



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Joint City Council / Planning Commission

Tuesday, September 9, 2025

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. Call to Order

The workshop convened at 9:00 a.m.

2. Pledge of Allegiance (Councilmember Johnson)

Councilmember Johnson led the Pledge of Allegiance.

3. Roll Call

Present: 11 - Mayor Mike Miller, Vice Mayor Holly Smith, Councilmember Laura DeBruce, Councilmember Richard Johnson, Commission Chair Paul Nichols, Commissioner Erika Steiner, Commissioner Tiffany Burns, Commissioner Ken Colter, Commissioner Larry Schopp, Commissioner Kate Sergeant, and Commissioner Lyman Welch

Absent: 1 - Councilmember John Henshaw

Mr. Henshaw participated in the workshop via Zoom with no voting capabilities.

Councilmember Johnson moved, seconded by Vice Mayor Smith, to excuse and authorize Councilmember Henshaw to participate virtually. The motion carried.

4. Discussion of Transfer of Density

a. Discussion regarding Transfer of Density Rights

City Attorney, John Agnew, spoke to the legal opinion included in the agenda packet and summarized the discussion topic. Additionally provided was the applicable charter section, 3.10.2 Island Wide Restriction on Density.

Mr. Agnew spoke to his thorough review of the language of the charter and had interpreted the language to mean on an as per-parcel basis. The primary reason being that the Density Map sets the maximum development units for each parcel. Thus, the 2004 adopted density map would be the determining factor for developing any parcel. Mr. Agnew further detailed the intricacies of the language used in the plan which led him to his opinion. Specifically, how the Density Map restricts the increase of density units on specific parcels and the language used in the code caps the maximum total density units at 9,000.

Discussion ensued among the Commissioners and Council, in regards to if these

provisions for transfers be established island wide or be considered on a parcel-by-parcel basis.

Mr. Agnew further noted the potential to implement a program to transfer said densities to parcels indicated on the map, however the transfer would have to go to a parcel indicated on the Density Map to have had units previously. This would not require a referendum as this transfer would not exceed the cap created in 2004 and would be in conformance of the Density Map.

Planning Director Paula McMichael provided an overview of her PowerPoint presentation regarding the housing calculations in the Sanibel Plan. Deputy Planning Director Craig Chandler, spoke to the misconceptions around the density cap. Stating that there was no formal cap calculated in the Plan. Simply that the update in 2004 provided a projection, a projection of the density of the island in the near future. Ms. McMichael continued the presentation, detailing the intricacies of how density is calculated on Sanibel. Including factors like resort housing, the development intensity map which is specific to the Sanibel Plan and plotted lands prior to the City's incorporation.

Members inquired about the explanation of cluster housing calculations and how they were smaller figures. Ms. McMichael further explained the impacts of traffic and density on the environment in developments such as cluster housing.

Ms. McMichael continued on her presentation this time speaking to the exemptions to the calculations including low lying areas prone to flooding or storm surge.

Members inquired about cluster housing and the calculations associated. Ms. McMichael noted the use of cluster housing since the City's incorporation and the most recent uses for built backs after storms.

Planning Director McMichael introduced Bob Mulhere of Bowman who provided a PowerPoint presentation regarding the Collier County Transfer of Density Rights Program.

Concluding his presentation, Mr. Mulhere took questions from the group which he ultimately suggested drafting a policy granting powers to property owners similar to that which was done for the build back policy after hurricane Ian. For example, allowing residents to build back with the same exact foot print in front of the coastal construction control line for the purposes of better compliance with building codes and the future safety of the structure.

Discussion ensued regarding benefits of a land bank, urbanized developments losing continuity of roadways and city services, low income and employee housing transfer

of credits from a property developed for a business.

Commissioner Colter stepped out of the meeting at 10:44 a.m. and returned at 10:46 a.m.

The group discussed the purpose of the meeting today; answering the question if density units are preserved when the number of units are not fully utilized in a development, and whether those unused units would be transferable. In the form of a reminder of what was previously learned by the group, it was questioned how the parcel by parcel determinations would be made. Rather a referendum would be easier to accomplish the goal of the policy or continuing on a parcel by parcel basis.

Discussions continued regarding when developers would be looking into transferring units and when a program or process would be implemented. Commissioners discussed the need to look at this as a redistribution of density units, not an increase and further noted the possibility to allow developer to sell the undeveloped units, specific examples were provided with the suggestion of adding a City fee to allow the City to make a small amount from and possibly regulate. The group came to consensus of recognizing the benefits of incentivizing the transfer if they are positively used for the economy of the island.

Public Comments:

- Grady Hauser - Sanibel Community Church - spoke to the Peace Harbor parcel
- Chet Sadler - Sanibel Resident - encouraged following referendum process
- Matt DePaolis - Sanibel Captiva Conservation Foundation (SCCF) - importance of density, intensity, height being sacred and rebuilding in a manner that supports the plan and island identity, careful analysis to consider creation of credits
- Jason Halliburton - Sanibel Resident - next step needs to be public workshop

Attorney Agnew spoke to the church property as mentioned by Mr. Hauser as an example for how challenging legally speaking it can be to transfer density units, despite the profitability of a property. At present there still being no mechanism to transfer the units with out going to a referendum. Ms. McMicheal detailed the reasons why, citing the Comprehensive Land Use Plan.

The group discussed next steps of the process, deciding on how to write the process for determining the transfer.

City Manager Dana Souza thanked Mr. Mulhere for his presentation. He further noted protecting the island and community is essential, determining the need for credits, what are recipient properties that are needed to make it work, what parallel processes can happen to address low hanging fruit while developing program.

Commissioners and Council spoke to the importance of continuing the conversation. City Manager spoke to needing more time to develop potential policies, to be determined in the near future.

The workshop recessed at 12:13 p.m. and reconvened at 12:30 p.m.

5. General Discussion

a. General Discussion (Supplement 2)

Mayor Miller spoke to purpose for the discussion. Vice Mayor Smith spoke to the reasoning for adding the topic to the joint workshop. Attorney Agnew spoke to 126-1307(c)(1) and the recommendation being a material change which required the item to go back to Commission, referencing section 3.10.5 which would require a referendum if it were to surpass the "minimum necessary" for development.

Discussion among the group centered around providing relief via an ordinance, what is currently covered in build back regulations set fourth by City Council after Hurricane Ian, and if another provision could be added to address this issue after build back. Mr. Agnew spoke to the build back regulations only applying to a select group of people looking to build back.

Brief discussion continued in regards to the administrative capabilities, as well as reasons for going beyond a development square footage, hardships and the good reasons for allowing such development. Mr. Agnew reminded the group that if the provision were to be established island wide, a referendum would be required. The group further discussed legislating for those looking to do the work as part of a new built.

Both Commissioners and Council spoke to the unintended consequences of not allowing currently built homes to build out more to allow for development of a pad for life and safety devices like a whole home generator.

Ms. McMichael clarified what is currently allowable in the code and the few options available.

Discussion continued in regards to process, Planning Commissioners noted their stance unless new or varying information comes forward. The group came to consensus to bring the item back to City Council for approving of the draft to be sent to Planning Commission for recommendation of adoption.

6. Public Comment

None at this time.

7. Adjournment

There being no further business, the meeting adjourned at 1:29 p.m.