting.

Mr. Chandler spoke to the next meeting being on November 19th followed by the Permitting Process Review Subcommittee meeting and that staff was working to reschedule the Below Market Rate Housing (BMRH) Subcommittee meeting to December 10th.

Commission inquired about the Beach Management Plan Update that is listed. Mr. Chandler spoke to that having been in process for several years.

**9. Report from Commission Members**

Commissioner Steiner thanked Staff for their hard work.

Commissioner Welch spoke to the importance of sustainable and resilient building.

Commissioner Colter proposed consideration of a workshop regarding green building or solar incentives.

Commissioner Sergeant left the meeting at 11:00 a.m.

Chair Grogman spoke to recognizing the needs of the community and working to make the code as relevant as possible for Council review and adoption.

**10. Public Comment**

There were no public comments from the audience.

**11. Adjournment**

There being no further business, the meeting adjourned at 11:01 a.m.