



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Planning Commission

Tuesday, June 10, 2025

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call To Order

The meeting convened at 9:00 a.m.

2. Pledge of Allegiance (Commissioner Colter)

Commissioner Colter led the Pledge of Allegiance.

3. Roll Call

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

Absent: 1 - Commissioner Kate Sergeant

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

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

Excused: 1 - Commissioner Kate Sergeant

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. City Council Liaison Report

Mayor Mike Miller provided the following brief report regarding the June 3rd Council meeting:

- Discussions and first readings of:
 - * Town Center Commercial Districts Front Porches
 - * Solar Power & EV Charging Infrastructure
 - * Gas Powered Leaf Blowers
- Approved contracts for:
 - * repairs to various storm water infrastructure facilities
 - * speed limit study on Sanibel Captiva Road, Rabbit Road, and East Periwinkle
 - * two additional phases for sanitary sewer lines inspections and cleaning
 - * feasibility study for three lanes of traffic on the causeway
- Letter supporting Conservation 20/20 purchasing a parcel on Bailey Road
- Approved second council meetings monthly and changes to agenda format
- Discussions of dredging Wulfert Channel and Dinkins Bayou

Discussion ensued regarding Staff adding the platforms item to a future agenda. Further discussion ensued regarding the purpose of considering solar panels on the generator provision as opposed to solar and including electric panels and platforms which are included in an existing exemption for existing buildings, not for new construction.

6. Consent Agenda

a. Adoption of Minutes: May 13, 2025 and May 27, 2025

Discussion ensued regarding fixing a scrivener's error on the May 13th minutes:

- Selection of members for steering committees - correct the motion to "Sanibel Plan Steering Committee" as opposed to "Transportation Master Plan Committee"

Commissioner Welch moved, seconded by Vice Chair Steiner, to adopt the May 13, 2025 minutes with scrivener's errors corrected and to adopt the May 27, 2025 minutes. The motion carried.

Excused: 1 - Commissioner Kate Sergeant

7. 9:05 - Public Hearings:

a. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to extend the deadlines to re-establish a nonconforming use or a nonconforming structure, amending Subpart B, Land Development Code, Chapter 126 - Zoning, Article V - Nonconformances, Division 5 - Standards for building-back (reconstruction) of structures substantially damaged by a natural disaster, Sec. 126-212 - Nonconforming structures, and Sec. 126-218 - Re-establishment of discontinued or abandoned use prohibited, for the purpose of updating land development code regulations.

Planning Director Paula McMichael read into record the description of the proposed code amendments and provided a brief background.

Discussion ensued regarding the three years being from Hurricane Ian though the Mayoral Proclamations include Hurricanes Helene and Milton. Ms. McMichael advised the intent was to allow four years for re-establishing if a local state of emergency lasts longer than 6 months. Attorney Agnew clarified the language and intent of the amendments.

Commission expressed the desire for conforming the time-frames throughout as either 12 or 18 months and inquired what length of time determines a property is abandoned. Ms. McMichael advised it would be one year.

Discussion ensued regarding how many parcels were requesting the extension. Ms. McMichael advised there was one parcel in specific which happens to be the next

public hearing. Commission inquired as to the public comments received recommending to maintain the deadline and the public comments were specific to the next public hearing.

Discussion returned to determining the time frame either in years or months, which would be years and consensus would be 2 years. Ms. McMichael clarified that the information was currently existing. Attorney Agnew advised that all references to 12-months, 24-months, etc would be revised as 1-year, 2-years, etc.

Commissioner Welch moved, seconded by Commissioner Schopp, to adopt Resolution 25-15 with the changes as discussed. The motion carried by a vote of 6-0 with Commissioner Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

- b. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to amend the list of permitted uses in the D-2 Upland Wetlands Ecological Zone to permit existing multifamily buildings to remain, amending Subpart B, Land Development Code, Chapter 126 - Zoning, Article VII - Residential Districts, Division 7 - D-2 Upland Wetlands Zone, Sec. 126-391 - Permitted uses, for the purpose of updating land development code regulations.

Planning Director Paula McMichael read into record the description of the proposed code amendments and provided a brief background.

Discussion ensued regarding receiving emails from residents and what the concerns were and these two parcels not having specific amendments on file.

Public Comments:

- Dave Bunch - Director at Gulf Beach Condominium - spoke to a small number of owners that wanted to sell, being unable to sell the land, so currently working on rebuilding.

Discussion ensued regarding the proposed amendments allowing options for the owners to rebuild and no longer being non-conforming use. Further discussion ensued regarding 14-dwelling units being legally permissible, though the parcel may not be physically able to accommodate that amount.

Commissioner Welch moved, seconded by Commissioner Colter, to adopt Resolution 25-16 as written. The motion carried by a vote of 6-0 with Commissioner Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

- c. Continuation of consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to update the alternative shoreline stabilization project standards to be classified as living shoreline stabilization project, reorganize the standards for clarity, add example graphics, and allow projects on human-made water bodies to be processed administratively, amending Subpart B Land Development Code; Chapter 126 Zoning; Article IV Conditional Use; Sec. 126-99 Alternative shoreline stabilization project, for the purpose of updating land development code

regulations.

Planning Director Paula McMichael read into record the description of the proposed code amendments. Principal Planner Kim Ruiz provided a brief PowerPoint presentation and background.

Discussion ensued regarding Section 126-99(5) and how to determine "minimum necessary". Ms. Ruiz spoke to utilizing professional or certified environmentalist to review and make such determinations. Dana Dettmar, Natural Resources Department, spoke to a living shoreline established at Bailey Beach Park which was permitted in a problematic area as determined to be the "minimum necessary" for the project.

Commission inquired how to determine the mean high water line. Ms. Ruiz spoke to determinations being site specific. Attorney Agnew spoke to item 7c3 attachment b, being a non-substantive change but included for clean up purposes; recommending any motion include incorporation of the verbiage.

Commission inquired if attachments a and b were both being considered with the draft resolution. Ms. Ruiz advised the attachments would be included with the resolution if approved. Discussion ensued regarding moving the word "and" on attachment a, section 7(e) before "water quality".

Chair Nichols stepped out of the meeting at 10:21 a.m. and returned at 10:25 a.m.

Public Comment:

- Chuck Whitman - 1253 Anhinga - inquired what the time frame for approval or adoption of the ordinance would be.

Discussion ensued regarding the approval process at the Council level. Ms. Ruiz spoke to having met with Code Enforcement regarding the priority to address distressed properties, starting the process for homeowners to meet with staff and having existing code regulations and clarifying the language.

Discussion ensued regarding the proposed language being consistent with SB250.

Commissioner Welch moved, seconded by Vice Chair Steiner, to adopt Resolution 25-14 with changes to regulatory language in exhibit a, changing the location of "and", and including exhibit b language as discussed. The motion carried by a vote of 6-0 with Commissioner Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

8. Report from Planning Department

a. Upcoming meeting dates:

- i. Planning Commission - Tuesday, June 24, 2025
- ii. Capital Improvement Projects Review- Tuesday, June 10, 2025- Following Planning Commission
- iii. Report to City Council - Tuesday, July 13, 2025 - Commissioner Schopp

Planning Director McMichael spoke to there being no business scheduled and recommended cancelling the June 24th meeting, noted the Capital Improvement Projects Review Subcommittee meeting following this meeting, and advised Commissioner Schopp would be reporting to Council on July 15.

- b. Planning Reports
 - i. Planning Permit Review Report
 - ii. Planning Projects
 - iii. Plan Application Status Report

Deputy Planning Director spoke to the plan application status report and a variance request that would be coming in July.

9. Report from Commission Members

Vice Chair Steiner mentioned the mosquito situation. Discussion ensued regarding the responsiveness of the Mosquito Control District.

Commissioner Welch inquired as to the Steering Committees status. Ms. McMichael advised working on the contract with the consultant and expecting the meetings to begin in August.

Commissioner Colter stepped out of the meeting at 10:36 a.m.

Paula McMichael spoke to the Planning Commissioner training being this Friday, noted there were 54 participants registered, and advised parking is available at the venue.

10. Public Comment

There were no public comments from the audience.

11. Adjournment

There being no further business, the meeting adjourned at 10:37 a.m.