



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Planning Commission

Tuesday, July 28, 2026

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. Call To Order

The meeting convened at 9:01 a.m.

2. Pledge of Allegiance (Sergeant)

Commissioner Sergeant led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chair Paul Nichols, Commissioner Tiffany Burns, Commissioner Larry Schopp,
Commissioner Kate Sergeant, Commissioner Ken Colter, and Commissioner Lyman Welch
Absent: 1 - Vice Chair Erika Steiner

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

Commissioner Sergeant moved, seconded by Commissioner Colter, to excuse Vice Chair Steiner. The motion carried by unanimous voice vote.

Excused: 1 - Vice Chair Erika Steiner

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 provided a report on the City Council meeting held the previous Tuesday. Key items included:

Land Use: The Council approved Ordinance 26-007 relating to accessory structures, specifically addressing setback and front yard rules. The Council tabled proposed Ordinance 26-13, which would have revised previously enacted Ordinances 26-004 and 26-005 pertaining to the CHR Riverview 2 project's density allowances. Also tabled was a proposed revision to the Below Market Rate Housing (BMRH) program eligibility rules under Land Development Code Section 102-100 through 102. Both items were tabled due to concerns raised by Lee County regarding the BMRH program's compliance with federal fair housing law. A joint workshop involving the Planning Commission and City Council is being organized, with dates narrowed to either August 26th or 27th. A first reading was completed on Ordinance 26-11, addressing speed limits on Sanibel roads, with a second reading scheduled for

next month.

Environmental: The Council received a report on coyotes and sea turtle nesting predation and voted to include funding in the FY 2027 budget for a coyote population research study, as well as a cost-sharing arrangement with SCCF for sea turtle nesting protection programs in a preliminary amount of \$75,000.

Roundabout: Consultant Kimley Horn confirmed through a land survey that a roundabout can be constructed at the four-way intersection without requiring acquisition of land from Pond Apple Park. The Council preliminarily approved placing the roundabout question before voters as an advisory referendum on the March 2027 municipal election ballot. A resolution containing the exact referendum language will be considered at the next Council meeting.

Speed Camera Corrections: A report from Alta Mint, provider of the speed zone detection system at Sanibel School, confirmed that cameras had been improperly installed too close to a palm tree, resulting in 1,701 erroneous citations, predominantly affecting westbound traffic. Approximately 1,300 fines already paid will be refunded by Alta Mint, and the remaining 366 citations will be dismissed, with any resulting uniform traffic citations retracted. Commissioner Sergeant confirmed that the cameras have since been fixed and are operational.

Infrastructure: The Council approved a contract with Apex Companies (formerly Johnson Engineering) for engineering services related to the reconstruction and possible elevation of over 26 miles of city roadways. A presentation was received from Stantec regarding a stormwater assessment program. The Council agreed to proceed; a formal notice to property owners was to be issued the following day. Under the proposed program, single-family residences would be assessed approximately \$277.50 per year, condominiums approximately \$80.51, and all other properties based on actual impervious surface measurements. These assessments, if approved by the Council by September, would appear on property tax bills in November. For comparison, Mayor Miller noted Sanibel's proposed rate would be lower than Fort Myers Beach (\$452) and Naples (\$297), but higher than Cape Coral (\$156) and Fort Myers (\$104) for single-family residences.

Solid Waste: Two resolutions were approved establishing FY 2027 solid waste collection assessments. Curbside collection rates under the Waste Management contract will increase by 2.44%, with an annual rate of \$539.

Budget: The Council discussed the FY 2027 budget. Based on Lee County's preliminary July 1 property valuations, assessed values increased 8.15% year-over-year. At the current operating millage rate of 2.5 mills, this would yield approximately \$1 million more in tax revenue, for a total collection of approximately

\$14.7 million. The budget reflects no increase in authorized or planned headcount and an operating budget approximately 1.6% lower than the current year. Reserves total \$13.6 million, including \$6.9 million in disaster reserves. The preliminary millage rate was set at 2.5 mills, which may only be decreased at a later meeting. The next budget hearing is scheduled for Tuesday, August 18th at 5:30 PM.

Commissioner Welch inquired whether the Capital Improvement Plan subcommittee's recommendation to examine stormwater issues on Bailey Road and similar flood-prone streets had been addressed by the Council. Mayor Miller indicated the item had not been discussed but committed to looking into it ahead of the August hearing.

6. Consent Agenda

Adoption of Minutes: June 23, 2026

Commissioner Sergeant moved, seconded by Commissioner Schopp, to adopt the June 23, 2026 minutes. The motion carried by a vote of 6-0 with Vice Chair Steiner excused.

Excused: 1 - Vice Chair Erika Steiner

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 126-557(b)(1) - Wetlands conservation lands within Sanibel Gardens, Sanibel Highlands, and Tarpon Bay Subdivisions, to allow placement of fill to exceed 20 percent of the gross area of the parcel proposed for development located in the Interior Wetlands Conservation District at 499 Leather Fern Place - tax parcel (STRAP) no. 25-46-22-T3-01107.0050. The application is submitted by Deborah Bouchard (applicant) on behalf of Deborah A. Bouchard + Corey T. Bouchard et al (owners). **Application No. PL20260018.**

Planning Director Paula McMichael introduced the item. City Clerk Kelly confirmed site visits, ex parte communications, and conflicts of interest. Chair Nichols disclosed a site visit and an ex parte conversation with one of the property owners regarding the shell pathways on the property; all other Commissioners reported no ex parte communications and no conflicts.

City Clerk Scotty Lynn Kelly sworn in:

- Kim Ruiz - City of Sanibel, Principal Planner
- Corey Bouchard - Property Owner
- Zachary Bouchard - Property Owner
- Paula McMichael - City of Sanibel, Planning Director

Principal Planner Kim Ruiz presented the application on behalf of staff. The variance

sought was from Land Development Code Section 126-557(b)(1), which limits placement of fill to a maximum of 20 percent of the gross parcel area within the Interior Wetlands Conservation District, to allow for construction of a swimming pool and pool deck at 499 Leather Fern Place.

Background: The subject property is located within the Interior Wetlands Conservation District, an overlay in place since 1984. When the existing single-family home was permitted in 2003, staff at the time failed to identify the property as being within the district, and the structure was permitted under less restrictive D-2 upland wetland standards. Prior to purchasing the property in May 2025, the applicants conducted due diligence by consulting with city planning staff, who provided coverage and setback calculations based on the existing survey. That consultation likewise did not identify the Interior Wetlands Conservation District overlay, leading the applicants to reasonably believe a swimming pool could be accommodated within the remaining allowable developed area. It was only upon submission of a pool building permit that the district overlay was identified, prompting the variance process.

The proposed pool and pool deck total 901 square feet and would result in 21 percent impermeable coverage and 26 percent developed area, modestly exceeding the 20 percent maximum (3,212 sq. ft.) permitted under the district standards. Staff proposed stem wall construction to minimize fill placement and recommended revisions to the stormwater management plan to utilize existing topography.

Staff Conditions of Approval: Staff recommended approval subject to three conditions: (1) allowing a maximum of 21 percent impermeable coverage and 26 percent developed area to accommodate the 901-square-foot pool and pool deck with stem wall construction and 32-square-foot equipment pad; (2) obtaining a building permit verifying those limits, and - as part of mitigating the overage - requiring removal of unpermitted shell pathways on the property and replanting with 100 percent native ground cover vegetation; and (3) submission of a revised stormwater management plan utilizing existing topography to the extent feasible.

Commission Discussion - Shell Pathways: The most substantive discussion centered on Condition 2's requirement to remove the existing shell pathways. Chair Nichols noted that during his ex parte site visit, a property owner had indicated removal would cost approximately \$10,000 due to the depth of the shell fill. He further cited Land Development Code Section 86-42, which deems sand and shell driveways and parking areas 100 percent permeable in residential contexts, and observed that removing the deep-set shell would itself require significant excavation and disruption to the property. Commissioner Schopp noted from his site visit that the paths appeared essential for mobility across the large corner lot, particularly for a wheelchair user.

Zachary Bouchard, speaking on behalf of the applicants, confirmed that his sister, the primary occupant, requires wheelchair access, and that the paths - installed by a prior owner prior to the Bouchards' purchase - facilitate movement around the home and would be necessary to access the future pool area. He further noted that the property had already been extensively planted with native vegetation by SCCF prior to their purchase. Commissioner Sergeant suggested a compromise of adding supplemental native plantings rather than requiring path removal.

City Attorney John Agnew observed that the pre-purchase planning consultation, which was conducted with the shell pathways visible on the submitted site plan, did not flag the paths as unpermitted or include them as a coverage concern. He reasoned that the applicants could have had a reasonable expectation that the paths were permissible, noting that an after-the-fact permit for the paths might have been obtainable under the circumstances.

Commissioner Welch, after reviewing the email chain in Attachment C from former Planner Savannah White, confirmed that the paths were depicted on the site plan provided to staff and that no concern was raised about their permitted status, leading him to conclude the city's error extended to the shell pathways as well as the pool coverage question.

Commissioner Schopp additionally raised a broader code clarity concern, noting that the language of Land Development Code Chapter 126, Article 9 tends to conflate "fill" with structures in a manner that may contribute to staff and public confusion about what the 20 percent limitation encompasses, and suggested a future review of that language to improve clarity.

Planning Director McMichael acknowledged the staff error and explained that the department has since strengthened its internal checklist procedures to ensure special overlay districts are identified at the outset of any single-family permit review, and that current GIS layers make the Interior Wetlands Conservation District readily visible.

There were no public comments from the audience.

Commissioner Welch moved, seconded by Commissioner Schopp, to approve Application No. PL20260018 and Resolution No. 26-18, with the three conditions listed in the staff report, modified as follows: (1) Condition 1 to be revised by staff to reflect updated impermeable coverage and developed area calculations accounting for the shell pathways; and (2) Condition 2 to be amended by striking the sentence requiring removal of existing shell pathways and replanting with native vegetation. Condition 3 regarding the stormwater management plan remained unchanged. The motion further closed the public hearing and authorized the Chair to execute the resolution without further return to the Commission. The motion carried by a vote of 6-0 with Vice Chair Steiner excused.

Excused: 1 - Vice Chair Erika Steiner

8. Report from Planning Department

a. 2025 Residential Land Use Inventory

Planning Technician Jackie L'Archevesque presented the 2025 Residential Land Use Inventory, reflecting data as of December 2025. The report updates the prior 2010 Residential Land Use Analysis and draws on city building permits, development permits, and Lee County property appraisal data. Key findings included:

- Sanibel's approximately 7,822 dwelling units represent roughly 1.7 percent of Lee County's housing stock and less than 1 percent of the five-county Southwest Florida region.
- The housing stock is approximately evenly split between single-family and duplex units (52 percent, including 84 manufactured homes all located in Periwinkle Park) and multifamily units (48 percent, totaling 3,730 units).
- Since 1975, single-family and duplex units have grown by 309 percent, while multifamily units have grown by approximately 61 percent.
- The post-hurricane period (2022-2025) drove a significant surge in new construction permits relative to demolitions.
- Of the multifamily inventory, approximately 3,248 units (87 percent of multifamily, 42 percent of all dwelling units) are available for short-term occupancy by permitted use within the resort housing district.
- 91 units are enrolled in the city's Below Market Rate Housing program, representing less than 1 percent of total residential inventory.
- At build-out, approximately 1,178 additional dwelling units are projected, bringing the total toward approximately 9,000 units based on the Development Intensity Map. Prior to the 2022 storms, Sanibel had approximately 8,500 units; the December 2025 inventory reflects approximately 7,300.

Commissioner Welch inquired whether this data is being integrated with the SANCAP 360 online platform. Planning Director McMichael confirmed the department is actively providing permit information to Hammerhead Technologies for inclusion in that system.

Commissioner Schopp noted that the former Sunset Beach hotel-motel property, which has been demolished, did not appear on Table 8 and was confirmed by Principal Planner Ruiz to have been demolished with no redevelopment plans yet submitted. Commissioner Burns raised the point that the 87 percent resort housing figure may overstate the availability of short-term rentals, as some units within the resort housing overlay have been deed-restricted by development order to minimum monthly rentals. L'Archevesque confirmed that units restricted by covenant from short-term rental are not included in the resort housing totals.

Commissioner Colter expressed concern about the continued use of the approximately 9,000-unit build-out figure in the context of anticipated Transfer of Development Rights (TDR) discussions, noting that significant land donations to SCCF have permanently reduced achievable build-out. Planning Director McMichael responded that the 9,000-unit figure, while approximate, remains a valid planning assumption based on vacant lots still available and is not expected to impede TDR framework development.

b. Upcoming meeting dates:

- i. Planning Commission - Tuesday, August 11, 2026
- ii. Report to City Council - Tuesday, August 18, 2026 - Commissioner Schopp

Planning Director McMichael noted the following upcoming dates:

- August 11, 2026 - Planning Commission meeting; the sole agenda item will be a continued discussion of the TDR framework. Chair Nichols noted he will not be in attendance; Vice Chair Steiner is expected to preside.
- August 18, 2026 - Report to City Council; Commissioner Schopp is the designated liaison. The monthly permit report, planning projects, and Plan Application Status Report will be presented. Staff noted that one conditional use permit for a seawall-in-front-of-seawall application is scheduled for administrative approval.
- August 25, 2026 - Planning Commission meeting; anticipated items include the Kangaroo Express (former Chevron station) conditional use permit and associated waivers, a Land Development Code amendment related to mini golf, and additional variances.
- August 26 or 27, 2026 - Joint workshop with the City Council on the Below Market Rate Housing program and Chapter 102 compliance issues; anticipated venue is Big Arts to accommodate both bodies.

Commissioner Sergeant requested that, in advance of the August 11 TDR discussion, staff provide updated and precise unit counts for the resort housing district - including properties that were rebuilt with a different use or different unit count, as well as nonconforming resort and commercial properties outside the district - so that the Commission can evaluate the TDR framework with accurate baseline data. Commissioner Burns noted that while current rebuild activity provides useful data points, the long-term value of a TDR program should not be evaluated solely on present circumstances, drawing a parallel to the build-back ordinance adopted after Hurricane Charley in 2005 that went unused for two decades.

c. Planning Reports

- i. Planning Permit Review Report
- ii. Planning Projects

iii. Plan Application Status Report

Staff noted that one CUP for a seawall in front of a seawall is scheduled for administrative approval.

9. Report from Commission Members

Build-Back Ordinance Expiration - Commission Discussion: Commissioner Burns raised concern about the impending December 15, 2026 expiration of certain build-back ordinance provisions, particularly as they relate to nonconforming resort housing and commercial uses. She expressed the view that while the expiration of single-family residential build-back provisions appears reasonable given the time elapsed since the storms, commercial and resort housing properties face significantly more complex redevelopment decisions and timelines, including issues such as foreclosure-related ownership transfers, replat requirements, and the discovery of pre-existing nonconformities. She cited the Clamshell development as an example, noting that its duplex units - a land use not conforming to the applicable ecological zone - were only recently identified as a code issue after years of post-storm recovery planning, leaving owners potentially unable to replat and rebuild viable residential lots before the deadline.

Commissioner Colter expressed similar concern and noted awareness of resort properties that are actively attempting to rebuild but have not yet reached the permitting stage. City Attorney Agnew clarified that even after the December deadline, individual property owners with nonconforming uses retain the ability to petition City Council directly for a site-specific extension, and that a code provision exists to support such requests. He noted, however, that the process has not yet been tested. Commissioner Welch observed that if only a small number of properties are affected and a council petition process is available, a blanket extension may not be necessary, but acknowledged that data on the scope of the issue is needed.

Planning Director McMichael noted that a similar analysis was conducted for the Council at the end of last year, resulting in the renewal of most provisions except the administrative approval of restaurant conditional use permits. She indicated that while the current direction from the Council has been against further extensions, the Commission's request for an informational summary of expiring provisions and affected properties could be accommodated. Chair Nichols requested that staff prepare a concise list of the ordinance provisions set to expire in December, along with known affected properties, so the Commission could assess whether to make a collective recommendation to the Council. The Commission agreed that this would be the appropriate next step before deciding whether to act individually or collectively.

City Attorney Agnew suggested that commissioners with individual questions about

the fair housing act issues in advance of the upcoming joint workshop should submit those questions directly to City Manager Dana and himself, rather than circulating them among commissioners, in order to comply with Sunshine Law requirements. Questions will be aggregated and forwarded to consultants in batches.

a. Sanibel Plan Update Steering Committee Report

Commissioner Schopp reported on the Sanibel Plan Update Steering Committee's meeting of July 15, 2026. The committee received a consultant summary of public workshop comments from June 3rd sessions covering resilience, land use, and transportation. The flyer for a virtual workshop held on July 23rd was reviewed. Two plan elements required by Florida Statutes - Peril of Flood and Property Rights - were examined; both were previously adopted by ordinance in 2022, and minor clarifying edits were made to the Peril of Flood element. The presentation timeline for a draft plan has been moved up slightly, with a target of January 2027 for Planning Commission consideration and February 2027 for City Council. Planning Director McMichael clarified that by November 2026, the department hopes to bring initial draft amendment language to the Commission so that the final January vote is well informed. The August 19th steering committee meeting was canceled due to vacation schedules, with the next meeting scheduled for September 16th.

Commissioner Welch inquired about the integration of the Sanibel Plan update with the Transportation Master Plan effort. Commissioner Schopp and Director McMichael clarified that the two are being developed in coordination: the Transportation Master Plan, targeting adoption by City Council in December 2026, will inform the Transportation Element of the Sanibel Plan. McMichael serves as consultant liaison for both efforts. Chair Nichols raised a question about how the proposed roundabout at the Causeway-Periwinkle intersection relates to either planning effort, noting that the project appears to be proceeding on a separate track. McMichael confirmed that the Transportation Master Plan consultants opined that a roundabout would be an improvement, and that current plan language calls generally for continued pursuit of improvements at that intersection. The Transportation Master Plan addresses the roundabout at a high level, while the detailed engineering analysis is being handled separately by Kimley Horn.

10. Public Comment

There were no public comments from the audience.

11. Adjournment

There being no further business, the meeting adjourned at 10:55 a.m.