



Meeting Minutes - Draft
Planning Commission

Tuesday, May 26, 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 (Chair Nichols)

Chair Nichols led the Pledge of Allegiance.

3. Roll Call

Present: 7 - Chair Paul Nichols, Vice Chair Erika Steiner, Commissioner Tiffany Burns, Commissioner Larry Schopp, Commissioner Kate Sergeant, Commissioner Ken Colter, and Commissioner Lyman Welch

a. Motion to excuse absent member(s):

All members were in attendance.

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. Consent Agenda

a. Adoption of Minutes

Vice Chair Steiner noted a correction to the May 12, 2026 minutes, identifying a misspelling of a name ("Heidrick").

Commissioner Schopp moved, seconded by Commissioner Colter, to adopt the May 12, 2026 minutes, with the scrivener's error corrected. The motion carried by unanimous vote.

6. Old Business

a. Transfer of Development Rights (TDR) Discussion

Planning Director Paula McMichael provided a recap of the TDR discussion that had begun at the December 2025 Planning Commission meeting. The Commission had previously considered three potential public purposes for a TDR program: (1) support for below market rate housing (BMRH), (2) conservation of environmentally sensitive lands, and (3) redevelopment support in the resort housing district. Director

McMichael noted that any TDR program would need to be consistent with the City Charter, the Sanibel Plan, and the Land Development Code, and that the existing process to transfer density on a site-specific basis already requires a voter referendum.

Below Market Rate Housing: Staff concluded that a TDR program is not necessary for BMRH purposes, as the Charter and existing code already provide a simpler pathway through conditional use permits. Two such permits have been approved in the past two years.

Conservation: The Sanibel Plan contains language supporting conservation-based TDR incentives. A preliminary analysis estimated that approximately 176 dwelling units, likely an overestimate, could be eligible for transfer from lands adjacent to conservation areas. Staff noted that a TDR program is not strictly necessary to achieve conservation goals, as the City has pursued land acquisition without one, but found strong policy support for conservation as a public purpose.

Resort Housing: Director McMichael reported that 91 of 93 properties in the resort housing district are developed in excess of the densities established by the Development Intensity Map. The existing Charter provision already allows these properties to redevelop up to their May 4, 2004 unit counts without a voter referendum. An updated analysis identified 11 properties comprising 263 units that have not yet submitted permits to rebuild, with West Wind Inn accounting for 104 of those units. Staff concluded that a TDR program for the resort housing district is not supported by the available evidence.

Director McMichael also explained the current process for density transfers: a map amendment to the Sanibel Plan would require applications for both the sending and receiving properties, a Planning Commission recommendation, a City Council supermajority vote, and a voter referendum at the applicant's expense. Establishing a formal TDR program would additionally require a Charter amendment, itself subject to voter referendum, to create a new exception in Charter Section 3.10.2. She cautioned that any amendment to the Charter's voter-referendum provision could risk jeopardizing the City's grandfathered status under state preemption law that has, since June 1, 2011, generally prohibited localities from requiring voter referenda on comprehensive plan map amendments.

Commissioner Schopp questioned whether a Charter amendment was truly necessary, suggesting that the existing Charter mechanism, requiring an ordinance approved by voters, was itself sufficient to transfer density on a site-specific basis without creating a new program. City Attorney John Agnew acknowledged this could be workable for individually identified properties but expressed uncertainty about whether it would support a general programmatic framework applicable to future

transfers. The debate remained unresolved as a matter of legal interpretation.

Presentation by John Lai, CEO, Sanibel & Captiva Islands Chamber of Commerce: John Lai, representing the Chamber of Commerce, addressed the Commission regarding the resort housing situation. He stated that the island is currently at approximately 74 percent of its pre-Hurricane Ian hotel inventory and that reaching 80 percent within five years may represent the new baseline, given that properties outside the resort housing district that were previously used for nightly rentals, such as Mitchell Sandcastles and Blue Dolphin, have been or are being converted to private residential use. He noted the Chamber has been unable to formally survey the 11 remaining undeveloped resort properties about their interest in a TDR program because there is no concrete program to present.

Mr. Lai stated that the Chamber would support a TDR program in principle, expressing the view that the harder-to-rebuild properties will remain stalled without some financial mechanism to improve project feasibility. He noted that several resort property owners who participate in Chamber governance have indicated they would have used a TDR program had it been available when they applied for rebuild permits, specifically citing the ability to transfer unused density from environmentally sensitive inland parcels to the beachfront as a potentially viable model.

Commissioner Burns emphasized that resort housing is not about creating new density, but about enabling the transfer of density that already exists, noting that the 2004 Charter amendment was itself a deliberate policy decision to preserve the resort housing stock. She argued that the same proactive approach may now be warranted in response to post-Ian realities. Commissioner Sergeant remained skeptical, questioning whether a TDR program would be practical given that many properties have already rebuilt successfully under existing density allowances and that no property owner had come forward requesting additional density. Commissioner Schopp reiterated that no compelling specific case had been presented and expressed reluctance to undertake a complex program absent demonstrated hardship.

Commissioner Welch asked whether a TDR program incorporating the conservation purpose, allowing transfer of density from flood-prone or sensitive interior lands to the resort district, would be feasible and beneficial. Director McMichael confirmed that conservation could be incorporated as a sending-land criterion, but noted that lands already designated within the Environmentally Sensitive Lands District are not eligible to transfer density, and that the approximately 160-unit estimate for eligible adjacent lands was a rough figure subject to site-specific verification.

Public Comment:

- Mitch Koppelman, Sanibel Resident, expressed his support for evaluating a program that takes unused dwelling units and potentially banks them for future use

in the resort district, especially for rebuilding after disasters. He challenged the Commission to frame the conversation around how they can enable a 'yes' decision that aligns with Sanibel's standards, such as ensuring projects are consistent with community expectations.

The Commission discussed a specific example involving a church property with 24 permitted units adjacent to conservation lands, which could theoretically be a sending site. Commissioner Colter expressed concern that if the Sanibel-Captiva Conservation Foundation (SCCF) acquired that property, the density would likely be extinguished rather than transferred, underscoring the value of a program that would allow density to be sold and redirected.

City Attorney Agnew facilitated a straw poll of Commission members on whether staff should proceed with developing framework language for a TDR program for (a) resort housing and (b) conservation. The Commission agreed by consensus that BMRH does not require a TDR program. The results of the informal poll on the remaining purposes were as follows:

- Resort Housing TDR Program: Five members expressed support for further staff development (Vice Chair Steiner, Commissioners Burns, Colter, Welch, and Chair Nichols indicated conditional or full support), while Commissioner Schopp and Commissioner Sergeant expressed opposition or significant skepticism.
- Conservation TDR Program: Three members expressed support; a majority did not support pursuing it as a standalone purpose, though it was acknowledged as a potential ancillary benefit of a resort housing program.

Director McMichael noted that a March 2027 referendum timeline is not feasible given the work required to develop plan amendments, code language, and voter education materials. Staff was directed to develop draft framework language specifically for a resort housing TDR program for future Planning Commission review.

Commissioner Colter moved, seconded by Vice Chair Steiner, to move item 8a next in the agenda. The motion carried by unanimous voice vote.

The meeting recessed at 10:51 a.m. and reconvened at 11:00 a.m.

8. New Business

- a. Discussion of "miniature golf" as a conditional use

Planning Director McMichael introduced the item, clarifying that the discussion concerns a potential amendment to the Land Development Code (LDC) to add miniature golf as a conditional use in the General Commercial (GC) district-not approval of any site-specific project. She noted that nothing in the Charter, Sanibel Plan, or existing code prohibits such a use. Staff agreed that a conditional use, rather

than a permitted use, would be the appropriate mechanism, given the need for site-specific compatibility review by the Planning Commission.

Director McMichael provided an overview of relevant provisions, including the Sanibel Vision Statement's emphasis on the island as a sanctuary and its guidance to resist visitor attractions that compromise that character. She noted that the transportation element defines an "attraction" as a land use that generates a significant number of automobile trips from off-island locations. She reviewed applicable GC district development standards, including the 10 percent maximum floor area ratio (FAR), a 45 percent impermeable coverage limit, environmental performance standards, open body of water setbacks, and noise regulations.

Dana Dettmar, Environmental Biologist with the Natural Resources Department, presented a memo addressing considerations specific to open bodies of water in the context of miniature golf. She distinguished between natural open water bodies (which should be allowed to expand and contract seasonally and maintain wildlife habitat access), constructed bodies intended to function naturally, and highly maintained man-made water features for aesthetic purposes. She recommended that any man-made water features not connected to the natural groundwater system be lined to prevent algae blooms and chemical contamination. She also noted that while alligator exclusion fencing is referenced in the code as a deterrent, it cannot truly exclude alligators, and that the existing setback framework was not designed with this type of use in mind.

Applicant Presentation - Island Cow of Sanibel LLC:

Attorney Raychel Thomas, Pavese Law Firm, and Benjamin Hofland, Civil Engineer with Haley Ward, presented on behalf of Island Cow of Sanibel LLC (owners Bryan and Elke Podlasek). They described the Island Cow's history of damage from hurricanes and fire and the owners' desire to rebuild in a different configuration incorporating a miniature golf component alongside the restaurant. They emphasized that their concept is not a traditional themed miniature golf attraction with pirate ships or fog machines, but rather a "botanical golf" experience—a small-scale, naturalistic course meandering through native vegetation, consistent with Sanibel's sanctuary character.

The applicant proposed a draft definition and a set of conditions for the proposed LDC amendment. Key elements of the proposed language included:

- Definition describing miniature golf as an outdoor commercial recreation facility using putting greens, natural terrain features, and pathways, without the theatrical or themed elements typically associated with roadside attractions.
- Acreage cap of 5 acres for the course footprint, intended to distinguish miniature golf from a regulation golf course (10 percent of a typical 50-acre minimum course).

- Commercial Floor Area: The applicant proposed a flat allocation of 150 square feet per hole toward the 10 percent FAR limit, analogous to how residential units are counted in mixed-use developments, to avoid ambiguity about where the "floor area" of an outdoor course begins and ends.
- Open Body of Water Setbacks: The applicant proposed modified conditions allowing integration of the course with water bodies, including alligator exclusion fencing as a condition for reduced setbacks, arguing that the current administrative deviation process is not functional for a use that by its nature requires water integration.
- Parking: The applicant argued that recent LDC amendments have made parking a case-by-case determination and that standard parking requirements from comparable jurisdictions would be infeasible for mixed-use projects. They requested that parking be evaluated during the conditional use permit process.
- Residential Setbacks: The applicant noted that a 100-foot setback from residential uses-cited by staff from comparable jurisdictions-would render the course physically impossible on the Island Cow property (approximately 170 feet wide at the commercial portion), and advocated for buffering as an alternative means of achieving compatibility.
- Sound: The applicant indicated willingness to comply with existing code sound regulations and questioned the need for additional restrictions.

Commission Discussion:

Commissioner Sergeant suggested that framing the use as a recreational facility (golf course) rather than an attraction could provide a more appropriate analytical framework and potentially avoid the more politically charged attraction analysis. Director McMichael confirmed it could be added under the existing recreational facilities section (§126-35), though the substantive analysis under the Sanibel Plan would remain the same regardless of placement.

Commissioner Schopp expressed general support for the specific Island Cow concept but raised concerns about the possibility of multiple miniature golf courses proliferating throughout the GC district, effectively transforming commercial areas into entertainment zones. He suggested the course should be required to be a secondary use ancillary to a primary commercial use, and that the City might consider capping the number of such uses, as it has done with formula retail.

Vice Chair Steiner shared this concern about proliferation but preferred a numerical cap over an accessory-use requirement. She also cautioned against substituting LDC language with site-specific variance conditions, advocating for the use of existing administrative waiver and variance mechanisms where possible rather than encoding every site-specific consideration into the use definition.

Commissioner Welch expressed general support for miniature golf as a community

amenity, particularly for families with children. He asked for more specificity on how open bodies of water and wildlife interactions would be addressed, and suggested that any course structures should be subject to a height limitation to prevent large themed elements. He also requested that outdoor lighting be required to be extinguished when the business is not in operation, and that bicycle parking be incorporated. Commissioner Welch additionally suggested that the prohibition on themed components could be worded to permit elements that reflect Sanibel's own character, such as the lighthouse or local landmarks, while excluding generic themes.

Commissioner Burns advocated for extending the potential TDR program discussion to commercial properties, noting that economic viability has been a persistent challenge for rebuild in the commercial district, and that a mixed-use model with transferable residential density could provide a meaningful incentive. She also noted the precedent established in the 2004 policy decisions and supported the miniature golf concept for both resort and commercial contexts.

Comments by Property/Business Owner Brian Podlasek:

- Operational Flexibility: Mr. Podlasek explained that the potential miniature golf course would allow customers flexibility regarding participation. Individuals can choose to either dine at the restaurant or play the golf course without the requirement to participate in both activities. That setup offers guests the freedom to only play golf or solely dine at the establishment.
- Traffic and Capacity: Responding to questions regarding traffic concerns, Mr. Podlasek indicated an inherent understanding that any traffic generated by the miniature golf use would likely not exceed the historical capacity of visitors to Island Cow. He expressed preference for regaining the former customer numbers rather than desiring an increase in traffic that would surpass those previous levels.

Commissioner Colter raised the practical concern that the open body of water setback, as currently applied, may be overly broad for a use of this nature, questioning why a permeable-surface pathway alongside a man-made water feature should trigger the same setback as a structural encroachment. Engineer Hofland confirmed that under the current code, any structure including pathways must meet the 20-foot setback from open bodies of water, and that on the Island Cow property specifically, maintaining those setbacks on the two existing ponds would render access to the rear of the property impossible.

Commissioner Colter stepped out of the meeting at 12:45 p.m. and returned at 12:48 p.m.

City Engineer Oisin Dolley confirmed that a permeable artificial turf system with appropriate sub-base engineering could potentially be approved as permeable

coverage, subject to an engineering report, consistent with how pervious pavers are currently handled.

Director McMichael summarized the key areas of agreement and direction from the discussion: the proposed definition was generally acceptable; themed components should be prohibited; the acreage cap should be reconsidered (with the Commission suggesting a lower number); buffers should be addressed at the conditional use permit stage rather than in the use definition; no amplified sound should be permitted; lighting should be addressed with both operational and height considerations; parking should be handled case-by-case; and the open body of water setback issue requires further work before the ordinance is finalized.

Staff and the applicant were directed to collaborate on revised draft ordinance language for the Commission to consider and vote on at a future meeting.

7. 9:05 - Public Hearings:

- a. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to allow accessory structures in front yards, except for accessory storage structures, subject to front setback requirements with limited exceptions, Subpart B Land Development Code, Chapter 126, Zoning, Article XIV - Supplementary District Regulations, Division 2 - Accessory Structures, Subdivision I - in General, Section 126-852 - Requirements, Section 126-853 - Front Yards, and Division 3 - Building and area requirements, Subdivision I - in General, Section 126-933 - Multiple-frontage lots, for the purpose of updating the Land Development Code regulations.

Director McMichael presented the revised draft resolution, noting that a new code section (§126-933 on multiple-frontage lots) had been added since the prior version, necessitating re-advertisement. She also noted several minor adjustments, including changing "accessory structures" to "accessory buildings" in the front yards section to reflect that the provision addresses storage sheds.

Chair Nichols proposed an amendment to the "little free library" provision, suggesting that the dimensions and mounting language be modeled after the existing mailbox regulations in §100-631, rather than simply prescribing a maximum height. The Commission discussed appropriate dimensions, ultimately settling on a maximum total height of 72 inches on a post, with the library box itself not to exceed 25 inches in height, 36 inches in width, and 18 inches in depth.

Commissioner Burns left the meeting at 1:15 p.m.

No public comment was received on this item.

Commissioner Welch moved, seconded by Commissioner Sergeant, to adopt Resolution 26-12, as amended to incorporate the revised little free library dimensions and mounting language, and to simultaneously rescind the predecessor Resolution 26-06. The motion carried by a vote of 6-0 with Commissioner Burns absent.

Absent: 1 - Commissioner Tiffany Burns

9. Report from Planning Department

- a. Upcoming meeting dates:
 - i. Planning Commission - Tuesday, June 9, 2026
 - ii. Report to City Council - Tuesday, June 2, 2026 - Commissioner Welch

Director McMichael reported that the next Planning Commission meeting is scheduled for Tuesday, June 9, 2026, with items advertised including consideration of three properties for addition to the local historical register. The report to City Council on Tuesday, June 2, 2026 will be delivered by Commissioner Welch.

10. Report from Commission Members

- a. Sanibel Plan Update Steering Committee Report

Commissioner Schopp reported on the Sanibel Plan Update Steering Committee meeting held on May 20, 2026. No new plan sections were reviewed. The committee focused on upcoming public engagement activities, including two duplicate public sessions planned for June 3 (afternoon and early evening), covering the topics of resilience, land use, and transportation. The sessions are designed as small-group, in-person participatory workshops. A questionnaire targeting young families is being developed. Consultants anticipate presenting draft plan amendments to the Planning Commission in January 2027 and to City Council the following month. The next steering committee meeting is scheduled for June 17, 2026.

Commissioner Welch requested that two separate Planning Commission sessions be scheduled for review of the draft plan amendments, to allow for adequate deliberation and reflection between sessions.

- b. Transportation Master Plan Steering Committee Report

Vice Chair Steiner reported on the Transportation Master Plan Steering Committee meeting held on May 20, 2026. The committee reviewed outcomes from a March 26 public workshop that drew approximately 100 participants in person and online. Emerging project concepts include smart traffic management, reversible lanes, enhanced shared-use path regulation, an island circulator, on-demand transit, and pull-offs for lower-speed vehicles. Despite the stated focus away from roundabouts, that topic generated substantial public comment both in support and opposition. All concepts remain subject to feasibility vetting and further public input. The next public workshop is scheduled for June 25, 2026, 6-8 PM, at the Community House, and will be broadcast via Facebook livestream.

11. Public Comment

There were no public comments from the audience.

12. Adjournment

There being no further business, the meeting adjourned at 1:36 p.m.