



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Planning Commission

Tuesday, March 25, 2025

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call To Order

The meeting convened at 9:01 A.M.

2. Pledge of Allegiance (Commissioner Welch)

Commissioner Welch 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

None at this time.

5. City Council Liaison Report

Commissioners congratulated Mr. Miller for his election to the position of Mayor. Mayor Miller began by thanking Commissioner Welch for running in the election and being the reason the City had an election. He continued in providing a summary of the business items from the April 1st City Council meeting.

Commissioners inquired about the success of the day passes for the beaches sold at Sundial, Mr. Miller noted that Sundial is about done with their restorations and soon won't be needing the day passes.

6. Consent Agenda

- a. Adoption of Minutes: March 4, 2025 (Supplement 1)

Vice Chair Steiner moved, seconded by Commissioner Welch to adopt the March 4, 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 II. - Variances, Section 82-138. - Application and hearing, to request a variance from Section 106-200. - Individual business not located in a multiple occupancy

complex, subsection (1) number, to allow for a second sign at the CVS Pharmacy located at 2331 Palm Ridge Road - tax parcel (STRAP) no. 26-46-22-T2-0030B.0050. The application is submitted by Patricia Ortiz, Ortiz Planning Solutions, on behalf of JEC Funding Inc., the property owner. **Application No. VAR-2024-000252.**

Planning Director, Paula McMichael read into the record the description of the Application VAR-2024-000252. Deputy Planning Director, Craig Chandler summarized the staff report attached in the agenda packet.

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

- Chair Nicols	Site Visit	No Ex-Parte	No Conflict
- Vice Chair Steiner	Site Visit	No Ex-Parte	No Conflict
- Commissioner Colter	Site Visit	No Ex-Parte	No Conflict
- Commissioner Sergeant	Site Visit	No Ex-Parte	No Conflict
- Commissioner Burns	Site Visit	No Ex-Parte	No Conflict
- Commissioner Welch	Site Visit	No Ex-Parte	No Conflict
- Commissioner Shoppe	Site Visit	No Ex-Parte	No Conflict

Deputy City Clerk swore in the following:

- Patricia Ortiz - Ortiz Planning Solutions - JEC Funding Inc.
- Craig Chandler - City of Sanibel Deputy Planning Director

Mr. Chandler spoke to the history of the property including the previous application denials for signage at the property. He spoke to the irregular and unique shape of the property, the current signage, and the options for the owner, including relocating the sign closer to the road way.

In hearing from the applicant, Ms. Ortiz spoke to the reasons for the request. How signage is commonly associated with the commercial endeavor and advertising strategy for a business. She spoke to building identification and in the event of a storm how the free standing sign could be damaged and the wall signage being a more permanent solution for identification. Ms. Ortiz gave further example on shopping centers allowing two signs. Mr. Chandler provided details related to Ms. Ortiz example, noting that shopping centers typically have signage near the road, as well as identifying signage on the building itself for the purpose of identifying the businesses location with in a shopping plaza.

Commissioners inquired of Ms. Ortiz how she believed the application met the 7 variance standards and why the corporation chose not to re-locate the sign closer to the road within the allowable use. Ms. Ortiz responded that CVS typically chooses this location to avoid damage from passing cars and potential re-location due to utility easements, road widening projects and right of ways.

Commission discussion ensued regarding the signs current location being set back from the property line. Commissioners inquired about the measurements and whether it started from the road, the edge of the shared use path or the

property line. Mr. Chandler spoke to the nuance of this particular property being paralleled to the over head power lines. Ms. Ortiz detailed that the current signage was not viewable from across Palm Ridge Road. Brief discussion ensued regarding the visibility of wall signs from the street and how the code is written in such a way that vegetation buffer requirements could prevent any wall sign from being viewed on this property. Mr. Chandler spoke to the vegetation buffer status on the property which the Commission inquired if the owner could be required to comply with vegetation buffer standards in order to place additional signage. Mr. Chandler noted this was not an option. Commissioners inquired about separating the two parts of the business, if that could meet the criteria for a multi unit structure to allow the additional signage. Mr. Chandler noted the business is licensed under one corporation. Discussion ensued regarding allowing a 3 sided sign. Mr. Chandler noted the maximum allowable sign face could be a challenge since the owners went with placing a larger street sign.

Ms. Ortiz continued her details on meeting the variance criteria, making particular note of the owners goals to increase visibility and pedestrian identification. Mr. Chandler spoke to the history of permit applications for signage at this property and how they were previously denied.

Commissioner Welch moved, seconded by Vice Chair Steiner to adopt Planning Commission Resolution 25-01, Denying Application VAR-2024-000252, with the 7 conditions listed not met, not consistent with the Sanibel Plan, to close the public hearing on this matter and to authorize the Chair to review and approve the resolution without brining it back for further consideration. The motion carried by unanimous vote.

- b. A Resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to promote community resiliency through amendments related to the placement of fill; Amending subpart B, Land Development Code; Chapter 78, General Provisions; Section 78-1, Rules of Construction and Definitions; Chapter 82, Administration, Article IV, Development Permits, Division 2, Procedure, Subdivision 1, Generally, Subsection 82-382(k), Filing Procedure; Chapter 86, Development Standards, Article II, Site Preparation, Adding a New Section 86-46, Use of Fill in Determination of Developed Area; Chapter 94, Floods, Article II, Definitions, Division 1, General, Section 94-124, Definitions, and Article III, Flood-Resistant Development, Division 3, Site Improvements, Utilities, and Limitations, Section 94-154, Limitations on Placement of Fill, for the purpose of updating the Land Development Code regulations.

Planning Director McMichael introduced the item and briefly gave a history on discussions of the item and read the staff recommendation into the record.

Attorney John Agnew spoke to Senate Bill 250, and its effects to proposed amendments. Mr. Agnew detailed how the new amendments were not more restrictive thus would not be subject to SB250. The amendment simply brings the standards up to the Florida Building Code, how the City can typically be more restrictive, but in this case we would standardizing the language related to the Florida Building Code.

Discussion ensued regarding process and approval, Mr. Agnew spoke to passing of a resolution generally. Commissioners inquired about properties with excessive muck, wanting to fill with fresh dirt to build or otherwise develop. Ms. McMichael spoke to owners wishing to fill for lost elevations would require a survey and permit to replace that soil, proving that the work being done is to pre-development grade. This would not be considered developed area in this case. Commissioners expressed concerns for section 3.10.5 being contradictory, Ms. McMichael clarified that the language included in the proposed draft does not change the percentage of allowable developed area. Additional concerns were brought forward by the Commission related to definitions, and definition of fill. Ms. McMichael noted there were no language changes to that section, hence it was not included.

Commissioners spoke to Section 94-154b3c which limits fill to 24 inches, and any additional fill deemed to be necessary, a flood plain administrator would allow. Ms. McMichael noted the administrative need to allow certain sites to have a staff evaluated exceptions to deter impacts to neighboring properties, and allow developers who need additional fill to request it. Commissioners expressed concerns regarding subjectivity of the administrative allowances, looking to add language that would limit how much additional fill could be approved. Utilizing language like minimum extent necessary, putting a more restrictive number on the administrative allowances. Commissioners discussed staff allowances, concerns for adjacent neighboring rights, and adding "additional fill deemed to be the minimum necessary."

Flood Plain Manager, Jessica McNulty spoke to the limited nature of single family residences, challenging to stray from maximum 24 inches presented and that she does not see it as a common thing to be requested. Commission discussed additional fill requests coming before commission prior to approval, Mr. Agnew spoke to the provision providing wiggle room for extraordinary cases.

Public Comment:

- Arlene Dillion - Resident of Tradewinds - Strike item C.

Discussion continued regarding calculating developed area in relation to fill. The example of scraping a lot of the muck layer deposited by Hurricane Ian, a permit would be required to mechanically clear the lot, placing top soil is not considered development and not part of the permitting. Concerns were brought forward by the commission that the definition of fill does not include top soil. Mr. Chandler reiterated the permit process.

City Engineer, Oisin Dolley noted the two situations potentially being discussed. Replanting vs. Restoring property which requires a site plan to verify no changes to elevations.

Mr. Agnew noted the original intention of the draft presented today and further noted a new section could be drafted in the spirit of recovery. Discussion continued regarding the draft and the definitions not being inclusive enough regarding fill. Mr. Agnew additionally pointed out that the draft is related to construction and not intended for recovery efforts, that could later be addressed in a subsequent section. Discussion on this item concluded with regards to purposes for fill, adding to section B, 1, last sentence "for purposes other than storm water management."

Commissioner Welch moved, seconded by Commissioner Colter to approve Planning Commission Resolution 25-04 with the modification to the purpose statement under 86-46a as articulated by the City Attorney and striking section B.3(c) and to close the public hearing, authorize the Chair to review and approve the resolution without bringing it back for further consideration. The motion carried by unanimous vote.

Recess from 11:07 am to 11:19 am.

- c. Consideration of a recommendation to City Council to adopt an ordinance amending the Code of Ordinances to allow an exception to height limitation for resiliency specific to the build-back (reconstruction) of nonconforming structures, 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, Section 126-212, Nonconforming structures, for the purpose of updating Land Development Code regulations.

Director McMichael introduced the item and briefly detailed previous discussion held. Deputy Director Chandler spoke to the residential height exceptions recent changes and further noted this was the commercial component. He detailed the direction from the previous meeting which this draft resolution was created, to provide additional exceptions to height limitations to allow an increase of height of the lowest minimum habitable floor by a maximum of 4 feet, and provide an additional exception for height limitations for parking under a principle structure.

Commissioners expressed concerns for exceptions for height limitations and angle of light language not being included. Deputy Director Chandler noted this is included in the height limitations in subsection 126.28(a.)5. Commissioners inquired if the language could be simplified to "except for height: subject to the following conditions:" Discussion continued regarding changes to the language of the draft resolution including striking some duplicative language.

Commissioner Welch moved, seconded by Commissioner Sergeant to adopt Resolution 25-02 with amendments as discussed by the Planning Commission and Staff in Section 126.112 under 5(a.) as proposed by Deputy Director Chandler. The motion carried by unanimous vote.

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

Land Development Code regulations.

Director McMichael introduced the item to the Commission. Deputy Director Chandler gave a report on the item, and added a draft Resolution to the record. The original omitted one line regarding the short form process for restaurants and seawall construction. Further adding that a temporary use permit, approved by staff, would give adjacent properties notice to call or request a public hearing. Commissioners inquired if this would then require a long form application which staff noted would require the long form application. Discussion ensued regarding responsibility of payment for switching to long form application at the request of the public, Mr. Chandler noted the code explicitly details this in the fees section.

Commissioner Welch spoke in opposition of the short form application for restaurants. Discussion ensued regarding the short Vs. Long form applications for accessory structures such as seawalls. The Commission inquired what additional proposed structures would be allowed or considered with additional review by Natural Resources, this language not being addressed in the current code. Commissioners would like to see shore line stabilization moved to short form and codification of the process for short form applications.

Ms. McMichael spoke to provisions already provided in the code related to short form application approval processes. Commissioners expressed concerns with other examples like the alternative shore line project, striking provision 2 and 5 but still not being comfortable with provisions 1 and 3. Discussion ensued regarding the approval process. Staff clarified the sunset clause within the weekly Mayoral Proclamations allowing the approval administratively. The draft provided today, re-establishes this as part of the code. Commissioners discussed provisions to remove or modify briefly.

Commissioner Sergeant moved, seconded by Vice Chair Steiner to approve resolution 25-03, striking provision b(4.) and to close the public hearing authorizing the Chair to review and approve the resolution without bringing it back for further consideration. The motion carried by a vote of 6-1 with Commissioner Welch opposed.

Opposed: 1 - Commissioner Lyman Welch

8. Report from Planning Department

- a.** Upcoming meeting dates:
 - i. Planning Commission - Tuesday, April 8, 2025
 - ii. Land Development Code- Tuesday, April 22, 2025- Following Planning Commission
 - iii. Capital Improvement Projects Review- Tuesday, June 10, 2025- Following Planning Commission
 - iv. Report to City Council - Tuesday, April 1, 2025 - Commissioner Burns

Director McMichael noted the next meeting date is for the Land Development Code Sub-Committee on April 22, 2025. Capital Investment Projects Sub-Committee will convene on Tuesday June 10th following the regularly

scheduled Planning Commission Meeting.

Commissioners inquired about distressed and dangerous properties, particularly Dairy Queen. Mr. Agnew noted staff is moving forward with sending notice to owners.

9. Report from Commission Members

Vice Chair Steiner spoke to a report provided by former Commissioner Eric Pfeifer and former Council Doug Congress, who are concerned with the economic revitalization of the island. Making further note that some things on their list might have merit and could require a bit of work. She spoke additionally to the work done by Craig Chandler to make the parking standards more understandable and digestible by the public, suggesting that a similar analysis might have to be done to more efficient the permitting process all together.

Commissioner Welch spoke in support of the City's desire to hire an Ombudsman, further inquiring if the Commission should suggest the position.

Commissioners expressed concerns for the electronic signage at the entrance of the island related to e-bike usage.

10. Public Comment

None at this time.

11. Adjournment

There being no further business, the meeting adjourned at 11:54 a.m.