



City of Sanibel

Planning Commission

Planning Department Staff Report

Planning Commission Meeting: April 22, 2025

Application Number: VAR-2025-000256

Applicant: Rachel Bielert (RLBCM, LLC)

Address: 1517 Periwinkle Way

PUBLIC HEARING DESCRIPTION

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 86-165. – Limitation on side yard setbacks and height of structures, 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 (side and rear yard setbacks), and Section 126-1404. – Driveways and service aisles (width) to allow for redevelopment of multi-family housing (15 units) dedicated to the Below Market Rate Housing Rental Program located at 1517 Periwinkle Way – tax parcel (STRAP) no. 30-46-23-T1-00004.0080. The application is submitted by Rachel Bielert (RLBCM, LLC) on behalf of Community Housing & Resources, Inc., the property owner. **Application VAR-2025-000256.**

ISSUES

Pursuant to Sanibel Code Section 82-136. – Authorization. and Section 82-137 – Conditions., the subject application has been referred to the Planning Commission to address the following issues:

1. Does the subject application comply with Sanibel Code Section 82-144. – Below market rate housing, which allows the planning commission to grant variances necessary to accommodate below market rate housing developments?
2. If the Planning Commission approves the application, what additional conditions should be required?

ATTACHMENTS

A	Applicant's narrative response to variance standards (Sec. 82-144)
B	Survey
C	Site Plan
D	Elevation Drawings
E	Angle of Light Exhibit
F	Landscape Plans
G	Natural Resources Department Memorandum dated April 14, 2025

BACKGROUND

The subject property is located at 1517 Periwinkle Way, however without roadway frontage to Periwinkle Way. The lot is surrounding on three sides by commercial developments – 7 Eleven (north), Fish House (west), VCA Animal Hospital (east) – and to the south is the Sanibel River. The property consists of approx. 0.95 acre.

Lands within four hundred (400) feet of Periwinkle Way are in the GC – General Commercial District. On the subject property approximately the northern 260 feet of the subject property is within the GC district. The remaining area of the property to the south is outside the commercial district and is in the D-2 Upland Wetlands ecological zone/residential district. All lands within two hundred (200) feet of the Sanibel River are also located within the Interior Wetlands Conservation District.

Access to the property is provided via a twenty (20) foot wide easement through 1521 Periwinkle Way (7 Eleven) to Periwinkle Way. The property was developed pre-city incorporation to a lawfully nonconforming residential density of 10 dwelling units (four efficiency and six one-bedroom apartments) in a single multi-family structure located in the northern portion of the site. The units were dedicated to the Below Market Rate Housing rental program starting in 1982. The subject property otherwise is permitted up to three (3) dwelling units based on the development intensity map of the Sanibel Plan.

The principal structure was destroyed by Hurricane Ian, and, in 2023, the building was demolished with intent to redevelop new Below Market Rate Housing units.

On April 8, 2025, Planning Commission approved Resolution 25-06 recommending City Council approval of CUP-2025-000255, an application proposing to increase density for Below Market Rate Housing from three (3) dwelling units to fifteen (15) dwelling units.

A copy of the survey is included as **Attachment B**.

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Below, Table 1 provides two Sanibel Plan references that relate to the subject application.

Table 1. Sanibel Plan references
Section 3.6.1. Housing Objective 3 Increase the total number of housing (dwelling) units that are available to persons of very low, low, and moderate income in addition to providing essential services workforce housing based on needs.
Section 3.6.1. Housing Policy 3.7 Ensure that BMRH units continue to be developed and maintained in a manner that is compatible with the character of the community.

PROPOSAL

The applicant proposes redevelopment of Riverview Apartments with increased density for below market rate housing (a conditional use) from three units (allowed) to fifteen (15) units in a single multi-family structure and associated facilities including twenty off-street parking spaces, mailboxes, trash and recycling, stormwater management infrastructure, and landscape buffers.

The multi-family structure is proposed to be located on the northwest portion of the property within the GC – General Commercial District. The building location and orientation are necessary due to the existing access easement that runs parallel to the eastern property line. The former 10-unit multifamily structure was similarly situated.

The proposed site plan notably places the principal structure and accessory structures outside of the Interior Wetlands Conservation District, which is delineated by its boundary 200 feet north of the banks to the Sanibel River and where development is restricted.

The multi-family structure proposes three stories over parking. The building design is consistent “Island-style” architecture, as required by the Land Development Code, exhibiting “Old Florida” design elements such as porches, balconies, and a pitched roof with overhangs.

To allow the proposed plans for redevelopment, the applicant seeks six variances from requirements of the Land Development Code:

- Sec. 86-163. – Maximum number of dwelling units, to allow 15 units in one building instead of 12 units in one building.
- Sec. 86-165. – Limitation on side yard setbacks and height of structures, to allow an angle of light encroachment on the west side of the property adjacent to the parking lot behind Fish House Restaurant, as illustrated in Attachment E.
- Sec. 122-48. – Location and size of required vegetation buffers, to accept buffer widths less than the required 15 feet, proportional to variance requests from minimum setbacks.
- Sec. 122-49. – Types, varieties and numbers of plants required, to accept fewer than the required plants proportional to the requested variance for reduced buffer width.
- Sec. 126-494. – Required conditions; to allow a side setback of 4.7 feet from the east property line for ten (10) 90-degree off-street parking spaces instead of 15 feet, a side setback of 1.6 feet from the north property line to accommodate shared trash and recycling facilities with 7 Eleven, and a side setback of 6.7 feet from the west property line for balconies that serve both as ancillary habitable floor space and a serviceable location for condensing units, all as illustrated in Attachment C.
- Sec. 126-1404. – Driveways and service aisles, to allow a minimum entrance driveway width of 20 feet instead of 22 feet.

A copy of the applicant’s responses to variance standards are included as **Attachment A**. The proposed site plan is **Attachment C**, elevation drawings are in **Attachment D** with an additional angle-of-light exhibit as **Attachment E**. The proposed landscape plans are included as **Attachment F**.

ANALYSIS

Tables 2 – 7 provide a summary of analysis relative Sec. 82-144 for each of the six variances necessary to approve the proposed development plans. The implementing development permit will be approved short-form, as permitted through December 31, 2025, by Sec. 82-421(b), to assist in recovery efforts.

Table 2. Analysis of variance request to Sec. 86-163. – Maximum number of dwelling units		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The maximum number of dwelling units in a single structure is ten (10) and for a structure devoted to below market rate housing is twelve (12).</p> <p>The applicant considered a two-building design, but elevator requirements and associated costs made the design impractical.</p> <p>In the context of Sanibel Plan goals for housing to expand the number below market rate housing units, it is reasonably necessary to maximize the number of units in a single structure, so long as the appearance, size, and massing of the proposed structure and parking areas is consistent with the character of the surrounding area. In this case, the property is surrounded by commercial development. Therefore, the additional units in a single structure do not conflict with compatibility standards.</p>	Yes.

Table 3. Analysis of variance request to Sec. 86-165. – Limitation on side yard setbacks and height of structures		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The proposed variance to angle-of-light standards is not a compatibility concern due again to the property's location in the GC – General Commercial District. There is no angle-of-light height standard in commercial districts. However, multi-family residential development is subject to angle-of-light and setback requirements regardless of its zoning.</p> <p>Staff finds a commercial structure designed in the same manner would not require a variance. Therefore, the proposed variance is not considered to be adverse to the intended appearance and character of this district.</p>	Yes.

Table 4. Analysis for variance request to Sec. 122-48. – Location and size of required vegetation buffers		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	In the Natural Resources Memorandum provided as Attachment G , staff find the variance request to be the minimum necessary to mitigate noncompliance to Sec. 122-48. The reduced buffer and setback area are the result of an effort by the applicant to comply with the 200-foot setback from the Sanibel River.	Yes.

Table 5. Analysis for variance request to Sec. 122-49. – Types, varieties and numbers of plants required		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	Attachment G also expresses staff support for a variance request for the numbers of plants required within the reduced north buffer area where a shared trash and recycling facility is proposed to serve both the subject property and 1521 Periwinkle Way (7 Eleven). The applicant is proposing 100% native plant species and will take advantage of the native buffer incentive described in <u>Sec. 122-49</u> .	Yes.

Table 6. Analysis of variance request to Sec. 126-494. – Required conditions (side and rear yard setbacks)		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The min. required side and rear yard setbacks are 15 feet from the property lines. The proposed variance is reasonably necessary for the following reasons:</p> <ul style="list-style-type: none"> • Balcony decks/porches that also serve elevated and serviceable condensing units • Parking • Lift Station • Shared trash and recycling facilities 	Yes.

Table 7. Analysis for variance request to Sec. 126-1404. – Driveway and service aisles (driveway width)		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-144. – Below market rate housing.	Please reference Attachment A alongside the corresponding staff comments below.	Yes.
The Planning Commission may grant variances necessary to accommodate below market rate housing developments which are in compliance with all other requirements of this Land Development Code.	<p>The subject property has access to Periwinkle Way via a twenty (20) foot wide access easement at 1521 Periwinkle Way (7 Eleven). There is not an opportunity to install a compliant 22-foot-wide ingress-egress entrance within a 20-foot-wide easement. There is not a practical alternative to expand the existing easement due to the location of the 7 Eleven convenience store.</p> <p>The applicant proposes to maintain access in the same manner as has served this development for 40+ years.</p>	Yes.

PUBLIC COMMENT

Staff have not received any public comment on this item.

RECOMMENDATIONS AND CONDITIONS

Staff have made the following findings in support of its recommendations:

- Staff find the proposed variances to accommodate below market rate housing are reasonably necessary and will not have an adverse effect on surrounding uses.
- Conditions are recommended to facilitate an agreement for shared facilities between adjacent development, and to preserve and protect lands in the Interior Wetlands Conservation District.

Staff, therefore, recommend approval of application VAR-2025-000256 subject to the following conditions:

1. The proposed scope of work is contingent upon City Council approval of an application to increase density for below market rate housing (CUP-2025-000255).
2. An as-built survey is required to verify conformance with the approved site plan.
3. Pursuant to Section 126-651. – Preservation and enhancement of resources, development shall not take place within the Interior Wetlands Conservation District. The portion of the property within the Interior Wetlands Conservation District shall be preserved by means of a conservation easement or through dedication of such land areas to the city or to a nonprofit conservation entity to manage, or other means, to provide the continued maintenance of conservation lands. Any easement shall be recorded in the official records of the Lee County Clerk of Courts.
4. A signed agreement for the use of shared trash and recycling facilities located on the subject property to the property owner of 1521 Periwinkle Way (Southland Corporation) shall be recorded in the official records of the Lee County Clerk of Courts prior to issuance of a Certificate of Occupancy. The City of Sanibel shall be notified no less than sixty (60) days prior to termination of this agreement.
5. Bike parking facilities for no less than 15 bikes shall be installed and maintained in conformance with all applicable development standards (i.e. setbacks, developed area, coverage).

6. Obtain all necessary building, development, and vegetation permits prior to commencement and within twelve (12) months from the effective date of this resolution.