



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Planning Commission

Tuesday, November 18, 2025

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. Call To Order

The meeting convened at 9:00 a.m

2. Pledge of Allegiance (Chair Nichols)

Chair Nichols led the Pledge of Allegiance.

3. Roll Call

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

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. Consent Agenda

a. Adoption of Minutes: October 14, 2025

Commissioner Schopp moved, seconded by Vice Chair Steiner to adopt the October 14, 2025 minutes. The motion carried.

Commissioner Colter requested a moment of silence for recognizing the passing of Tim Murty.

6. 9:05 - Public Hearings:

a. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to support the rebuilding efforts of the community by expediting the review of waiver applications for a certain period of time by amending Chapter 82, Administration, Article III, Planning Commission, Division 3, Specific Authority, Subdivision XIII, Waivers to lawfully existing nonconforming structures and properties located in the General, Town Center General, and Town Center Limited Commercial Districts, Section 82-351, Authorization, for the purpose of updating land development code regulations.

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

Discussion ensued regarding the local state of emergency being in effect for Hurricanes Helene and Milton while Hurricane Ian has been discontinued. Commission inquired as to the purpose for extending the deadlines and discussion ensued regarding the benefits to the citizens and businesses. Discussion ensued regarding there being five applications received and in process.

Continued discussion ensued regarding the benefits to the applicants, the opportunity to appeal to Planning Commission, the legal requirement for notifying adjacent property owners, and this being specific to non-conforming commercial properties. Discussion turned to vegetation and parking waivers being the biggest issues.

Commissioner Schopp moved, seconded by Commissioner Colter, to adopt Resolution 25-24 extending the deadline to December 31, 2026. The motion carried by unanimous vote.

- b.** Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances, Subpart B, Land Development Code, Chapter 82, Administration, Article III, Planning Commission, Division 3, Specific Authority, Subdivision V, Conditional Uses, Section 82-201, Authorization, to aid hurricane recovery, for the purpose of updating the land development code regulations.

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

Discussion ensued regarding concerns with including conditional use permits (CUPs) and some Commissioners recommended removal of "grocery stores, restaurants, and eating places". Commissioner Schopp recommended updating the verbiage in Section 82-204 to "upon request by any applicant, resident, or owner, a conditional use application shall be treated as a long-form application". Ms. McMichael read into record the language as currently stated in Section 82-204.

Commissioner Colter stepped out of the meeting at 9:35 a.m. and returned at 9:37 a.m.

Discussion continued regarding extending the deadline, advertising, and expiring at end of deadline. Attorney Agnew spoke to Commission forwarding a recommendation for or against to Council who will make the final decision. Commission recommended pulling out "grocery stores, restaurants, eating places, etc." to expire with the current deadline, while extending the others to December 31, 2026.

There were no public comments from the audience.

Commissioner Welch moved, seconded by Commissioner Sergeant, to adopt Resolution 25-25, with Section 82-201(b)(1)(a) stricken. The motion carried by a vote of 4-3 with Commissioners Burns, Colter, and Schopp opposed.

Opposed: 3 - Commissioner Tiffany Burns, Commissioner Ken Colter, and Commissioner Larry Schopp

- c. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to support the rebuilding efforts of the community by not requiring a long-form development permit for certain applications for a defined period of time by amending Chapter 82, Administration, Article IV, Development Permits, Division 2, Procedure, Subdivision III, Long-Form, Section 82-421, for the purpose of updating the land development code regulations. (Supplement 1)

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

Commission inquired how many applications were received to which Ms. McMichael advised as: Variances - 0, Waivers - 5, Conditional Use Permits - 1, and Build-back of Non-Conforming Structure - 0. Discussion ensued regarding short form applications being reviewed and approved at the administrative level and if the administrative approvals should be made permanent.

There were no public comments from the audience.

Commissioner Schopp moved, seconded by Commissioner Colter, to adopt Resolution 25-23 extending the deadline to December 31, 2026. The motion carried by unanimous vote.

- d. Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances, Subpart B, Land Development Code, Chapter 78, General Provisions, Section 78-1, Rules of Construction and Definitions; and Chapter 126, Zoning, Article XIV, Supplementary District Regulations; renaming Division 16, Electrical Power Generators and HVAC, to Electrical and Mechanical Equipment; amending Section 126-1307, Standards; and amending Division 2, Accessory Structures, by adding a new Subdivision V, Accessory Stairs and Platforms to Elevate Electrical and Mechanical Equipment, adding a new Section 126-920, Accessory Stairs and Platforms to Elevate Electrical and Mechanical Equipment; for the purpose of updating the land development code regulations. (Supplement 1)

Planning Director Paula McMichael read into record the description of the code section for consideration and Senior Planner Savannah White provided a brief background for the proposed code amendments.

Discussion ensued regarding the exclusion of pool equipment, where the exclusion is in the code, and that the Land Development Code is implemented by the Planning Department while the Florida Building Code is implemented by the Building Department. Attorney Agnew spoke to scrivener's errors in the resolution to include in any motion.

Discussion ensued regarding the changes since last discussion. Mayor Miller noted changing "30 square feet maximum" to "minimum necessary for each respective event".

Commission inquired if the proposed ordinance would require going to referendum.

Ms. McMichael spoke to the proposed amendments being for immediate approval, waiting for Council direction to draft another version that would require the referendum. Mayor Miller spoke to bringing forward at the Council level the referendum option.

There were no public comments from the audience.

Commissioner Schopp moved, seconded by Commissioner Colter, to adopt Resolution 25-26 recommending adoption of an ordinance amending the land development code to facilitate elevation of specified electrical and mechanical equipment, with correcting scrivener's errors to Exhibit A. The motion carried by unanimous vote.

7. City Council Liaison Report

Mayor Mike Miller provided the following brief report regarding the October 21 and November 4 meetings:

Land use topics:

- Delegated back to the Commission some proposed ordinances that were dealt with in the public hearings this morning
- Several storm related temporary provisions that were extended to December 31, 2026 by resolution, rather than ordinance, including:
 - * The temporary rule allowing one temporary "announcement" sign applicable to pending construction (max up to 32 square feet and max 8 feet of height was extended to 30 months but not beyond 12/31/2026)
 - * The temporary rule allowing either one flag or feather banner OR three other temporary signs limited to promotion of on-site business
 - * The expiration date for the waiver of fees for applications to the PC for variances relating to recovery

Other topics:

- Approved an ordinance requiring that final land plats for developments be approved administratively rather than going to Council as mandated by a new state law
- Received a report on wildlife mortality from animal/vehicle interaction. Voted to establish wildlife warning signs at four locations (SanCap/Tarpon, SanCap/Rabbit, SanCap/Wulfert and Tarpon Bay near Bailey Tract); also agreed to convert the SanCap/Rabbit intersection to a three-way stop for traffic calming purposes
- Discussed establishing a storm water assessment district; no votes were taken but all five Councilmembers appeared to be in favor.
- Approved negotiating a "piggyback" arrangement under a contract between the Captiva Erosion Prevention District with Great Lakes Dredging for the placement of about 300K cubic yards of sand dredged from the Gulf into an area of north Sanibel between Mucky Duck and Bowman's Beach.
- Approved legislative requests for upcoming 2026 legislative session:
 - * \$2.5 M for repairs of shared use path (consistent with the \$5M request of

last year that was 50 percent funded)

- * \$600K for various improvements to the water control flap gates at the Tarpon Bay and Beach Road weirs (also in our FY2026 budget)
- * \$4.2M for the long-planned floodwater management project for the Tradewinds subdivision (also have a similar pending grant request under the DEP's non-point source pollution remediation program)

Commissioner Colter stepped out of the meeting at 10:13 a.m. and returned at 10:18 a.m.

Discussion ensued regarding wildlife mortality concerns at Legion Curve, if the three-way stop at Rabbit Road and Sanibel Captiva Road were a pilot program, and support for replacing the wildlife signs.

8. Report from Planning Department

- a.** Upcoming meeting dates:
 - i. Planning Commission - Tuesday, December 9, 2025
 - ii. Permitting Process Review Subcommittee - Tuesday, December 9, 2025 - following Planning Commission
 - iii. Report to City Council - Tuesday, December 2, 2025 - Commissioner Colter
- b.** Planning Reports:
 - i. Planning Permit Review Report
 - ii. Planning Department Priorities
 - iii. Plan Application Status Report

Planning Director Paula McMichael spoke to the next meeting being December 9, advised topics to be considered, noted the Permit Process Review Subcommittee meeting to follow, Commissioner Colter to report to Council on December 2nd, and mentioned the reports included in the agenda packet.

Commission inquired about the notice for 1048 Periwinkle Way and what the proposed business to replace Dairy Queen was. Mr. Chandler advised the application was still in review, noting a proposed fast food/countertop restaurant with 45 indoor/outdoor seats. Discussion ensued regarding parking, the difference between formula retail and formula restaurant regulations, and working around the eagle nest and nesting season.

Discussion turned to the online permitting system, transitioning from EnerGov to CityView, and the 14-day timeline for noticing proposed construction.

9. Report from Commission Members

Commissioner Welch spoke to the Commission being available to support the community and review and address issues as needed.

Chair Nichols thanked Planning Staff for their hard work.

10. Public Comment

There were no public comments from the audience.

11. Adjournment

There being no further business, the meeting adjourned at 10:35 a.m.