



Meeting Minutes - Draft
Planning Commission

Tuesday, February 24, 2026

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. Call To Order

The meeting convened at 9:00 AM.

2. Pledge of Allegiance (Commissioner Burns)

Commissioner Burns 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 at this time.

4. Public Comments on Items Not Appearing on the Agenda

Chair Nichols called for public comments on items not on the agenda. No members of the public came forward and no comments were received.

5. City Council Liaison Report

Serving as City Council liaison, Mayor Mike Miller reported on actions taken at the most recent City Council meeting held on February 3, 2026. He summarized the following items:

Council had a robust discussion on a recommendation from the Coyote Working Group, consisting of representatives from SCCF, Ding Darling National Wildlife Refuge, C.R.O.W, and the City's Natural Resources Department, for a limited lethal removal of coyotes during the 2026 sea turtle nesting season to address a nest predation rate that exceeded 40% in 2025. Council decided to defer that vote, choosing instead to further consider non-lethal alternatives and directed the City Manager to schedule a community workshop or council meeting on the topic.

Mayor Miller continued regarding Council giving a preliminary approval for allowing Class 2 and Class 3 e-bikes on the shared-use paths, and further discussed Senate Bill 382, which is moving through the state legislature and

would require warnings when passing pedestrians and limit e-bike speeds to 10 mph within 50 feet of pedestrians. A companion measure is pending in the Senate.

Council approved in first readings an ordinance banning smoking on city beaches and parks, with an exception for non-filtered tip cigars as required under state law, following similar action by Lee County.

Additionally, Council gave preliminary approval to five wildlife crossing signs, approved a Parks and Recreation Advisory Committee request to conduct a citywide survey on interest in a community dog park, and discussed pending state legislation, including a proposed complete elimination of homestead property taxes (excluding school taxes) under House Resolution 203, which has passed the House. The Senate and the Governor have not yet responded on the bill.

Council also discussed House Bill 103, which would eliminate business taxes and reduce city revenues by approximately \$300,000, though that measure appears stalled in the Senate.

Commissioners inquired about the Sanibel Plan Master Plan Update workshop, which Mayor Miller noted that the first community workshop for the Sanibel Plan update had taken place. Featuring a consultant presentation and breakout groups where participants used dot-placement on exhibits to indicate their interests and priorities. The Mayor and members of the Planning Commission noted the event was well-attended.

6. Consent Agenda

- a. Adoption of Minutes: January 27, 2026

Vice Chair Steiner moved, seconded by Commissioner Sergeant, to adopt the January 27, 2026 minutes. The motion carried.

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(2)(b) - Waterward extension, to allow the installation of a boat lift with a waterward extension more than 33 percent of the width of the waterway and resulting in a navigable channel less than 20-foot-wide located at 661 Anchor Drive - tax parcel (STRAP) no. 20-46-23-T4-00002.001F. The application is submitted by West Bay Contracting (the applicant) on behalf of David Bradley Andres and Lucille Will Andres (the property owners). **Application No. PL20250010. (Supplement 1)**

Planning Director Paula McMicheal read into the record the title of the item and introduced Kim Ruiz, Principal Planner, who worked with the applicant on this application.

Deputy City Clerk Anna Hicks polled Commissioners for site visits, ex-parte communications and conflict:

- Chair Nichols	Site Visit	No Ex-Parte	No Conflict
- Vice Chair Steiner	Site Visit	No Ex-Parte	No Conflict
- Commissioner Burns	No Site Visit	No Ex-Parte	No Conflict
- Commissioner Colter	Site Visit	No Ex-Parte	No Conflict
- Commissioner Schopp	No Site Visit	No Ex-Parte	No Conflict
- Commissioner Sergeant	Site Visit	Ex-Parte	No Conflict
- Commissioner Welch	Site Visit	No Ex-Parte	No Conflict

Commissioner Sergeant disclosed an ex parte conversation with the property owners during her site visit, limited to the fact that a boat lift had existed at the property when they purchased it in May 2022, prior to Hurricane Ian.

Deputy Clerk Hicks swore in the following:

- Kim Ruiz, City of Sanibel, Principal Planner
- Rodney Perry, Neighboring Property Owner
- Dana Dettmar, City of Sanibel, Environmental Biologist
- Paula McMichael, City of Sanibel, Planning Director

Principal Planner, Kim Ruiz, presented the application from West Bay Contracting, on behalf of the property owners David Bradley Andres and Lucille Will Andres at 661 Anchor Drive. The request was for a variance from Section 126-875(2)(b) to allow installation of a boat lift with a waterward extension exceeding 33% of the canal width, resulting in a navigable channel of less than 20 feet.

Ms. Ruiz explained that the property has a mangrove shoreline where the roots extend directly to the back of the existing dock, making it impossible to move the lift further landward without causing direct mangrove root damage; which the city's code seeks to avoid. The applicant's design was conceived under the more recently adopted code section allowing boat lifts up to 15 feet waterward of the mangrove roots, but one piling extends one inch beyond that 15-foot threshold, causing the proposal to fall outside administrative approval. Staff's analysis found that if the same waterward extension were applied directly across the canal by the opposite property owner, the navigable channel would measure 18 feet, not the code-required 20 feet. However, if the existing dock across the canal were taken into account in its actual (offset) location, the resulting navigable channel would be 19 feet, 10 inches. Ruiz noted that the canal is one of the narrower canals on the island and that two-way boat traffic does not currently exist there.

The question of a forklift-style boat lift as an alternative was raised, but Ms. Ruiz noted that during prior code amendment discussions, such lifts were found to present safety concerns when left raised without a boat, as they are harder for

passing boaters to see. Staff found the application met all seven variance criteria and recommended approval with four conditions:

1. The boat lift shall not occupy more than 36% of the canal width (25 feet, 5 inches from the mean high water line);
2. Reflectors must be installed on the outer pilings for navigation safety;
3. No mangrove impacts are authorized, with any unauthorized impacts subject to mitigation; and
4. An as-built survey is required prior to final inspection verifying no piling extends further than 24 feet, 5 inches from the mean high water line.

Staff also noted receipt of one written public comment from a neighboring property owner at 1083 South Yachtsman, who expressed concern about the adequacy of the remaining navigable channel.

Commissioners asked whether the applicant's boat was an unusually large vessel, prompted by language in the neighbor's written comment. Ms. Ruiz described the boat as a 21-foot vessel, more of a back-bay fishing boat, and noted it can pass under the Periwinkle Pass bridge at the end of Anchor Drive, which is itself a narrow passage. Commissioners focused on Variance Standard 6; whether the variance would be adverse to the health, safety, and general welfare of the community, and asked staff to explain how an 18-foot navigable channel was found to meet that standard when the code requires 20 feet. Discussion ensued regarding the bridge at the end of Anchor Drive is itself quite narrow. Commissioners then confirmed that the existing pilings would be new. Ms. Ruiz confirmed as the previous dock did not have pilings.

Ms. Ruiz and Planning Director McMichael clarified that approval of this variance would not automatically vest rights in the opposite property owner to build a similar boat lift; any future application across the canal would need to be evaluated on its own merits. Commissioners asked whether this was the appropriate time to study an alternative approach. Possibly a parallel lift configuration to avoid further encroachment into narrow canals. Ms. Ruiz explained that such a design would require direct root impacts to the mangroves, which are densely matted to the back of the existing dock. Natural Resources staff member Dana Dettmar confirmed that the canal is part of the city's annual mangrove trimming program and is a public canal, but is not included in any dredging assessment program currently. Ms. Dettmar further noted that the existing dock's terminal platform is already at the minimum width of three feet, leaving no additional flexibility to reduce the waterward extension by shrinking the dock.

Director McMichael confirmed that staff's policy has consistently been not to require mangrove removal in order to install boat lifts, and that the code amendment adopted in recent years was precisely intended to reduce the number of such variance requests by providing an administrative pathway in most cases. This was the first application that could not qualify under that administrative

standard.

Public comment:

- Rodney Perry, a neighboring property owner, stated his 9 ft wide boat travels that canal and he was concerned about navigability at low tide. He asked that the Commission ensure he could still pass the lift without obstruction, and indicated he could accept the variance if that assurance could be given.

Following the discussion, Chair Nichols noted that, based on his site visit, the boat was already moored approximately two and a half feet off the dock, suggesting the pilings would not extend significantly further than the boat's current position.

Commissioner Schopp moved, seconded by Commissioner Sergeant, to approve Application No. PL20250010 to allow the installation of a boat lift with a waterward extension of more than 33% of the width of the waterway and resulting in a navigable channel less than 20 feet wide at 661 Anchor Drive, subject to the four conditions set forth in the staff report, and authorizing the Chair to execute Resolution 26-01 without further consideration. The motion carried by unanimous vote.

- b.** Consideration of an application filed pursuant to Land Development Code Chapter 82, Article IV, Division 2, Subdivision III - Long-form, Section 82-421- Application, Section 82-422, - Scheduling and notice, Section 82-423. - Hearing, and Chapter 86, Article II - Site preparation, Section 86-44. - Public facilities, to authorize deviations from required conditions of the Land Development Code related to floor area ratio in the Town Center Limited Commercial District for an application to redevelop Fire District Station 171 located at 2351 Palm Ridge Road - tax parcel (STRAP) no. 26-46-22-T2-0030B.0020. The application is submitted by Lisa Giordano & John Wojdak, RESPEC Company LLC (the applicant), on behalf of Sanibel Fire and Rescue District (the property owner). **Application No. PL20260005**

Planning Director Paula McMicheal read the item into the record and introduced Senior Planner, Savannah White, who provided an overview of the staff report included in the agenda packet.

Deputy City Clerk Hicks swore in the following:

- Savannah White, City of Sanibel, Senior Planner
- Paula McMichael, City of Sanibel, Planning Director
- Kevin Barbot, Sanibel Fire & Rescue District, Fire Chief

Senior Planner White presented the application submitted by Lisa Giordano and John Wojdak of RESPEC Company, LLC., on behalf of Sanibel Fire and Rescue District, the property owner, for redevelopment of Fire Station 171 at 2351 Palm Ridge Road. The application sought a deviation from the maximum floor area ratio (FAR) of 12% applicable in the Town Center Limited Commercial District under Section 126-534(a.).

Planner White explained that the existing building sustained hurricane damage and the District intends to demolish and reconstruct the fire station while retaining the one-story apparatus bay. The existing FAR is 24.5% and the

proposed reconstruction would bring it to approximately 29%, driven by an expanded second floor to accommodate additional space for emergency operations. The proposed impervious coverage of 57.9% and developed area of 65.2% would both remain below the levels approved under prior variances granted in 2004 and 2005. Ms. White noted the deviation is authorized under Land Development Code Section 86-44 (Public Facilities), which allows the Planning Commission to approve deviations from code requirements for public facilities, provided the development is not inconsistent with the Sanibel Plan. Staff found the reconstruction consistent with the Plan's objectives regarding maintenance of adequate levels of service for human support systems and found no inconsistency warranting denial.

Staff recommended approval subject to four conditions:

1. Continuance of all conditions from prior Resolutions 04-04 and 04-05
2. A maximum FAR of 29%
3. Development consistent with the submitted architectural and civil plans; and
4. An as-built survey to verify compliance.

Fire Chief Kevin Barbot addressed Commissioner questions about flood resilience. He explained that the design incorporates 190-mile-per-hour wind resistance, full elevation of all electrical and plumbing systems, flood-proofing storm gates and a catwalk that is elevated six feet from the floor in the apparatus bay, concrete block construction to the second floor, and epoxy flooring to allow pressure washing after a flood event. He noted that the apparatus bay cannot be elevated to meet FEMA base flood elevation, but it is engineered to allow water to flow in and back out. He pointed to Station 2, which recently completed reconstruction using the same approach and will have a grand opening soon. Chief Barbot also noted that the project is approximately 85% funded through federal grants and FEMA/State dollars, with a funding gap currently being addressed through HUD and county channels, meaning local property tax dollars are largely not at issue. He confirmed that fire apparatus are evacuated from the island for storms of Category 3 or above, given each truck's replacement value of \$750,000 to \$1.5 million and a four year rebuild lead time. In response to the question of when the station would be complete, Chief Barbot indicated that construction has not yet commenced pending resolution of the funding gap, expected in early March, but the general contractor estimates approximately 15 months from groundbreaking to completion.

Commissioners asked whether the proposed building height complies with applicable standards, confirmed by Ms. White, and whether the new lighting pole would comply with the dark sky ordinance, which Ms. White confirmed would be required through the separate lighting permit process. Commissioners also asked about the solar panels shown in the plans; Chief Barbot confirmed they are part of the construction bid and will be operational at opening, noting Station 2 is expected to have solar panels installed within the month.

The applicant confirmed acceptance of all four recommended conditions. No public comments were received.

Commissioner Schopp moved, seconded by Commissioner Welch, to approve Application No. PL20260005 to allow deviations from required conditions of the Land Development Code related to floor area ratio in the Town Center Limited Commercial District for redevelopment of Fire District Station 171 at 2351 Palm Ridge Road, subject to the four conditions set forth in the staff report, and authorizing the Chair to execute Resolution 26-02 without further consideration. The motion carried by unanimous vote.

- c. Consideration of applications filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V - Conditional Uses, Section 82-201 - Authorization, and Section 82-204 - Application and hearing, for Conditional Use Permits to allow bicycle rentals and a formula retail store (Unlimited Biking) to operate in unit 3 of the Islander Center, located within the TCG - Town Center General Commercial District, at 2407 Periwinkle Way - tax parcel (STRAP) no.26-46-22-T2-00004.0070. The application is submitted by Blake Bartholomew (the applicant), on behalf of 2407 Periwinkle Sanibel LLC (the property owner). **Applications No. PL20250011 and PL20260006. (Supplement 1)**

Planning Director Paula McMicheal read the item into the record, and introduced Craig Chandler, Deputy Planning Director, who presented two conditional use permit applications submitted by Blake Bartholomew on behalf of property owner 2407 Periwinkle Sanibel LLC, to allow Unlimited Biking to operate a bicycle rental business and formula retail store in Unit 3 of the Islander Center at 2407 Periwinkle Way. The staff report was entered into the record as City Exhibit C-1.

Deputy City Clerk Hicks polled Commissioners for site visits, ex-parte communications, and conflict:

- Chair Nichols	Site Visit	No Ex-Parte	No Conflict
- Vice Chair Steiner	Site Visit	Ex-Parte	No Conflict
- Commissioner Burns	Site Visit	No Ex-Parte	No Conflict
- Commissioner Colter	Site Visit	No Ex-Parte	No Conflict
- Commissioner Schopp	Site Visit	No Ex-Parte	No Conflict
- Commissioner Sergeant	Site Visit	Ex-Parte	Conflict
- Commissioner Welch	Site Visit	No Ex-Parte	No Conflict

Vice Chair Steiner disclosed ex parte communications with the owner of Sanibel Sprouts and with former Planning Commission Chair Roger Grogman.

Commissioner Sergeant disclosed a conflict of interest pursuant to Section 112.3143, Florida Statutes, because of Councilmember DeBruce; owner of Island Breeze eBikes and a public commenter; is her business associate. Commissioner Sergeant confirmed that she had submitted Form 8B (to be added to the record) and was therefore permitted to participate in discussion but would not vote. Commissioner Sergeant also disclosed ex parte communication consisting of an email from Laura DeBruce dated February 19th, which was included in the record.

Deputy Clerk Hicks swore in the following:

- Blake Bartholomew, Applicant, on behalf of Unlimited Biking
- Hakan Ugdur, CEO of Unlimited Biking
- Nick Paulis, Property Manager, 2407 Periwinkle Sanibel, LLC
- Craig Chandler, City of Sanibel, Deputy Planning Director
- Paula McMichael, City of Sanibel, Planning Director
- Billy Kirkland, Owner of Billy's Bikes and Rentals
- Joseph Craig, Owner of Finnimore's Cycle Shop
- Steve Brown Jr., incoming Owner of Billy's Bikes and Rentals
- Jeff Blackman, Owner of Island Breeze E-Bikes
- Dr. Goher Mobed, Owner of 2407 Periwinkle Sanibel, LLC

Mr. Chandler outlined the three analytical frameworks applied: general requirements for conditional uses under Section 126-82; specific requirements for vehicle rental and leasing under Section 126-94; and specific requirements for formula retail stores under Section 126-102. He also provided a detailed background on a prior 2021 application by the same business at the same location, which the Planning Commission unanimously denied on grounds of incompatibility with other uses, inadequate parking, lack of an interconnectivity path to the shared-use path, and safety concerns related to bicycle fitting and testing in a high-traffic parking lot.

Mr. Chandler identified several changes since 2021 that informed staff's current recommendation of approval. First, City Council adopted Ordinance 24-09 amending non-residential parking requirements to reduce minimum parking standards, which the Planning Commission unanimously supported at the time. Second, staff had approved a site plan for an interconnectivity path connecting the Islander Center to the shared-use path, required as part of a separate conditional use permit for Island Time Wines. Third, the mix of businesses at the Islander Center and in the Town Center General District had changed, with more vacancies than in 2021.

On the formula retail analysis, Mr. Chandler noted that Unlimited Biking qualifies as a formula retail store by definition, but clarified common misconceptions: formula retail is not the same as a formula restaurant (which is prohibited), and many uses commonly associated with "chain" businesses including real estate offices, grocery stores, hardware stores, and restaurants are excluded from the definition. He presented the current cumulative formula retail inventory as approximately 40,875 square feet, below the 60,000 square foot threshold at which additional conditions and City Council authority would be triggered. Under the current threshold, only conditions one through five of Section 126-102 apply to this applicant.

Staff's parking analysis found that 55 existing delineated spaces at the Islander Center are sufficient for all current and prospective tenants at full occupancy, consistent with the updated parking standards. The traffic impact statement

submitted by the applicant - the same study from 2021 prepared by traffic engineer Jim Strothers for an inventory of 100 bicycles; found no increase in vehicle trips generated by the use. Because the traffic study was based on 100 bicycles rather than the applicant's proposed 150, staff recommended capping the rental inventory at 100.

Mr. Chandler addressed the 26 written public comments received, the majority of which raised concerns about e-bikes, characterization of Unlimited Biking as an "international chain," congestion on the shared-use path, safety of bike renters, and potential adverse impact on existing local bike rental businesses. He noted that many of these concerns are not regulated by the land development code; the city does not regulate competition; and that some concerns are more appropriately addressed through the ongoing transportation master plan process and the pending City Council ordinance on e-bike classes. He emphasized that staff's analysis is narrowly focused on the applicable code sections.

Staff recommended approval with 10 conditions, including the following;

1. A maximum rental inventory of 100 bicycles, limited to bicycles and Class 1 e-bikes permitted on the shared-use path under Section 66-165 (subject to any future council amendments);
2. No delivery of bicycles to public parks or beach parks;
3. Maintenance of 55 off-street parking spaces and installation of bike parking facilities at each building;
4. All rental and retail merchandise stored inside;
5. Applicant shall obtain a Development Permit and Building Permit for change of use
6. Obtaining required development and building permits;
7. A signed permit prior to opening and compliance with the island sign format;
8. No bicycles greater than 36 inches in width (Surrey bikes) to be rented;
9. Provision of appropriate headgear to all riders; and
10. Provision of wayfinding maps and bike safety and etiquette information to all customers.

Attorney Blake Bartholomew, representing the applicant, emphasized that the application meets all code requirements and that the business is locally owned and operated. He noted the owner, Hakan Ugdur, lives in Fort Myers and has operated Unlimited Biking since 2011 from a single ownership structure; no franchises. The applicant's presentation highlighted the changes since 2021, including the interconnectivity path (already approved under a separate permit), the revised parking standards, and the changed tenant mix. Mr. Bartholomew confirmed the applicant accepts all 10 recommended conditions, including the 100-bike rental inventory cap.

Hakan Ugdur, CEO of Unlimited Biking, described the proposed operations: in the mornings, staff would stage bikes in a rear designated pickup and drop-off area accessible via the back entrance to Unit 3; customers would check in

inside, proceed to the rear area for fitting and safety instruction, and return bikes to the same area upon completion. He stated that the rear area provides sufficient space for orientation and that he considers the layout one of the best he has seen across his 25 locations. He confirmed the business does not offer tours, does not sell bicycles, and does not operate a formal repair service. E-bikes typically constitute approximately 10% of the rental inventory and would be exclusively Class 1. On battery safety, Mr. Ugdur noted that all e-bike batteries are stored overnight in fireproof charging cabinets. In response to Commissioners questions, Mr. Ugdur confirmed the company plans to deliver more than 50% of its bikes to customers' accommodations, reducing in-store traffic. One delivery vehicle would be on site.

Nick Paulis, property manager for the Islander Center, spoke to the deliberate tenant-mix strategy employed in selecting Unlimited Biking and described the landlord's commitment to directing bike operations to the rear of the building, consistent with lease terms. He noted that the interconnectivity path has been developed in coordination with city staff and that additional bike racks would be installed. Mr. Paulis also expressed concern about the broader cost and uncertainty facing businesses seeking to operate on Sanibel, and urged the Commission to recognize the island's need for occupied commercial spaces.

Public Comment:

- Billy Kirkland, owner of Billy's Rentals (established 1999), addressed the Commission and disclosed that he is in the process of selling his business to Steve Brown Jr. He expressed concern that the shared-use path is nearing capacity for bicycle traffic, that Sanibel visitors generally prefer traditional cruiser-style bikes rather than e-bikes, and that resort customers are increasingly purchasing their own bikes rather than renting. He did not directly oppose Unlimited Biking but cautioned that the island's bike rental market has its own unique character.
- Joseph Craig, owner of Finnimore's Bike Shop (established 1985), acknowledged that the business is a well-run enterprise but raised concerns about the realities of bike rental operations; describing periods of chaos during peak seasons; and questioned whether the Islander Center parking lot provided a safe environment for customer training. He also disputed the characterization that online reservations constitute a large majority of walk-in traffic, noting that approximately 90% of his shop's traffic is in-person.
- Steve Brown Jr., the prospective new owner of Billy's Rentals, expressed support for competition generally and acknowledged the need for a bike rental presence in the western part of Periwinkle Way. He raised specific concerns about the adequacy of training space and the parking situation during peak season, and noted that Billy's Rentals holds an existing permit for a satellite location at Bailey's that could address the need in that area.
- Jeff Blackman, speaking as a member of the public, urged the Commission to deny the application on safety grounds, citing language from the 2021 Planning Commission minutes in which commissioners found the site could not be made

acceptable for bicycle rental use. He argued the site is no safer today than in 2021 and that the presence of a restaurant CUP and faster e-bikes makes conditions more rather than less concerning. He also raised a formula retail argument under Section 126-102(5), suggesting that the addition of another formula retail bicycle store could imbalance the commercial mix.

Commissioners engaged in extensive deliberation. Commissioners spoke to demand, how this is the determining factor, not the number of bike rentals or companies available as demand is relatively fixed. They further felt the concerns raised in 2021 had been substantially addressed. The Commission spoke to observations that the island's commercial recovery following Hurricane Ian weighs in favor of approving viable uses for vacant commercial spaces, and noted that the tenant-mix comments received from the owner of Sanibel Sprouts were positive.

Commissioners agreed that the applicant had addressed the primary concerns from 2021 and saw no sufficient basis to deny. Commissioners also noted that the broader issue of e-bike safety on the shared-use path is one for the city's regulatory process, not this application.

Commissioners expressed lingering concern about adding another bike rental business when existing providers are not turning customers away, and cited a broader concern about e-bikes on the island. City Attorney John Agnew reminded commissioners that the code does not regulate commercial competition and that any no vote must be grounded in the applicable variance standards specifically Section 126-82, 126-94, and 126-102 supported by competent, substantial evidence in the record. He also clarified that Class 2 and Class 3 e-bikes are currently not permitted on the shared-use path, and that City Council has a first reading of an ordinance scheduled the following Tuesday that could alter that status. Concerns about general e-bike proliferation would not constitute a valid basis for denial.

Commissioners spoke to parking and interconnectivity to the SUP concerns from 2021 had been resolved and that the traffic study supporting no increase in vehicle trips was persuasive. They noted the importance of providing proper safety education to customers renting bikes, particularly e-bikes, and observed that the applicant's plans for rear-area orientation addressed that concern. He expressed support for approval.

Chair Nichols acknowledged his own reservations from the 2021 proceedings about site compatibility and safety, noting that bicycle rental operations by their nature involve customers of varying skill levels maneuvering in parking areas. He stated he remained somewhat unconvinced that the Islander Center was the ideal site, but was moved by the testimony from the property owner, the property manager, and other center tenants expressing support. He ultimately resolved to vote in favor, stating that the support of those directly affected by the

businesses presence weighed heavily on his decision. Commissioner Sergeant, while declining to comment on the merits in light of her conflict, confirmed she would not vote.

Commissioner Schopp moved, seconded by Vice Chair Steiner, to approve Application Nos. PL20250011 and PL20260006 to allow bicycle rentals and a formula retail store (Unlimited Biking) to operate in Unit 3 of the Islander Center at 2407 Periwinkle Way, subject to the 10 conditions set forth in the staff memorandum, and authorizing the Chair to execute Resolution 26-03 without further consideration. Motion carried 6-0, with Commissioner Sergeant abstaining due to a disclosed conflict of interest.

Abstain: 1 - Commissioner Kate Sergeant

The meeting recessed at 12:55 PM and reconvened at 1:34 PM.

- d.** Consideration of an application filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V. - Conditional Uses, Section 82-201. - Authorization, and Section 82-204. - Application and hearing, for a Conditional Use Permit to allow Increased-Density Below Market Rate Housing for construction of a 39-unit multi-family development located at 1523 Periwinkle Way - tax parcel (STRAP) no. 30-46-23-T1-00004.0060 and no. 30-46-23-T1-00004.0070. The applications are submitted by Rachel Bielert, RLBCM LLC (the applicant), on behalf of Sanibel 1523 INC and Sanibel 1531 INC (the property owners). **Application No. PL20260002.**

The Chair confirmed that Items 7d and 7e would both be heard as quasi-judicial proceedings and that the outcomes would be recommendations to City Council rather than final approvals. Vice Chair Steiner recused herself from both items, disclosing on the record that she serves as President of the Board of Community Housing and Resources (CHR) and therefore has a bias. The City Attorney confirmed that recusal would preclude her from voting and advised that abstaining from participation was also preferable.

Deputy City Clerk Hicks polled Commissioners for site visits and ex-parte communications and conflict:

- Chair Nichols	Site Visit	No Ex-Parte	No Conflict
- Vice Chair Steiner	Recused		
- Commissioner Burns	Site Visit	No Ex-Parte	No Conflict
- Commissioner Colter	Site Visit	No Ex-Parte	No Conflict
- Commissioner Schopp	No Site Visit	No Ex-Parte	No Conflict
- Commissioner Sergeant	Site Visit	No Ex-Parte	No Conflict
- Commissioner Welch	Site Visit	Ex-Parte	No Conflict

Deputy Clerk Hicks swore in the following:

- Rachel Bielert, RLBCM LLC, Project Manager
- Nicole McHale, Community Housing & Resources, Inc, (CHR) Executive Director
- Ted Treesh, TR Transportation Consultants, Traffic Engineer
- Craig Chandler, City of Sanibel, Deputy Planning Director
- Paula McMichael, City of Sanibel, Planning Director

Deputy Planning Director Chandler entered the staff report as City Exhibit C-1

and presented the application. He described the subject property at 1523 Periwinkle Way as a 2.62-acre parcel located within the General Commercial (GC) overlay district and the Interior Wetlands Conservation District, the latter encompassing all lands within 200 feet of the Sanibel River. The property was previously developed in 1959 as a commercial building, most recently operating as Sanibel Fish House (a 200-seat restaurant), which sustained significant damage from Hurricane Ian in 2022 and has remained vacant since.

Mr. Chandler noted that under the Sanibel Plan's development intensity map, the property is allocated up to 9 dwelling units or up to 7,138 square feet of commercial floor area. The applicant was seeking a 30-unit density increase above that allocation to accommodate a proposed 39-unit multifamily residential development, which is the mechanism that triggers the Conditional Use Permit process for increased-density Below Market Rate Housing (BMRH). He referenced several applicable Sanibel Plan provisions supporting the application, including the objective to increase housing available to very low, low, and moderate income residents; Policy 3.7 ensuring BMRH units are compatible with community character; and Policy 3.8 evaluating mixed commercial and residential development opportunities in commercial areas.

Mr. Chandler noted that the development is contingent upon a grant award from Lee County under the HUD CDBG-DR program; a proposed award of \$9.75 million from the post-Hurricane Ian disaster recovery allocation. He also acknowledged that the site plan depicted a future 2,447-square-foot commercial building near the Periwinkle Way frontage, but emphasized that this structure was not under review and would be subject to future permitting processes including compliance with the mixed-use development section and other Land Development Code requirements.

Staff's analysis found the proposed development to be compatible with surrounding commercial land uses, noting that a trip generation comparison demonstrated a net decrease in vehicle trips compared to the previously approved restaurant use. Staff also found general consistency with the Sanibel Plan, compliance with Section 86-43 architectural standards (size and mass of structures), and adequate environmental protections through the proposed dedication of lands or easements within 200 feet of the Sanibel River. Proposed off-street parking was found to exceed the minimum requirement by 12 spaces.

With respect to the Section 86-43 compatibility analysis, Mr. Chandler explained that because the subject property is not within an established residential neighborhood, the code directs review of comparable structures in the area. The applicant provided examples within the General Commercial District, including Jerry's Shopping Center, Traders Restaurant, and Tradewinds Center Medical Office Center, all of which are elevated structures.

Staff recommended approval subject to three conditions:

1. All dwelling units shall be dedicated to the BMRH rental program indefinitely in conformance with Chapter 102, Article 2;
2. The applicant shall comply with all conditions of the Planning Commission resolution approving the associated variances under Application PL20260007; and
3. Upon approval of a development permit, the developer shall execute and record in the public records of Lee County a declaration that the residential density allocation has been fully utilized, prior to issuance of a certificate of occupancy.

Commissioners expressed concern about the visual massing of the proposed structure, noting that the elevations depicted what appeared to be the most massive buildings on Periwinkle Way by far. Commissioners questioned the height of the comparable structures cited in the 86-43 analysis, observing that none likely approached the proposed 45 feet NAVD. Mr. Chandler acknowledged he did not have the exact measurements of the comparable buildings but clarified that staff's analysis also accounted for the right to build to the maximum permitted height and that no variance to overall height was being requested. Commissioners also expressed dissatisfaction with the level of detail in the 86-43 checklist, noting the absence of contextual scale drawings showing the proposed building in relation to immediately adjacent structures, as the code requires. Mr. Chandler acknowledged the point and confirmed that while the applicant did address the items on the prescribed form, the level of detail was less than what might typically be expected for a full 86-43 analysis.

Commissioners queried how far back the building would be set from the shared-use path along Periwinkle Way. Mr. Chandler estimated, using GIS tools, that the distance from the front property line to the Riverview 1 building was approximately 185 feet, and that the proposed Riverview 2 building would be set back at a similar or slightly greater distance. The closest element to the road would ultimately be the future commercial building footprint, consistent with the arrangement at Riverview 1 and the adjacent 7-Eleven.

Commissioners asked about the absence of certain conditions noted in staff's analysis specifically the requirement to record conservation easements near the Sanibel River, revised shared trash and recycling agreements, and bicycle parking requirements that did not appear among the three recommended conditions for Item 7d. Chandler confirmed that these conditions had been placed in the variance staff report for Item 7e rather than 7d, and acknowledged this was an organizational decision intended to separate density-specific conditions from broader development conditions. He agreed there was no substantive reason those conditions could not appear in either or both resolutions.

Given the interrelated nature of the two applications and the questions arising about building design, the Planning Director suggested that the Commission

proceed with the Item 7e staff presentation before continuing discussion, as the variance report contained more specifics about the building itself.

- e. Consideration of an application filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision II. - Variances, Section 82-138. - Application and hearing, to request variances from Section 86-163. - Maximum number of dwelling units, Section 86-164. - Limitations on principal buildings, Section 122-48. - Location and size of required vegetation buffers, Section 122-49. - Types, varieties and numbers of plants required, Section 126-494. - Required conditions, Section 126-1029. - Site planning, and Section 126-1404. - Driveways and service aisles; for construction of a 39-unit multi-family development located at 1523 Periwinkle Way - tax parcel (STRAP) no. 30-46-23-T1-00004.0060 and no. 30-46-23-T1-00004.0070. The applications are submitted by Rachel Bielert, RLBCM LLC (the applicant), on behalf of Sanibel 1523 INC and Sanibel 1531 INC (the property owners). **Application No. PL20260007.**

Witnesses and disclosures were confirmed to be the same as Item 7d. The items were then effectively considered jointly.

Director McMichael read the title of the item into the record. Deputy Planning Director Craig Chandler presented seven variance requests associated with the same 39-unit development, organized around what he characterized as three core design issues.

The first two variances related to the maximum number of dwelling units per building and limitations on principal buildings. Section 86-163 limits a single building to 12 units, while the applicant proposed 39 units in one structure. Section 86-164 limits multifamily buildings to two stories above parking outside the Resort Housing District; the applicant proposed three stories above parking. Mr. Chandler explained that the structure is technically a single building because the two wings are connected by elevated breezeways and share a single elevator for ADA access, though it was designed to appear visually as two buildings. Staff supported both variances, finding no adverse environmental or architectural compatibility impacts and noting that all principal development standards, maximum developed area, impermeable coverage, setbacks, maximum height, and angle of light were met without variance.

The next three variances from Sections 122-48, 122-49, and 126-494 concerned vegetation buffer locations and the minimum 15-foot side setback. Mr. Chandler explained that this conflict arose specifically along the east property line, where approximately 14 -15 angled parking spaces encroach within the 15-foot buffer between the subject property and the neighboring 7-Eleven parcel. He noted that this variance would be unnecessary if the two CHR-owned parcels (Riverview 1 and Riverview 2) were combined into a single lot, as the internal setback requirement would then dissolve. However, the applicant indicated that lot combination was not feasible due to the lending and grant funding structure. Staff supported the variance, noting the encroachment was limited in scope and that all other required buffers 15 feet on the west, 20 feet along the roadway frontage, and the rear buffer accommodated on the south side of the commercial

district boundary as with Riverview 1 would be met.

The final two variances from Sections 126-1029 and 126-1404 concerned the maintenance of two points of ingress and egress rather than the code's default maximum of one driveway per property. Mr. Chandler explained that because the project constitutes redevelopment rather than repair, the matter required a variance rather than a waiver. The existing traffic pattern from the Fish House largely would be preserved, with minor adjustments to improve circulation. Staff supported this variance on life safety grounds, noting that the Sanibel Fire District had provided documentation supporting dual access for optimal emergency vehicle response.

Deputy Director Chandler noted that while a future commercial building was shown on the site plan, any future development of that footprint would require its own permitting process and would not benefit from the BMRH variance provisions under Section 82-144. It would be subject to the standard seven variance criteria under Section 82-140, and Mr. Chandler suggested that commercial variances were unlikely to be viable given the self-imposed hardship standard, advising instead that the building be designed with multiple units to comply with maximum frontage and retail unit size requirements.

The recommended conditions for Item 7e included: dedication of lands or easements to the City or a nonprofit for conservation of lands within 200 feet of the Sanibel River; a revised shared trash and recycling agreement with the 7-Eleven; required bicycle parking; interconnectivity path access; permit signage in accordance with the code; completion of a landscape buffer plan otherwise compliant with all LDC requirements except as specifically varied; and a condition making clear that no approval for the future commercial building was conveyed by this resolution.

Commissioners raised a substantive legal question regarding the applicable variance standard for BMRH projects, asking whether the Planning Commission was required to apply the seven-criteria standard of Section 82-140 or whether Section 82-144's stand-alone BMRH variance provision operated independently. The Commissioners raised the concern, for example, that the third-story request under Section 86-164 could be characterized as a self-imposed hardship one of the more challenging of the seven criteria for new development on a normally configured lot.

Deputy Director Chandler and Planning Director McMichael explained that staff's interpretation, consistent with its approach in the Riverview 1 application in 2024, was that Section 82-144 operates independently of the seven criteria in Section 82-140. Ms. McMichael pointed out that other specialized variance categories in the same code chapter such as variances from flood-proofing standards and telecommunications standards; each have their own distinct criteria, and Section 82-144, unlike those others, does not reference Section

82-140 or include parallel criteria of its own. City Attorney John Agnew acknowledged the ambiguity in the drafting but agreed that the interpretation was reasonable because Section 82-144 would otherwise be superfluous if the standard seven criteria always applied. He noted the section could have been written more clearly to specify the exact criteria under which the Commission grants such variances.

Commissioners stated they remained unsatisfied with the legal clarity of this interpretation. Rachel Bielert of RLBCM, LLC. addressed the Commission and provided background on the project's evolution. She explained that the original design concept involved three separate structures: two multifamily residential buildings replicating Riverview 1, plus a mixed-use building with commercial on the ground floor and two stories of residential above. This approach was intended to reduce massing and spread the development across the site. However, the design was changed after Lee County imposed a cap of \$9.75 million on the CDBG-DR grant and set aggressive timelines, making three separate buildings financially infeasible. The cost of two elevators for two standalone multifamily buildings was a key driver in the decision to connect the two wings into a single structure sharing one elevator. Ms. Bielert explained that the decision to use precast concrete construction rather than wood framing with Hardie board siding as used in Riverview 1 was also driven by cost efficiency, construction speed, and resilience. Working with the architect, she developed a stucco finish that would be applied in a way that mimics the appearance of siding. She acknowledged that the submittal did not include polished renderings, attributing this to the compressed timeline required to meet the county's grant application deadlines, and stated that more advanced drawings showing the facade treatment were available. She described the building's design intent as "island contemporary," consistent in appearance with Riverview 1. On ADA and vertical access, Ms. Bielert confirmed that open corridor walkways would span across each level at the connecting elevator tower, with stair access at both ends of each wing and at the rear, so the building would not present as a single solid concrete face from the street. Ms. Bielert indicated that the phased construction approach remained viable: if the full \$9.75 million grant was not awarded, CHR could build one wing of the structure first and expand later. She also confirmed that the grant application had been formally submitted to Lee County and that avoiding a clawback of previously allocated disaster recovery funds was a critical timeline driver for the entire project.

On bicycle access, Ms. Bielert acknowledged that the exact path routing through the future commercial area had not been fully resolved and would be worked out with staff during the permitting process. She indicated that bike racks would be placed under the covered parking area, consistent with Riverview 1, and that residents could generally be expected to bring bicycles directly to the building. Nicole McHale of CHR addressed the Commission on tenant eligibility, confirming that applicants must live or work on Sanibel and must meet income qualification requirements. She noted that all 39 units would be one-bedroom,

which was a strategic decision: single individuals could be moved from larger two-bedroom units into the new one-bedroom units, freeing up two-bedroom units for the families that had begun applying in greater numbers. In response to a question about the project timeline risks, Ms. Bielert reiterated that a clawback; requiring Lee County to repay federal disaster recovery funds; was the consequence to be avoided, and that the use of precast concrete construction was specifically selected to compress the construction schedule.

Public Comment:

- Nicole McHale, Executive Director of Community Housing and Resources, addressed the Commission as a member of the public, characterizing the project as a "historic moment" for the community. She noted that if approved and funded, the development would bring CHR to and above the Sanibel Plan's longstanding 3 percent below market rate housing goal for the first time in the city's approximately 50-year history. She described the post-Ian CDBG-DR funding as an unprecedented and likely unique opportunity, and characterized CHR as part of the island's economic recovery.

Commissioner Schopp stated his intent to vote against the applications. He expressed appreciation for CHR's work and acknowledged the compressed timeline, but said he had not seen sufficient evidence to support approval. He expressed the view that the proposed development, as presented, was not consistent with Sanibel Plan Section 3.6.1, Policy 3.7, and was incompatible with the surrounding area given the location on the "welcome to Sanibel" corridor where nothing currently approaches the proposed height. He noted he might view a pilings-plus-two-story design differently but could not support a 45-foot structure at that location. Commissioners noted that the two resolutions were recommendations to City Council rather than final approvals. The City Attorney had previously confirmed that both resolutions should be characterized as recommendations to Council, and requested that the motions be framed accordingly. Commissioner Schopp confirmed for the record that Resolution 26-04 was also to be treated as a recommendation rather than a final approval, a correction to the draft resolution language.

Commissioners offered a closing comment, expressing enthusiasm that the Commission was recommending approval of a project that would bring the City of Sanibel to the 3 percent below market rate housing goal for the first time, and urged the City Council to take into consideration the full range of views expressed by Commission members.

Commissioner Welch moved, seconded by Commissioner Sergeant, to adopt Resolution 26-04 and Resolution 26-05 as recommendations to City Council to approve Application No. PL20260002 and Application No. PL20260007, subject to the ten conditions listed in the staff reports, to close the public hearing, and to authorize the Chair to execute the resolutions without further consideration. The motion carried 5-1 with Commissioner Schopp voting in opposition and Vice Chair Steiner recused.

Opposed: 1 - Commissioner Larry Schopp

Abstain: 1 - Vice Chair Erika Steiner

8. Report from Planning Department

- a. Upcoming meeting dates:
 - i. Planning Commission - Tuesday, March 10, 2026
 - ii. Land Development Code Review Subcommittee - Tuesday, February 24, 2026 - Following Planning Commission
 - iii. Report to City Council - Tuesday, March 3, 2025 - Commissioner Burns

- b. Planning Reports
 - i. Planning Permit Review Report

 - ii. Planning Projects

 - iii. Plan Application Status Report

Planning Director McMichael announced that Deputy Planning Director Craig Chandler was attending his final Planning Commission meeting, having accepted a position as Planning Director for University City, Missouri, a suburb of St. Louis, to be closer to family. She noted that Chandler had been employed by the City of Sanibel for 12 years, including approximately three years as Deputy Planning Director, and reflected on his deep commitment to the community and his critical role supporting the department through the post-Hurricane Ian recovery period. Commissioners offered personal remarks of appreciation.

Director McMichael reported that the next Planning Commission meeting was scheduled for Tuesday, March 10, 2026, with a potential continuation of the TDR discussion as the only item. She indicated she would know by the end of the week whether that item would be ready, and that the March 10 meeting might be canceled. She confirmed the Land Development Code Review Subcommittee meeting would follow the current session, and that the report to City Council on March 3 was assigned to Commissioner Burns.

Director McMichael also reported that the Planning Permit Review Report, Planning Projects matrix, and Plan Application Status Report were included in the agenda materials and were available for review. In response to a question from Commissioners regarding permits for new restaurants and grocery stores subject to public hearing requests, the Director confirmed that Cielo and Kangaroo Express had both been flagged for Planning Commission review. Deputy Director Chandler noted that reminder emails had been sent the prior day to both applicants regarding the deadline for scheduling on the March 24 agenda, and that resubmittal documents had not yet been received.

9. Report from Commission Members

There were no reports from Commission members at this time.

10. Public Comment

No additional public comments at this time.

11. Adjournment

There being no further business, the meeting adjourned at 3:13 PM.