



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft Planning Commission

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Tuesday, May 13, 2025

9:00 AM

BIG ARTS - 900 Dunlop Road

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### 1. Call To Order

### 2. Pledge of Allegiance (Commissioner Schopp)

### 3. Roll Call

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

**Absent:** 1 - Commissioner Tiffany Burns

Motion to Excuse

**Commissioner Schopp moved, seconded by Vice Chair Steiner, to excuse absent Commissioner Burns. The motion carried.**

**Excused:** 1 - Commissioner Tiffany Burns

### 4. Public Comments on Items Not Appearing on the Agenda

Commissioner Burns joined the meeting at 9:04 a.m.

There were no public comments from the audience.

### 5. City Council Liaison Report

Mayor Mike Miller provided a summary report of the May 6th Council meeting:

Adopted four ordinances:

- \* Additional building heights above existing grade in build back situations
- \* Temporary Short Form approval of Conditional Uses
- \* Clarifying placement of fill
- \* Increased density for BMRH housing
- Advanced proposal to extend deadline for build back until 12/30/26
- Approved creating of steering committees
- \* Sanibel Plan Update
- \* Transportation Master Plan Update
- Directed City Manager to proceed with contracted ombudsman position
- Presentation by CFO Steve Chaipel regarding the hurricane finance update
- Approved Council liaison positions for the year
- Presentation by PIO Eric Jackson demonstrating the website update
- Memorial service for Sergeant Neri on the sixth anniversary of his passing

Commission inquired as to discussions for shortening Council meetings and who the ombudsman position would report to. Mayor Miller spoke to discussions held for options regarding the length of Council meetings and that the ombudsman position would report to the City Manager.

Discussion ensued regarding the Council expressing appreciation for the hard work of the Commission in their consideration of over 40 ordinances since Jan.

## 6. Consent Agenda

- a. Adoption of Minutes: April 22, 2025

Vice Chair Steiner moved, seconded by Commissioner Sergeant, to adopt the April 22, 2025, meeting minutes. The motion carried.

## 7. 9:05 - Public Hearings:

- a. Consideration of applications filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V Conditional Uses, Section 82-204 Application and hearing and Chapter 126, Article IV - Conditional Uses, Section 126-82 General Requirements; and Chapter 82, Article IV, Subdivision III Long-Form, Section 82-421 Application, to allow Restaurant Use located at 1504 Periwinkle Way - tax parcel (STRAP) no. 19-46-23-T4-00903.0080. The application is submitted by Ava Builder, on behalf of the property owner, 1504 Periwinkle LLC. **Application No. CUP-2025-000260.**

Planning Director Paula McMichael read into record the description of the hearing for Application CUP-2025-000260.

City Clerk Scotty Lynn Kelly polled the Commission 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    | 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 | No Ex-parte | No Conflict |
| - Commissioner Welch    | Site Visit | No Ex-parte | No Conflict |

City Clerk Scotty Lynn Kelly swore in the following:

- Savannah White - City of Sanibel, Senior Planner
- Craig Chandler - City of Sanibel, Deputy Planning Director
- Ryan Benson - AVA Builder, on behalf of the Applicant
- Oisin Dolley - City of Sanibel, City Engineer

Senior Planner Savannah White summarized the staff memorandum included in the agenda packet and provided a brief PowerPoint presentation. Planning Director Paula McMichael provided clarification for the parking spaces on the

site plan.

Ryan Benson, on behalf of the applicant, advised acceptance of the conditions as listed in the staff report.

Discussion ensued regarding why the request went long form as opposed to being approved at the staff level. Ms. White advised the hearing had already been advertised and holding as scheduled would shorten the timeline. Deputy Planning Director Craig Chandler spoke to contacting the applicant who wished to proceed as advertised and scheduled.

Commission inquired if there would be any outdoor seating. Ms. White spoke to the regulations and there not being a request for outdoor seating. Discussion ensued regarding the requirement for the residential unit being exempt from sound proofing due to being in the general commercial district.

Discussion ensued regarding the shared parking arrangement. Mr. Benson advised having contacted the neighboring building upon purchase of the building to continue the shared parking agreement from the previous owner.

Commission inquired if the final unit had been leased out and what the use would be. Mr. Benson advised the unit had not been leased yet, Ms. White spoke to what uses would not need to come back for approval. Further discussion ensued regarding access to the parking lot from Main Street and accessing VIP.

Commission inquired as to possible drainage issues and what had been considered regarding stormwater management for the parcel. City Engineer Oisin Dolley spoke to drainage not being a part of the change of use application, advising Staff is in discussions with adjacent residents to establish right-of-way drainage. Mr. Benson spoke to working on the permit for the entire site, addressing the residence and commercial facility.

Discussion ensued regarding the curb including a gutter, the trash facilities/dumpster being screened, and following code for trash pickup. Ms. White spoke to the plans for the location of trash facilities. Mr. Chandler spoke to a waiver application for buffer standards to be considered and the parcel being brought into conformance as possible.

Discussion ensued regarding the location of the bike racks and turned back to the parking spaces.

There were no public comments from the audience.

**Commissioner Schopp moved, seconded by Vice Chair Steiner, to adopt Resolution 25-13, approving application CUP-2025-000260, with the eleven conditions listed in the staff report, to close the public hearing in this matter, and to authorize the Chair to execute the**

**Resolution without bringing it back for further consideration. The motion carried by unanimous vote.**

Amy Sbarra - Restaurant Owner - advised the fare would be bubble tea, coffee, and bubble cookies.

- b. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to consider solar energy systems and electric vehicle (EV) charging infrastructure; amending Subpart B, Land Development Code; Chapter 126 Zoning; Article XIV Supplementary District Regulations; Division 2 Accessory Structures; and adding a new subdivision: Subdivision IV Alternative Clean Energy Technologies, and adding new sections: Sec. 126-913 Applicability and Sec. 126-914 Development Standards, for the purpose of updating land development code regulations.

Planning Director Paula McMichael read into record the description of the hearing.

Senior Planner Savannah White summarized the staff memorandum included in the agenda packet. Director McMichael spoke to an email from Bob Moore which was received yesterday and advised the correspondence would be added to the record.

Discussion ensued regarding EV charging installations at homes only requiring a building permit, a development permit being required for ground mounted solar panels, not roof mounted panels, and whether a solar field would be allowed on Sanibel. Ms. White spoke to following established principle uses and following current standards regarding solar panels. Further discussion ensued regarding solar covered parking canopies not typically being used for residential installations.

Commission inquired whether language was needed to specify standards not applicable to residential installations. Mr. Chandler advised proposed verbiage would be a welcome addition in Section 126-913.

Discussion ensued regarding Section 126-914(d) needing verbiage relating to “may be permitted where parking is lawfully established”. Mr. Chadler read into record Section 126-913, adding to the end of the second sentence, “except for single family and duplex residential uses.”

Public Comment:

- Matt DePaolis - Environmental Policy Director SCCF - support the proposed amendments to assist with future resiliency

Discussion ensued regarding the verbiage from Bob Moore regarding height limitations and inclusion of his proposed verbiage.

Ms. McMichael summarized the three revisions to be included.

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**Commissioner Welch moved, seconded by Commissioner Sergeant, to adopt Resolution 25-11, recommending City Council consider amending the code of ordinances to consider solar energy systems and electric vehicle charging infrastructure with the three revisions in conformance with discussions. The motion carried by unanimous vote.**

- c. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to consider front porch additions within the Town Center Commercial Districts; amending Subpart B, Land Development Code; Chapter 122 Vegetation; Article II Landscaping; Division 2 Commercial and Institutional Uses; Sec. 122-48, Location and Size of Vegetation Buffers, amending Chapter 126 Zoning; Article VIII Commercial Districts; Division 3 TCG Town Center General Commercial District; Sec 126-514 Required Conditions, and Division 4 TCL Town Center Limited Commercial District; Sec. 126-534 Required Conditions; amending Article XIV Supplementary District Regulations; Division 3 Building and Area Requirements; Subdivision II Special Setbacks, by adding a new section: Sec. 126-962 Setbacks for Front Porches, for the purpose of updating land development code regulations.

Planning Director Paula McMichael read into record the description of the hearing. Senior Planner Savannah White summarized the staff memorandum included in the agenda packet.

Commission inquired if Section 122-49 Type and variety of plants was too rigid relating to town center developments. Mr. Chandler responded that landscape buffers was a priority task for Staff this year and the topic would be coming to Commission for consideration.

Discussion ensued regarding Resolution 25-12 and correcting Section 128-48(e) to read “reduced to 10 feet in depth” as opposed to “reduced no less than 10 feet in depth” and correcting the lettering of the subsections. Attorney Agnew confirmed both corrections.

Commission requested additional graphics in the proposed draft ordinance. Ms. McMichael advised Staff will be bringing forward landscaping standards later in the year and working for a consultant to prepare graphics for inclusion with the ordinance when sending to Council.

There were no public comments from the audience.

**Commissioner Sergeant moved, seconded by Vice Chair Steiner, to adopt Resolution 25-12, recommending City Council amend the code of ordinances to consider front porch additions within the Town Center Commercial Districts, with proposed changes. The motion carried by unanimous vote.**

- d. 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 hearing.

Commissioner Colter stepped out of the meeting at 10:24 a.m. and returned at 10:28 a.m.

Principal Planner Kim Ruiz summarized the staff memorandum included in the agenda packet and provided a brief PowerPoint presentation.

Discussion ensued regarding the point of the project being to improve resiliency and allow longtime resiliency in climate changes. Commission inquired as to the difference between the two bodies of water and what an appropriate slope would be for a body of water. Ms. Ruiz mentioned that Staff would be adding slope under Human-Made bodies of water since it is not currently listed there. She further explained that slopes are the best management practice in (c)(4). Advising a natural slope is no steeper than 10 feet. Director McMichael stated that the terminology for the standard needs to be clarified regarding slopes.

Discussion continued regarding the correct terminology for the slope requirements. Planner Ruiz stated that other jurisdictions have made requirements for waterward slope on abutting canals for safety. Director McMichael summarized the discussion stating that the slope is for safety and to prevent shoreline erosion. Commission inquired if there were slope standards in the code, to which Planner Ruiz responded not at this time.

Planner Ruiz conferred with Commission regarding scenarios where the administrative process would take place. Commission noted that when a dock is being added everyone that uses the canal is notified. Under the standards of open bodies of water, Commission questioned (a)(3) regarding impact and installation. Commission questioned if (a)(6) was tied to any existing structures. Director McMichael stated that the purpose of bringing this forward to the Planning Commission was due to the abundance of properties on the bayside that need work done, and prior to enforcing that work be done. Ms. McMichael suggested to the Planning Commission that this could be sent back to the Land Development Code Review Sub-Committee to clarify the process.

Commission stated that the Bay Beach Zone is a natural body of water, and the approvals would still come to the Planning Commission for approval. Ms. McMichael stated that most of the language is already in the Land Development Code, noting utilizing and rearranging the language that currently exists.

Discussion ensued regarding continuing to the next meeting as an option.

Public Comment:

- Mitch Koppelman - Sanibel Resident - requested changing the titles rather than labeling Human-made or Natural bodies of water.

- Matt DePaolis - Environmental Policy Director - SCCF - spoke to the importance of native based solutions rather than based on ease. He thanked the Commission for taking the time to decipher the incentives for living shorelines

Attorney John Agnew spoke to the process for commissioners to make comments by providing them to City Clerk Kelly.

By consensus, comments will be sent to Clerk Kelly within a week and the topic will come back at a June meeting.

## 8. New Business

- a. Steering Committee Appointments
  - i. Sanibel Plan Update
  - ii. Transportation Master Plan

Planning Director Paula McMichael spoke to the Sanibel Plan Update and Transportation Plan Update preparing to go to bid for contracts. Ms. McMichael advised Council had approved two steering committees for these projects and detailed the composition of the committees.

Discussion ensued regarding the time commitment being from 1-year to 18-months, meeting monthly, having different members for each committee, and including alternates.

Commissioners interested in serving on the Sanibel Plan Steering Committee were Commissioners Schopp, Welch, and Nichols.

Commissioners interested in serving on the Transportation Plan Steering Committee were Erika Steiner and Kate Sergeant as the alternate.

Discussion ensued regarding the voting process.

By show of hands Commissioners Steiner, Schopp and Colter voted for Larry Schopp, Commissioner Welch voted for himself, and Commissioners Sergeant, Nichols and Burns voted for Paul Nichols.

Vice Chair Steiner moved, seconded by Commissioner Sergeant, to appoint Commissioner Schopp as the member and Chair Nichols as the alternate for the Transportation Master Plan Steering Committee. The motion carried.

## 9. Old Business

- a. Floodplain Administrator's report - Appeal of BLDR-2024-017801 - 1305 Seaspray Lane - dated May 5, 2025. (Supplement 1)

Attorney Agnew spoke to the purpose of inclusion in the agenda.

## 10. Report from Planning Department

- a. Upcoming meeting dates:
  - i. Planning Commission - Tuesday, May 27, 2025
  - ii. Capital Improvement Projects Review- Tuesday, June 10, 2025- Following Planning Commission
  - iii. Report to City Council - Tuesday, June 3, 2025 - Commissioner Colter
- b. Planning Reports
  - i. Planning Permit Review Report
  - ii. Planning Projects
  - iii. Plan Application Status Report

Planning Director Paula McMichael spoke to the upcoming meeting, the Capital Improvement Projects (CIP) Review Subcommittee meeting on June 10th, Commissioner Colter reporting to Council on June 3rd, and the training session scheduled for June 13th.

Discussion ensued regarding attendees for the training session.

Ms. McMichael proposed scheduling the Permitting Process Review (PPR) Subcommittee meeting in August following the live launch of CityView.

Deputy Planning Director Craig Chandler spoke to the plan application status report, advising there are no applications pending at this time. Mr. Chandler advised the Comcast project on Library Way, which was approved by Commission, had been completed.

## 11. Report from Commission Members

Chair Nichols spoke to the proclamation celebrating Municipal Clerks week and expressed appreciation for City Clerk Kelly and Deputy Clerk Hicks.

Vice Chair Steiner spoke to the distressed and dangerous properties discussion held at City Council. Attorney Agnew spoke to the process for declaring a building as dangerous and how it could be addressed.

Commissioner Colter thanked Staff for their extensive work and dedication to addressing the appeal.

## 12. Public Comment

Public Comment:

- Mitch Koppelman - Sanibel Resident - spoke to the Council extension of Local



State of Emergency to match state extensions, concerns with removal of expiration dates on permits, and considering unintended consequences resulting from the extensions.

Attorney Agnew spoke to the process for Mayoral Proclamations being revisited in the July Council meeting and following the Governor's guidance.

### **13. Adjournment**

There being no further business, the meeting adjourned at 11:34 a.m.