



City of Sanibel

COMMUNITY SERVICES DEPARTMENT STAFF REPORT

Planning Commission Meeting: February 9, 2021

Planning Commission Agenda Item: No. 7c.

Application Numbers: 21-12561WVR

Applicant: Steven C. Hartsell, Esquire, Paves Law Firm for
2407 Periwinkle Sanibel, LLC. (Property Owner)

RE: Consideration of a request for **Waiver**, filed pursuant to Land Development Code Section 82-351, Authorization, to allow for less than the required installation, location, numbers, types, size and variety specified for commercial vegetation buffers and landscaping, as required by Division 2, Commercial and Institutional Uses, Land Development Code Section 122-46, General Requirements; and Consideration of a request for **Waiver**, to allow for modifications and improvements to lawfully-existing nonconforming parcels of land, buildings or structures, that are situated within the minimum front, side or rear setback. The application is submitted by Steven C Hartsell, Esq., Pavese Law Firm, on behalf of the property owner, 2407 Periwinkle Sanibel LLC. **Application No. 21-12561WVR**

ISSUES

In consideration of the subject application filed for Waivers, the Planning Commission should address and evaluate the following issues:

Does the applicant's request meet the standards for Waivers provided in Section 82-351 of the *Sanibel Code*?

If the waivers requested are approved, what additional conditions, if any, should be placed on the proposed development?

PROPOSAL

The applicant proposes (Conditional Use Application No. 21-12559) to establish a bicycle rental and retail sales business within Suite 3 at the Islander Center commercial development. The applicant is requesting a waiver to allow for an existing nonconforming (to the required front setback) commercial building to remain, and a waiver to commercial vegetation buffer requirements.

A copy of the Waiver application is provided as **Attachment A**. The applicant's narrative and their responses to the six waiver standards, as set forth in LDC Section 82-351, are provided with the report as **Attachment B**. A copy of the survey of the subject property is

provided with this report as **Attachment C**. The Existing Vegetation Impact Plan and the Proposed Landscape Plan are provided as **Attachments D** and **E**, respectively. **Attachment F** is a Memorandum from the Natural Resources Department.

BACKGROUND

Land Development Code Section 122-46 provides that no development permit shall be issued for any change of use from one commercial use to another commercial use, unless such development permit or other permit requires compliance with this division. The planning commission may, however, waive compliance with the requirements of this division, to the extent that such compliance is not reasonably possible. Land Development Code Section 122-48 provides requirements for the location and size of vegetation buffers.

Pursuant to a City Council objective to establish standards for commercial redevelopment, in April 2015 City Council adopted Ordinance 15-006 which amended the Land Development Code by establishing new standards allowing for the Planning Commission to grant specific waivers to lawfully existing nonconforming structures and properties located in the City's Commercial Districts. The purpose and intent of the waivers is to allow for property owners to reinvest, maintain and improve such nonconforming buildings and structures, if their existing nonconformities are not further violated.

Ordinance No. 15-006 stipulates the Planning Commission, after hearing, may grant waivers from a set of specific requirements of certain applicable provisions of the Land Development Code's required conditions, but only for those lawfully existing nonconforming structures and properties located within the commercial districts, in accordance with the standards set forth in the ordinance, except that the Planning Commission shall not grant any waiver which will, directly or indirectly, increase the maximum floor area or height allowed for commercially zoned parcels, or that will increase or further the extent of any lawfully existing nonconformity on a commercially zoned property developed prior to the adoption and effective date of this Land Development Code.

Waivers may be granted by the Planning Commission for the following set of applicable requirements and provisions associated with Chapter 126 Zoning of the Land Development Code:

- (1) The design specifications for off-street parking spaces and loading areas;
- (2) The installation, location, numbers, types, size and variety specified for commercial vegetation buffers and landscaping;
- (3) Modifications and improvements to lawfully existing nonconforming parcels of land, buildings or structures, (including the roof or other architectural features of such buildings or structures), that are situated within the minimum front, side or rear yard setbacks for the commercial districts;
- (4) The maximum allowed land area to be either covered with impermeable surfaces or developed for a specific use or cleared of vegetation for nonconforming properties located within the commercial districts; and
- (5) Increase in the number of ingress/egress driveways access to any of the commercially zoned properties that will enhance safety and traffic circulation.

In approving any requested waiver, the Planning Commission may attach to the approval such conditions and limitations as are necessary to ensure that any development deviating from the requirements of the Land Development Code pursuant to such waiver approval is in compliance with the standards specified in the ordinance and is not detrimental to the public health, welfare or safety, or to the quiet and peaceful use and enjoyment of adjoining lands and uses. The ordinance further stipulates that any development which deviates from the standards of the Land Development Code, pursuant to an approved waiver, but which is not in compliance with the conditions attached to the approved waiver, shall be found in violation of the Land Development Code.

ANALYSIS

The Islander Center is located in the Town Center General Commercial District and was developed in 1985 under standards adopted prior to the City of Sanibel's Land Development Code. The location of the proposed bicycle rental and sales business will be within an existing commercial building that is nonconforming with current flood regulations, landscape buffers, coverage and developed area limits, and setback requirements. A copy of the survey plat of the subject property depicting existing site conditions is provided with this report as **Attachment C**.

WAIVER REQUEST #1 – FRONT SETBACK REQUIREMENTS

The first request is a waiver to LDC Section 126-514(c) requiring that principal structures in the Town Center General commercial district be set back no less than 100 feet from the centerline of Periwinkle Way. The commercial structure that the proposed business will occupy encroaches into the required setback by approximately 6 feet. The proposed use will not increase coverage or developed area on site, will not modify the existing structure, and the subject commercial suite is not located within the encroachment area. Compliance with this section of the Sanibel Code is not triggered by the proposed conditional use. The applicant is requesting a waiver to the minimum front setback to document that the existing encroachment is a lawfully existing nonconformance.

This application is not required in association with any other permitting or pending land uses at the subject property. Staff has no objection to the waiver request for minimum required front setback from Periwinkle Way.

WAIVER REQUEST #2 – COMMERCIAL VEGETATION BUFFER REQUIREMENTS

The second waiver request is from LDC Section 122-48. – Location and size of required vegetation buffers. Subsection (2) states that "Along Periwinkle Way between Causeway Road and Tarpon Bay Road, a vegetation buffer of at least 20 feet in depth shall be located a minimum of 50 feet and a maximum of 90 feet from the centerline of Periwinkle Way right-of-way and shall run parallel to such centerline." Subsection (3) requires that "Vegetation buffers at least 15 feet in depth shall be located along all side lot lines.", and subsection (4) states that "Vegetation buffers at least 15 feet in depth shall be located along all rear lot lines...".

Front (North) Buffer

The existing front (north) vegetation buffer complies with the size and location requirements but does not comply with the types, varieties, and number of plants

required. The buffer totals approximately 4,586 square feet, and per the commercial buffer standards (Section 122-49) the front buffer is required to have 61 trees, 152 shrubs, and 183 groundcover plants with six (6) different tree species, five (5) different shrub species, and three (3) different groundcover species. Currently, the front buffer features 32 trees, 104 shrubs, and two (2) groundcovers with eight (8), eight (8), and one (1) species in each respective category.

The proposed front buffer vegetation plan increases compliance of the existing buffer but fails to bring it into full compliance – falling short by 25 trees, eight (8) shrubs, and 135 groundcovers. The City's Natural Resources Department finds that there is sufficient area to fully comply with the types, varieties, and numbers of plants required and recommends that a revised vegetation plan be submitted that demonstrates full compliance with the front commercial buffer standards. Planning has recommended a condition to improve an inter-connectivity path from the subject building to the Shared Use Path located off-site. To accommodate the recommended 3 to 5 foot path and associated line of sight, Planning provides consideration for specific installation standards and varieties at a location to be determined.

SIDE AND REAR BUFFERS

The existing side (east and west) and rear (south) vegetation buffers do not comply with the size and location of the required buffers, nor do they comply with the types, varieties, and numbers of plants required. Natural Resources finds that there is insufficient room for the property to fully comply with the City's buffer standards along the side and rear property boundaries and does not oppose the waiver request for these vegetation buffers.

Natural Resources Staff identified some exotic vegetation within each of the side and rear buffers that is listed on the Florida Exotic Pest Plant Council (FLEPPC) category I & II invasive list and recommends the plants be removed from the buffer and the open space created by the removal of this vegetation be revegetated with native trees, shrubs, and groundcovers in accordance with LDC Sec. 122-49—50. The Natural Resources Memorandum and an existing plant inventory of the side and rear buffers is provided as **Attachment F**.

SUMMARY

Staff supports the waiver request to the required front setback for the existing nonconforming commercial structure to remain as is.

Staff finds that based upon the sufficient size and location of the front vegetation buffer, full compliance with all commercial buffer standards can be achieved and should be required at that location. Therefore, staff does not support the wavier request specific to the front vegetation buffer.

Staff supports granting waivers to the side and rear vegetation buffers, subject to the removal of invasive plants and revegetation with native species.

The Planning Commission may approve waivers to certain requirements of the Land Development Code pursuant to *Sanibel* Code Section 82-351€, which states that the Planning Commission may grant waivers upon a positive finding of the following:

- (1) The applicant's request must be able to identify the specific hardship or practical reason for not being able to meet the regulation as a result of the particular shape, size, location or topography of a lot or parcel, or of a

structure thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or parcel in the same manner as other properties similarly situated;

- (2) The applicant's request must be able to identify any special conditions related to unusual constraints peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and that are not generally applicable to other lands or structures similarly situated;
- (3) The applicant's request cannot be based upon the cost of redeveloping in compliance with the Land Development Code and must serve the public interest by way of not increasing any negative impacts upon surrounding properties and land uses nearby;
- (4) The proposed waiver shall not diminish property values in, nor alter the essential character of, the area surrounding the site and shall not otherwise interfere with or negatively impact the customary use and enjoyment of adjacent property owners and their lands;
- (5) The proposed waiver shall not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with the Sanibel Plan nor adverse to the health, safety and general welfare of the community; and
- (6) The waiver granted must be the minimum necessary to mitigate the hardship demonstrated.

Should the Planning Commission find that the Waiver applications meet all of the waiver standards of LDC Section 82-351, then the Planning Department recommends the following conditions be included with any approval:

1. A revised vegetation plan shall be submitted that demonstrates full compliance with the front commercial vegetation buffer standards, providing inter-connectivity improvements as necessary to comply with other permit conditions.
2. Plants lists by the Florida Exotic Pest Plant Council (FEPPC) as category I & II invasive plants shall be removed from both side and rear vegetation buffers and replaced with native trees, shrubs, and groundcovers in accordance with LDC Sec. 122-49 and 122-50. The revegetation plan shall be submitted to and approved by the Natural Resources Department prior to installation.

INDEX TO STAFF REPORT ATTACHMENTS

Attachment A – Waiver Application
Attachment B – Applicant's Narrative and Response to Waiver Standards
Attachment C – Survey
Attachment D – Existing Vegetation Impact Plan
Attachment E – Proposed Landscape Plan
Attachment F – Natural Resources Memorandum

JGO/UnlimitedBikes_WVR_StaffReport



CITY OF SANIBEL
Planning Department
APPLICATION FOR WAIVER
TO COMMERCIAL DISTRICT REQUIREMENTS
(WITH APPLICATION INFORMATION)

Attachment A
Application No. 21-12561WVR
UNLIMITED BIKING – COMMERCIAL WAIVERS
Waiver Application

STAFF USE ONLY

APPLICATION No: 21-12561 WVR FILING DATE: 11/21/21 ACCEPTED BY: JGO FEE: \$1,000.00

PART I. PARCEL IDENTIFICATION

TAX STRAP NUMBER: 26 - **46** - 22 - T2 - 00004.0070

STREET ADDRESS OF PROPERTY: 2407 Periwinkle Way, Sanibel, FL 33957

PART II. OWNER & APPLICANT INFORMATION

NAME OF OWNER: 2407 Periwinkle Sanibel, LLC

Owner's Mailing Address: 525 East Del Monte Ave., Clewiston, FL 33440

Owner's Phone No: _____ Business _____ Fax _____

Owner's Email Address: _____

NAME OF APPLICANT: Unlimited Biking Sanibel Island, LLC, % Steven C. Hartsell, Esquire

Applicant's Address: Pavese Law Firm, Post Office Drawer 1507, Fort Myers, FL 33902-1507

Applicant's Phone No: 239-336-6244 Business _____ Fax 239-332-2243

Applicant's Email Address: SteveHartsell@paveselaw.com

Applicant's Interest in Property: Tenant

PART III. PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED WAIVER:

1. Waiver per §82-351(2) from Vegetation Buffers, Commercial – to allow buffers as proposed on Landscape Plan
2. Waiver per §82-351(3) from required front, side and rear setbacks – to allow the existing buildings to remain.

IDENTIFY THE LAND DEVELOPMENT CODE SECTION(S) FROM WHICH WAIVER IS REQUESTED:

1. LDC §126-514(c); and
2. LDC §122-48(2).

APPLICATION FOR WAIVER -- COMMERCIAL DISTRICTS

(WITH APPLICATION INFORMATION)

PART IV. ATTACHMENTS CHECKLIST

The information and attachments requested as part of this application are the minimum necessary to determine compliance with the requirements of the Sanibel Plan and the Land Development Code (LDC). The city may require additional information, or waive certain requirements, at any time during the application process depending upon the nature of the waiver request. (Ref. Land Development Code Section 82-351(c)). For a complete explanation of each item, refer to the Planning Department handout entitled "Instructions for Permits and Other Applications of the Sanibel Island Development Code".

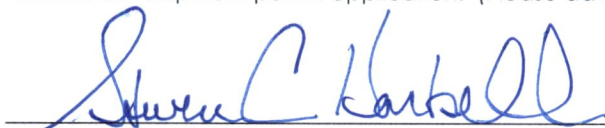
- ☒ DESCRIBE HOW THIS APPLICATION MEETS THE SIX (6) WAIVER STANDARDS
- ☐ DEED OR LEE COUNTY OWNER OF RECORD
- ☒ OWNER'S AUTHORIZATION (Certified Form Available in the Planning Department)
- ☐ OTHER AGENCY PERMITS (Certified Statement - Required permits - Copy of Application/Form)
- ☐ LOCATION MAP
- ☐ SITE DEVELOPMENT PLAN (1" = 20')
- ☐ DRAINAGE PLAN OR VERIFICATION OF EXISTING DRAINAGE IMPROVEMENTS
- ☐ EXTERIOR LIGHTING PLAN
- ☒ VEGETATION PLAN
- ☐ WILDLIFE HABITAT IDENTIFICATION AND PLAN FOR PRESERVATION
- ☐ VERIFY GOPHER TORTOISES ARE PROTECTED ON SITE OR HAVE BEEN REMOVED
- ☐ IWA - WATER AVAILABILITY LETTER
- ☐ BUILDING PERMIT APPLICATION
- ☐ FLOOR PLANS (1/4" = 1')
- ☐ TYPICAL WALL SECTION (1/4" = 1')
- ☐ BUILDING ELEVATIONS (Front, Back, and Side; Showing Height And Setback Compliance)
- ☐ FLOODPROOFING CERTIFICATION (For Coast High Hazard Areas)
- ☐ OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH THE LAND DEVELOPMENT CODE:

PART V. PUBLIC HEARING NOTIFICATION REQUIREMENT

- ☐ PROVIDE NAME AND ADDRESS LABELS FOR ALL PROPERTY OWNERS WITHIN A RADIUS OF 300 FEET OF THE EXTREME LIMITS TO THE PARCEL PROPOSED FOR A WAIVER (to be obtained from Lee County Geographic Information System Department). REFER TO THE "Adjacent Property Owners" SECTION OF THE "Instructions for Permits and Other Applications of the Sanibel Land Development Code" FOR DETAILS ON OBTAINING THIS INFORMATION.

***** CERTIFICATION *****

I hereby certify that the information contained in this application and the attachments hereto are true and correct to the best of my knowledge and belief. Furthermore, I acknowledge that the City has the right to inspect the subject property in conjunction with this development permit application. (Please advise the City of any restrictions or limitations on the inspections.)



Steven C. Hartsell, Esquire

1-19-2021

SIGNATURE OF OWNER / OWNER'S AUTHORIZED REPRESENTATIVE

DATE

NOTE TO THE OWNER/APPLICANT: A development permit is required in addition to this waiver request in order to implement the use and may be filed concurrently or subsequently to this application. If filed subsequently to this application, the development permit must be obtained within a period of twelve (12) months after waiver approval. The proposed development may be subject to private deed restrictions or covenants. It is the applicant's responsibility to verify with the appropriate property owners association whether the proposed development complies with the applicable deed restrictions or covenants. **The City does not enforce deed restrictions or act as an arbitrator between the applicant and the association.**

APPLICATION FOR WAIVER -- COMMERCIAL DISTRICTS

(WITH APPLICATION INFORMATION)

The Planning Commission may grant waivers only upon finding that the request meets the six standards set forth in Land Development Code Section 82-351. Describe how your request meets each requirement:

1. The applicant's request must be able to identify the specific hardship or practical reason for not being able to meet the regulation as a result of the particular shape, size, location or topography of a lot or parcel, or of a structure thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or parcel in the same manner as other properties similarly situated:

SEE NARRATIVE ATTACHED

2. The applicant's request must be able to identify any special conditions related to unusual constraints peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and that are not generally applicable to other lands or structures similarly situated:

SEE NARRATIVE ATTACHED

3. The applicant's request cannot be based upon the cost of redeveloping in compliance with the Land Development Code and must serve the public interest by way of not increasing any negative impacts upon surrounding properties and land uses nearby:

SEE NARRATIVE ATTACHED

4. The proposed waiver shall not diminish property values in, nor alter the essential character of, the area surrounding the site and shall not otherwise interfere with or negatively impact the customary use and enjoyment of adjacent property owners and their lands:

SEE NARRATIVE ATTACHED

5. The proposed waiver shall not be not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with the Sanibel Plan nor adverse to the health, safety and general welfare of the community:

SEE NARRATIVE ATTACHED

6. The waiver granted must be the minimum necessary to mitigate the hardship demonstrated:

SEE NARRATIVE ATTACHED

ATTACHMENT A

12-21-2020

**WAIVER STANDARDS FOR
2407 Periwinkle Sanibel, LLC (2407 Periwinkle Way)**

The Planning Commission may grant waivers upon finding that the request meets the standards set forth in Land Development Code Section 82-351(e). Describe how your request meets each requirement:

LDC Sec. 82-351. - Authorization.

(a) Generally. ... Waivers may be granted by the planning commission for the following set of applicable requirements and provisions associated with chapter 126 Zoning of the Land Development Code:

- (1) The design specifications for off-street parking spaces and loading areas;
- (2) The installation, location, numbers, types, size and variety specified for commercial vegetation buffers and landscaping;
- (3) Modifications and improvements to lawfully existing nonconforming parcels of land, buildings or structures, (including the roof or other architectural features of such buildings or structures), that are situated within the minimum front, side or rear yard setbacks for the commercial districts;
- (4) The maximum allowed land area to be either covered with impermeable surfaces or developed for a specific use or cleared of vegetation for nonconforming properties located within the commercial districts; and
- (5) Increase in the number of ingress/egress driveways access to any of the commercially zoned properties that will enhance safety and traffic circulation.

INTRODUCTION

This property, 2407 Periwinkle Way, is a lawfully existing nonconforming retail center with lawfully existing nonconforming structures and commercial uses. It presently has two retail shopping center structures located on it. Some of the units remain vacant. A new tenant, Unlimited Biking of Sanibel, LLC, has leased one of the vacant units and proposes to operate a bicycle rental business from the inside of this location. Unlimited Biking is required to apply for Conditional Use approval for bike rentals, and staff has determined that the Conditional Use application requires the Islander Center owner to bring the Periwinkle Way buffer as close to code compliance as possible.

The west (front) commercial building is located less than the presently required 100' from the centerline of Periwinkle Way. There is also a nonconforming front/street landscape buffer area along Periwinkle Way which does not meet the standards presently required by the LDC §122-48(2). Instead, immediately adjacent to Periwinkle Way, the Shared Use Path dips

south and bisects the area located between the property line and the edge of the parking lot. There is an approximately 25 foot wide landscaped area south of the Shared Use Path. The applicant proposes to reduce the nonconformity of the street buffer by providing the additional landscaping within the existing landscape buffer area as shown on the Landscape Plan by Coastal Vista Design. This increased buffer reduces the buffer nonconformity of the site. [There is insufficient room for the required side buffer on the east, west and south property lines. However, this Waiver Request and Narrative pursuant to LDC §82-351(a)(2) is provided for that buffer and, to the extent possible, buffers are provided as shown on the Coastal Vista Design Plan.].

Because the driveway, along with the walkways adjacent to the buildings, serves as a bicycle and pedestrian access to the Shared Use Path, it provides inter-connectivity and intra-connectivity encouraged by §126-855(a). Due to the inter-connectivity and intra-connectivity encouraged by §126-855(a), the city manager or designee is authorized to approve deviations from limits on coverage with impermeable surfaces and developed area and from vegetation buffer requirements to facilitate the issuance of a development permit for inter-connectivity and intra-connectivity. The Islander Center shopping center is an existing shopping center with parking for the multiple use buildings already provided consistent with the Sanibel LDC. Sharing of facilities and access is already accomplished by the multiple commercial uses clustered within this shopping center, but is not applicable to adjacent parcels.

The Islander Center has sidewalks located adjacent to the front of the two commercial buildings which provide inter-connectivity within the site. While motor vehicles must use Periwinkle Way to access the other commercial uses within the TCG District, bicycle users from the proposed Unlimited Biking location will not have to cross Periwinkle Way, but will have direct access from the site to the adjacent Shared Use Path on the south side of Periwinkle Way. [See Narrative Exhibit A.] From the Shared Use Path bicycle access to all of the adjacent commercial uses is available, providing bicycle and pedestrian intra-connectivity to other commercial uses and recreational attractions offsite.

The parcel is within a developed commercial neighborhood with commercial businesses, customers and employees to whom the existing commercial uses are consistent. This conditional use for bicycle rental, with the reduction in the nonconformities, will complement the existing commercial uses, and that will benefit the overall neighborhood and the general public. Failing to use the existing floor area that will be left vacant in the building would be an inefficient use of existing resources and would be unreasonable and contrary to common sense.

WAIVER STANDARDS FOR ISLANDER CENTER AT 2407 PERIWINKLE WAY

The following is a request for waivers pursuant to LDC §82-351 for a lawfully existing nonconforming structures and property located within the Town Center General (TCG) Commercial District at the Islander Center at 2407 Periwinkle Way. The requested waivers will not increase the maximum floor area or height or further the extent of any lawfully existing nonconformity.

- I. *A waiver from the required 100' front setbacks for structures to allow the existing structure and parking to be located within those setbacks as shown for nonconforming properties located within the commercial districts.*

FROM LDC §126-514(c): requiring front setback from the centerline of Periwinkle Way of not less than 100' for structures,

TO ALLOW: the existing commercial structure (within the front 100' setback, as shown).

Rationale: The building is an existing nonconforming building on a site located within the commercial district.

The Planning Commission may grant a waiver upon a positive finding of the following:

1. **The applicant's request identifies the specific hardship or practical reasons for not being able to meet the regulation as a result of the particular shape, size, location or topography of a lot or parcel, or the structures thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or partial in the same manner as other properties similarly situated.**

AND

2. **The applicant's request identifies any special conditions related to unusual constraints peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and that are not generally applicable to other lands or structures similarly situated.**

The site, which has two lawfully existing nonconforming buildings, does not conform to the present City standards for buffering and that presents the hardship/special conditions which contribute to the need for the waiver. The waiver will allow the owner to reduce the degree of nonconformities by providing additional more conforming buffer area. If the waiver is not granted, then this would deprive the owner of the reasonable use and enjoyment of this property in the same manner as other lawfully existing nonconforming parcels which are permitted to have conditional uses as described below in #5.

3. **The applicant's request is not based upon the cost of redeveloping in compliance with the land development code and must serve the public interest by way of not increasing any negative impacts on the surrounding properties and land uses nearby.**

It is not based upon cost, but upon the location of the existing building within the 100' setback.

4. **The proposed waivers shall not diminish property values in, or alter the essential character of, the area surrounding the site and shall not otherwise interfere with or negatively impact the customary use and enjoyment of adjacent property owners and their lands.**

The proposed waiver to allow reduced buffer in the existing buffer area, and to allow the building to remain less than 100' from the centerline of Periwinkle does not diminish property

values in, or alter the essential character of, the area surrounding the site and shall not otherwise interfere with or negatively impact the customary use and enjoyment of adjacent property owners and their lands. It maintains the existing character of the area.

5. The proposed waiver shall not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this land development code, and will not cause the proposed development to be inconsistent with the Sanibel Plan or adverse to the health, safety and the general welfare of the community.

The waiver to allow the reduced buffer in the existing buffer area, and to allow the building to remain less than 100' from the centerline of Periwinkle is not adverse to the developed scheme of the neighborhood. As noted, the developed neighborhood scheme is a retail center with commercial businesses, customers and employees to whom the existing buffer area, with additional landscaping, will be consistent at the present setback from Periwinkle Way. The proposed waiver will allow the existing center to have conditional uses that will effectively use the vacant tenant space and allow for more successful commercial businesses to remain in the commercial district. It will provide a positive benefit to the developed neighborhood which will not be adverse to the LDC or inconsistent with the Sanibel Plan.

This is consistent and compatible with both the LDC and the Sanibel Plan. LDC Sec. 126-152. - (Nonconforming uses) exceptions and prohibitions, provides that [Emphasis supplied]:

- (a) No existing structure devoted to a use not permitted in the district in which it is located shall be improved, enlarged, extended, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located. The following exceptions, however, shall be permitted:

...

- (2) Alterations within the existing perimeter, i.e., three-dimensional outline, of the structure, ... and including modifications to the existing three-dimensional outline of the structure that are:
 - a. Minor, cosmetic, nonstructural alterations to the side or front of the structure, such as awnings or decorative architectural features, provided that such alterations do not extend beyond the footprint of the structure and lawfully existing appurtenances attached to the structure;

The general health, safety and welfare of the public and of the community will be better upon approval of these waivers.

6. The waiver granted must be the minimum necessary to mitigate the hardship demonstrated.

The waiver is the minimum necessary to address the additional buffering needed.

II. Waiver from vegetation buffers is requested per LDC §82-351(a)(2): The installation, location, numbers, types, size, and variety specified for commercial vegetation buffers and landscaping.

A. FROM LDC §122-48(2): requiring a vegetation buffer at least 20 feet in depth located a minimum of 50 feet and a maximum of 90 feet from the centerline of the Periwinkle Way right-of-way which shall run parallel to such centerline;

TO ALLOW: a vegetation buffer along Periwinkle Way as shown in the Coastal Vista Design Plan dated December 18, 2020; and

Rationale: This parcel is an existing retail center. The parcel has two existing structures, one of which is located closer to Periwinkle Way than presently permitted. These waivers are being required due to a requested conditional use for bicycle rentals that will take place entirely within the existing buildings.

The Land Development Code specifies that the buffers must be at least 20' in depth along Periwinkle Way on the North. The rear property line on the South abuts an existing City Preserve area and additional buffering would serve no purpose. On the adjacent property to the West there is another building within about 12' of the Islander Center building. There is no room for additional landscape buffer above what is already existing. On the East an adjacent lot has a building that runs parallel with the end of the Islander Center parking lot. There is insufficient room for any additional buffer. On the North/Periwinkle front of the property the proposed landscaping is to be located just inside the bike path, but outside the parking area. This plan changes the nonconforming buffer into a more conforming buffer consistent with the principle in §126-172(a) (2) which allows changes to nonconforming structures where the nonconforming areas are not increased.

The Planning Commission may grant a waiver upon a positive finding of the following:

1. The applicant's request identifies the specific hardship or practical reasons for not being able to meet the regulation as a result of the particular shape, size, location or topography of a lot or parcel, or the structures thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or partial in the same manner as other properties similarly situated.

2. The applicant's request identifies any special conditions related to unusual constraints peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and that are not generally applicable to other lands or structures similarly situated.

The lawfully existing, nonconforming nature of the entire site, including the location of one of the existing commercial buildings closer to Periwinkle Way than the 100' setback represents the hardship/special conditions which contribute to the need for the waivers:

3. The applicant's request is not based upon the cost of redeveloping in compliance with the land development code and must serve the public interest by way of not increasing any negative impacts on the surrounding properties and land uses nearby.

It is not based upon cost, but upon the location of the existing building less than 100' from Periwinkle Way, the existing buffers, and on the location of Shared Use Path dipping into the property, all unique circumstances affecting this parcel. It serves the public interest by increasing the Periwinkle Way buffer proportionately to the area available, and by not increasing negative impacts to surrounding properties.

4. The proposed waivers shall not diminish property values in, or alter the essential character of, the area surrounding the site and shall not otherwise interfere with or negatively impact the customary use and enjoyment of adjacent property owners and their lands.

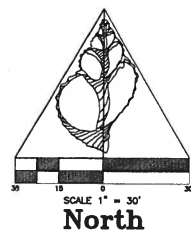
The proposed waiver will not diminish property values in the surrounding area or negatively affect the character or use and enjoyment of surrounding lands.

5. The proposed waiver shall not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this land development code, and will not cause the proposed development to be inconsistent with the Sanibel Plan or adverse to the health, safety and the general welfare of the community.

The waiver is not adverse to the developed scheme of the neighborhood. As noted, the developed neighborhood scheme is an existing retail center in the TCG Commercial district with commercial businesses, customers and employees to whom the existing commercial uses, and the proposed bicycle rental Conditional Use will be consistent. The proposed waiver will allow for landscape improvements on the existing site that will complement the existing commercial uses and so will benefit the overall neighborhood and the general public. By allowing the buffer waivers and additional limited buffering, it will actually make a positive contribution to the neighborhood. It will provide a positive benefit to the developed neighborhood which will not be adverse to the LDC or inconsistent with the Sanibel Plan. The improved (although not completely up to code) buffering allowed by the waivers is consistent and compatible with both the Sanibel Plan. The general health, safety and welfare of the public and of the community will be better upon approval of these waivers.

6. The waiver granted must be the minimum necessary to mitigate the hardship demonstrated.

These buffer waivers are the minimum necessary while still allowing the buffer and parking improvements and traffic circulation improvements necessary for this site and to reduce the amount of existing nonconformities.



Boundary Survey of:
2407 Periwinkle Way
(OR 1118, Page 176)
Section 26, Township 46 South, Range 22 East
City of Sanibel, Lee County, Florida

M - 02-56200 N

Point of Commencement (Easterly Parcel)
Southwest corner of the SW 1/4
NE 1/4 Section 26, T46S, Range 22E

Point of Commencement (Westerly Parcel)
Right of Way Tarpon Bay Road at the
south line of the SW 1/4, NE 1/4
Section 26, T46S, Range 22E

POINT OF BEGINNING
EASTERLY PARCEL
FOUND 5/8" REBAR
APPARENT WITNESS CORNER
NO ID
28.74' FROM POINT OF BEGINNING

Legal Description:

A lot or parcel of land lying in the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 26, Township 46 South, Range 22 East, Sanibel Island, Lee County, Florida, which lot or parcel is described as follows:

From the Southwest corner of said Quarter-Quarter section run Easterly along the South line of said fraction of a section for 468.13 feet;

Thence run North parallel with the West line of said fraction of a section for 155.05 feet to the Southerly right-of-way line (25 feet from the centerline) of the Sanibel-Captiva Road (State Road S-867);

Thence run Northeasterly along said Southerly right-of-way line for 400.00 feet to the Point of Beginning of the lands herein described.

From said Point of Beginning continue Northeasterly along said Southeasterly right-of-way line of the Sanibel-Captiva Road for 150 feet;

Thence run Southeasterly perpendicular to said Southeasterly right-of-way line of the Sanibel Captiva Road for 272.17 feet to the South Line of said quarter-quarter section;

Thence run Southwesterly along said South line of said quarter-quarter section for 153.23 feet;

Thence run Northwesterly perpendicular to said Southeasterly line of the Sanibel-Captiva Road for 240.91 feet to the Point of Beginning.

AND:

A lot or parcel of land lying in the Southwest quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 26, Township 46 South, Range 22 East, which lot or parcel is described as follows:

From the concrete monument marking the point of intersection of the South line of said fraction of a section and the Easterly line (25 feet from the centerline) of Tarpon Bay Road (said centerline being in the West line of said fraction of a section) run Easterly along said South line of said fraction of a section for 443 feet to a concrete monument;

Thence run Northerly parallel with said West line for 155.05 feet to a concrete monument on the Southeasterly line (25 feet from the centerline) of the Sanibel-Captiva Road (State Road No. S-867);

Thence run Northeasterly along said Southeasterly line for 300 feet to the Point of Beginning of the lands hereby described.

From said Point of Beginning continue Northeasterly along said Southeasterly line for 100 feet;

Thence run Southeasterly perpendicular to said Southeasterly line for 240.91 feet to said South line of said fraction of a section;

Thence run Westerly along said South line for 102.15 feet to an intersection with a line perpendicular to said Southeasterly line, passing through the Point of Beginning;

Thence run Northwesterly along said perpendicular line for 220.07 feet to the Point of Beginning and

LESS that part in Official Record Book 1781, Page 4211, in the Public Records of Lee County, Florida.

RECEIVED

JAN 21 2021

PLANNING DEPT
CITY OF SANIBEL

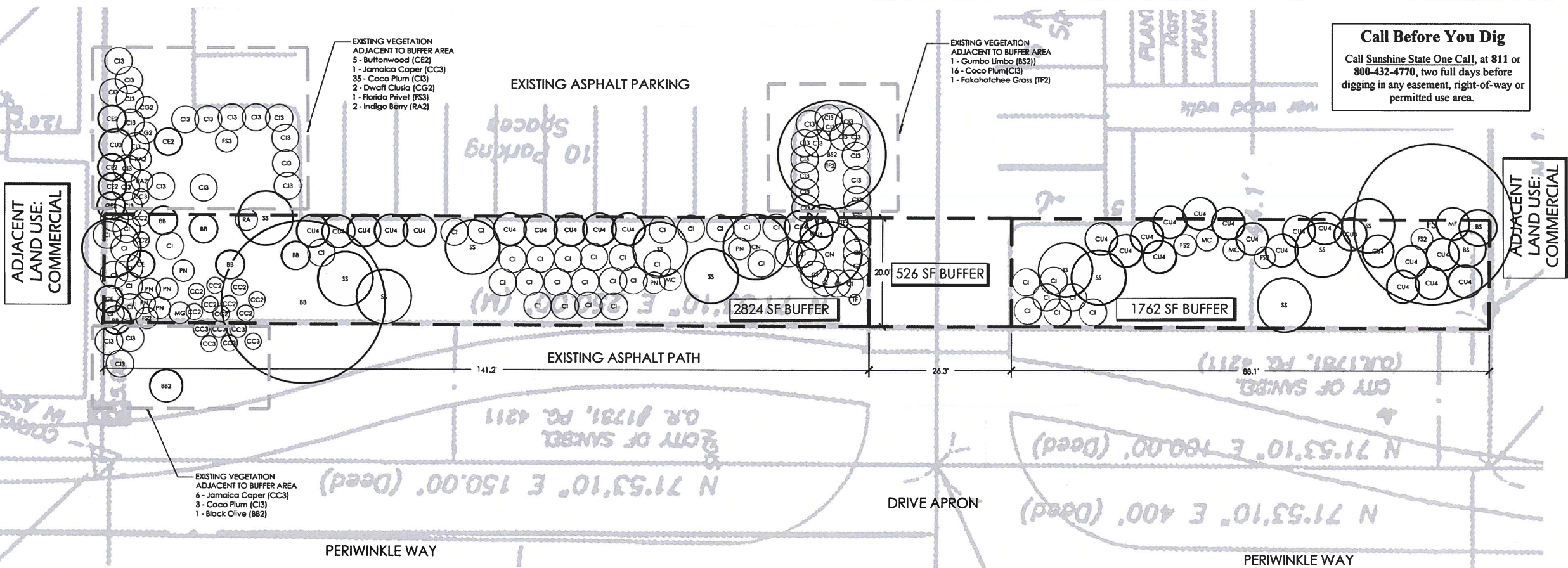
UNPLATTED	
SURVEY NOTES: 1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF. 2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. 3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED. 4. REPRODUCTIONS OF THIS DRAWING ARE VOID UNLESS SEALED WITH SIGNERS EMBOSSED SURVEYOR'S SEAL. 5. THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS. NATIONAL FLOOD INSURANCE INFORMATION: COMMUNITY NUMBER 120 402 FIRM NUMBER 0337 SUFFIX F EFFECTIVE DATE 8/26/2008 FIRM ZONE AE BASE FLOOD ELEVATION +9' (NAVD88) 6. BEARINGS ARE BASED ON THE EAST LINE OF ADJACENT PARCEL, AS MONUMENTED IN THE FIELD, BEING S 18°06'50" E. 7. DATE OF LAST FIELD WORK : 5/31/2016 8. THIS BOUNDARY SURVEY WAS COMPLETED WITHOUT BENEFIT OF AN UP TO DATE TITLE COMMITMENT. 9. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2016, ANDREW D. JOHNSON, PSM, ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ANDREW D. JOHNSON, PSM. 10. THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO THIRD OR OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.	ABBREVIATIONS: D = PER DEED P = PER PLAT M = AS MEASURED E/P = EDGE OF PAVEMENT A/C = AIR CONDITIONER CHW = OVERHEAD WIRES UE = UTILITY EASEMENT PUE = PUBLIC UTILITY EASEMENT DE = DRAINAGE EASEMENT R/W = RIGHT-OF-WAY C = CENTERLINE OR = OFFICIAL RECORDS BOOK PG = PAGE SYMBOL KEY: ● = MONUMENT AS NOTED ○ = CONCRETE MONUMENT △ = NAIL AND DISK ⊞ = WATER METER ⊞ = WATER VALVE ⊞ = FIRE HYDRANT ⊞ = CATCH BASIN ⊞ = CONCRETE POWER POLE ⊞ = WOOD POWER POLE ⊞ = GUY ANCHOR ⊞ = LAMP ⊞ = STORM SEWER MANHOLE ⊞ = SANITARY SEWER MANHOLE ⊞ = SEWER CLEAN OUT ⊞ = TELEPHONE PEDESTAL ⊞ = CABLE TELEVISION PEDESTAL ⊞ = 240 VOLT ELECTRIC SERVICE
REVISIONS Resurvey 9/19/08 Update 7/22/11 Update 8/15/11 Add Parking and Intersection Distance 6/1/16	Certified to: Periwinkle Partners LLC Phoenix Law PLLC Regions Bank Old Republic National Title Company JOB #99130 I hereby certify that this survey was made under my responsible charge and meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter SJ-17.051 of the Florida Administrative Code, pursuant to Section 472.0027 of the Florida Statutes. By: Andrew D. Johnson, PSM 6256 Not Valid Without Signature and Raised Seal Date Signed: 6/9/16



Attachment C
Application No. 21-12561WVR
UNLIMITED BIKING - COMMERCIAL WAIVERS
Reduced Size Survey

20-061 - CVD LANDSCAPE CONCEPT SHEET.GWG

12/16/2020 7:20:05



Call Before You Dig
Call Sunshine State One Call, at 811 or 800-432-4770, two full days before digging in any easement, right-of-way or permitted use area.

COASTAL VISTA DESIGN
2410 PALM RIDGE ROAD
SANIBEL ISLAND, FL 33957
TEL: 239-558-4610
INFO@COASTALVISTADESIGN.COM

2407 PERIWINKLE WAY

SANIBEL, FL

EXISTING VEGETATION IMPACT PLAN

Attachment D
Application No. 21-12561WVR
UNLIMITED BIKING - COMMERCIAL WAIVERS
Existing Vegetation Impact Plan

PERIWINKLE WAY BUFFER					
20 FT. WIDTH BUFFER X 255.6 LF = 5112 SF					
(5112 SF TOTAL BUFFER, 504 SF OF DRIVE AREA)					
(4586 SF OF RECOMMENDED BUFFER AREA)					
PER SEC. 122-72 & 122-73					
LARGE/MEDIUM TREE (1 : 75 SF)					
4586 SF ÷ 75 = 61 Large/Medium Tree required					
Category	Spacing	Required	Existing	Remaining	
Large / Medium Tree	1/75 SF	61	57	4	
SMALL TREE/ SHRUB (1 : 30 SF)					
4586 SF ÷ 30 = 152 Small Tree/shrub Required					
Category	Spacing	Required	Existing	Remaining	
Small Tree / Shrub	1/30 SF	152	79	73	
SMALL SHRUB/GROUND COVER (1 : 25 SF)					
4586 SF ÷ 25 = 183 Small Shrub/groundcover Required					
Category	Spacing	Required	Existing	Remaining	
Small Shrub/Groundcover	1/25 SF	183	2	181	

NOTE:
BUFFER LENGTH APPROXIMATE PER SURVEY PDF PROVIDED. CAD DWG FILE NOT PROVIDED BY CLIENT

INVASIVE EXOTIC REMOVAL:

- REMOVAL OF ALL INVASIVE EXOTICS AS PER STATE OF FLORIDA AND CITY OF SANIBEL VEGETATION CODE, SEC. 122-123 OF THE SANIBEL, FL CODE OF ORDINANCES.
- SITE IS REQUIRED TO BE FREE OF ALL INVASIVE EXOTICS FOR FINAL INSPECTION. SITE SHALL BE MAINTAINED FREE OF INVASIVE EXOTICS INDEFINITELY.
- FOR A COMPLETE LIST OF INVASIVE PLANT SPECIES, VISIT: FLEPPC. 2007. List of Florida's Invasive Plant Species. Florida Exotic Pest Plant Council. Internet: <http://www.fleppc.org/07list.htm> or Wildland Weeds Vol. 10(4), Fall 2007.
- INVASIVE EXOTICS INCLUDE ALL BRAZILIAN PEPPER (*Schinus terebinthifolius*), ALL MELALEUCA (*Melaleuca quinquenervia*), EARLEAF ACACIA (*Acacia auriculiformis*), LEAD TREE (*Leucaena leucocephala*), JAVA PLUM (*Syzygium cumini*), AIR POTATO (*Dioscorea bulbifera*), EXOTIC INKBERRY (*Scaevola frutescens*, *Scaevola sericea*) AND MOTHER-IN-LAW'S TONGUE/BOWSTRING HEMP (*Sansevieria hyacinthoides*)

IMPORTANT: CONTRACTOR

- LANDSCAPE CONTRACTOR RESPONSIBLE FOR CALLING SUNSHINE 811 NO CUTS 811 or (800) 432-4770 PRIOR TO BEGINNING WORK. ALL MARKINGS MUST BE COMPLETE AND VISIBLE ON GROUND PRIOR TO ANY EXCAVATION WORK.
- LANDSCAPE CONTRACTOR RESPONSIBLE FOR VERIFYING ALL QUANTITIES OF NATIVES TO BE PRESERVED ON SITE AND FOR VERIFYING THE QUANTITY AND EXTENT OF EXOTICS TO BE REMOVED FROM SITE PRIOR TO BIDDING ON OR BEGINNING SITE WORK.
- LANDSCAPE CONTRACTOR RESPONSIBLE FOR VERIFYING LOCATION OF EXISTING NATIVE/ PROTECTED SPECIES ON SITE AND TAKING NECESSARY MEASURES TO PROTECT OR RELOCATE AND PRESERVE EXISTING NATIVES.
- LANDSCAPE CONTRACTOR RESPONSIBLE FOR VERIFYING SCALE AND ACCURACY EXISTING VEGETATION PLANS AND FOR NOTIFYING GENERAL CONTRACTOR, OWNER OR OWNERS AGENT OF ANY CONFLICTS.
- ALL EXISTING NATIVE VEGETATION ON SITE IS TO REMAIN IN EXISTING LOCATION UNLESS OTHERWISE SPECIFIED ON PLANS.
- CONTRACTOR TO MITIGATE ANY NATIVE IMPACTS ON SITE NOT IDENTIFIED ON PLANS.

IMPORTANT: OVERHEAD POWERLINES

NEW INSTALLED VEGETATION SHALL BE INSTALLED PER CITY OF SANIBEL CODE SEC. 122-189. PLANTING LIMITATIONS UNDER OVERHEAD POWERLINES: TREES OR SHRUBS THAT EXCEED 20' IN HEIGHT AT MATURITY SHALL NOT BE PLANTED WITHIN TEN FEET EITHER SIDE OF THE VERTICAL PLANE OF THE CENTERLINE OF EXISTING OVERHEAD POWER LINES.

IMPORTANT: UNDERGROUND UTILITIES

ALL VEGETATION TO BE INSTALLED SHALL AVOID ALL EXISTING AND PROPOSED UTILITIES.

CONTRACTOR AND LANDSCAPE CONTRACTOR RESPONSIBLE FOR CALLING SUNSHINE 811 OR (800) 432-4770 PRIOR TO BEGINNING WORK. ALL UTILITIES INCLUDING DRAINAGE, CABLE AND SEWER SHALL BE LOCATED AND MARKED. ALL MARKINGS MUST BE COMPLETE AND VISIBLE ON GROUND PRIOR TO ANY EXCAVATION WORK.

PRESERVATION OF NATIVES ON SITE:

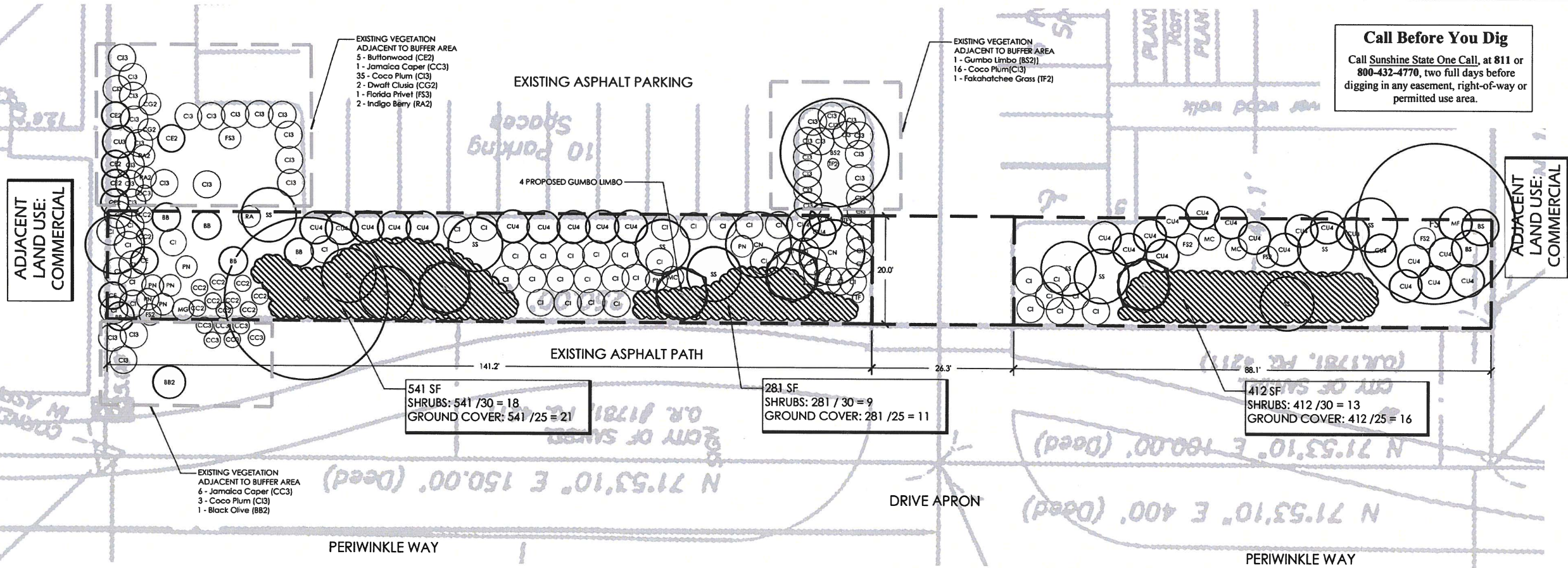
- ALL NATIVES TO REMAIN IN PLACE ON SITE SHALL BE PROTECTED BY SITE CONSTRUCTION ACTIVITIES BY ORANGE CONSTRUCTION FENCE.
- ANY NATIVES SHOWN TO REMAIN IN PLACE, BUT DETERMINED TO BE IMPACTED BY SITE CONSTRUCTION ACTIVITIES SHALL BE RELOCATED TO THE VEGETATION RECEPTOR AREA.
- A CITY OF SANIBEL VEGETATION PERMIT IS REQUIRED FOR RELOCATION AND REMOVAL OF ANY NATIVE VEGETATION ON SITE.
- A VEGETATION RECEPTOR AREA IS REQUIRED FOR RELOCATED NATIVE VEGETATION. THE RECEPTOR AREA MUST BE PROTECTED BY ORANGE CONSTRUCTION FENCE AND BY SILT FENCE. TEMPORARY IRRIGATION IN VEGETATION RECEPTOR AREA IS REQUIRED FOR A MINIMUM OF 60 DAYS FOR ESTABLISHMENT OF RELOCATED VEGETATION.
- ALL NATIVES TO BE RELOCATED ON SITE SHALL BE MARKED WITH COLORED ENGINEER TAPE TO BE DISTINGUISHED FROM OTHER NON-TRANSPLANTED VEGETATION. THE TAPE MUST REMAIN ON THE TRANSPLANTED VEGETATION UNTIL THE TREES ARE TRANSPLANTED TO FINAL SITE LOCATIONS AND INSPECTION IS COMPLETED BY STATE OF FL. DEP AND BY CITY OF SANIBEL PLANNING AND NATURAL RESOURCES DEPARTMENTS.

BUFFER EXISTING VEGETATION INVENTORY				
20' BUFFER AREA ONLY				
2407 Periwinkle Way, Sanibel, FL				
Symbol	Category: Large/Medium Trees		Native Y/N	Existing
NATIVE				
BS	Bursera simaruba	Gumbo Limbo	Y	3
CE	Conocarpus erectus	Buttonwood	Y	2
FS	Ficus aurea	Strangler Fig	Y	1
MF	Myrcianthes fragrans	Simpson's Stopper	Y	1
SS	Sabal palmetto	Cabbage Palmetto	Y	11
CU4	Coccoloba uvifera	Sea Grape	Y	31
NON-NATIVE, NON-INVASIVE				
BB	Bucida buceras	Black Olive Tree	N	6
CN	**Cocos nucifera	Coconut Palm	N	2
TOTAL TREES:				57
Symbol	Category: Small Trees / Shrubs		Native Y/N	Total
NATIVE				
MG	Myrsine guianensis	Myrsine	Y	1
CC2	Capparis cynophallophora	Jamaica Caper	Y	11
CI	Chrysobalanus icaco	Coco Plum	Y	52
FS2	Forestiera segregata	Florida Privet	Y	4
MC	Myrica cerifera	Wax Myrtle	Y	3
PN	Psychotria nervosa	Wild Coffee	Y	7
RA	Randia aculeata	Indigo Berry	Y	1
TOTAL SHRUBS:				79
Symbol	Category: Ground Covers / Grasses		Native Y/N	Total
NATIVE				
TF	Tripsacum dactyloides	Fakahatchee Grass	Y	2
TOTAL GROUND COVER / GRASSES:				2
NOTES:				
1. Care shall be taken to preserve all native vegetation on site. Any impacted natives shall be tagged and remain tagged until final inspection				
2. All invasive exotics shall be removed from site.				
3. **Coconut Palms are consider Neutral species as per City of Sanibel Vegetation Code.				

N
0' 5' 10' 20'
PLAN REVISIONS:
Primary Issue Date: 12/18/2020
Version Notes Date
xx Rev. per RAI 00/00/2020

RECEIVED
JAN 21 2021
PLANNING DEPT
CITY OF SANIBEL

LEIGH A. GEVELINGER, P.L.A.
FL LICENSE NO. LA 6667171
PROJECT #: 20-061
SHEET: L-1



Call Before You Dig
 Call Sunshine State One Call, at 811 or 800-432-4770, two full days before digging in any easement, right-of-way or permitted use area.

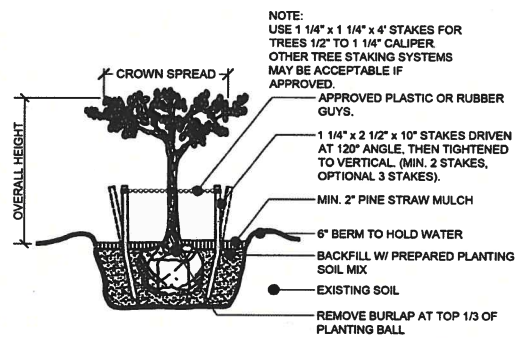
COASTAL VISTA DESIGN
 2410 PALM RIDGE ROAD
 SANIBEL ISLAND, FL 33957
 TEL: 239-558-4610
 INFO@COASTALVISTADesign.COM

2407 PERIWINKLE WAY

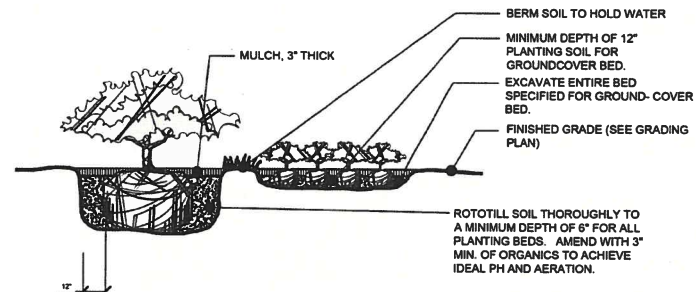
SANIBEL, FL

EXISTING PROPOSED LANDSCAPE PLAN

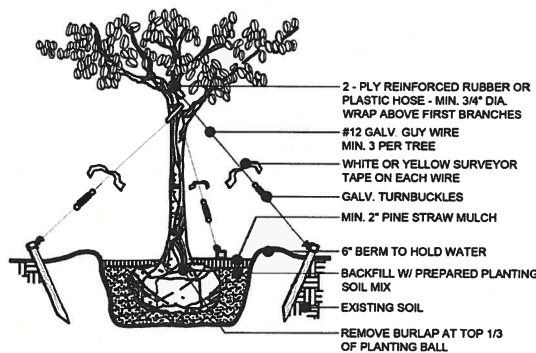
Attachment E
 Application No. 21-12561 WVR
 UNLIMITED BIKING - COMMERCIAL WAIVERS
Proposed Landscape Plan



A SMALL TREE PLANTING DETAIL
 N.T.S.



B SHRUB & GROUND COVER INSTALLATION
 N.T.S.



C LARGE TREE TYPICAL PLANTING DETAIL
 N.T.S.

NOTE:

BUFFER LENGTHS APPROXIMATE PER SURVEY PDF PROVIDED. CAD DWG FILE NOT PROVIDED BY CLIENT

IMPORTANT: OVERHEAD POWERLINES

NEW INSTALLED VEGETATION SHALL BE INSTALLED PER CITY OF SANIBEL CODE SEC 122-188 - PLANTING LIMITATIONS UNDER OVERHEAD POWERLINES. TREES OR SHRUBS THAT EXCEED 30' IN HEIGHT AT MATURITY SHALL NOT BE PLANTED WITHIN TEN FEET EITHER SIDE OF THE VERTICAL PLANE OF THE CENTERLINE OF EXISTING OVERHEAD POWER LINES.

IMPORTANT: UNDERGROUND UTILITIES

ALL VEGETATION TO BE INSTALLED SHALL AVOID ALL EXISTING AND PROPOSED UTILITIES.

CONTRACTOR AND LANDSCAPE CONTRACTOR RESPONSIBLE FOR CALLING SUNSHINE 811 OR (888) 432-4770 PRIOR TO BEGINNING WORK. ALL UTILITIES INCLUDING STORMWATER, CABLE AND SEWER SHALL BE LOCATED AND MARKED. ALL MARKINGS MUST BE COMPLETE AND VISIBLE ON GROUND PRIOR TO ANY EXCAVATION WORK.

BUFFER VEGETATION NOTES

IMPORTANT
 1. IMPROVEMENTS ON SITE DO NOT EXCEED MORE THAN 50% OR GREATER OF THE TOTAL PROPERTY VALUE. THEREFORE PROPERTY BUFFERS ARE NOT REQUIRED TO BE BROUGHT INTO FULL BUFFER COMPLIANCE WITH CITY BUFFER CODES.

2. PERIWINKLE WAY BUFFER, ALTHOUGH NOT REQUIRED, IS PROPOSED TO BE SIGNIFICANTLY ENHANCED AS TO ALIGN WITH THE CHARACTER OF PERIWINKLE WAY STREETSCAPE VEGETATION STANDARDS.

SEC. 122-72. LOCATION AND SIZE OF VEGETATION BUFFERS
 (1) A VEGETATION BUFFER AT LEAST 30 FEET IN WIDTH SHALL BE LOCATED ADJACENT TO THE RIGHT-OF-WAY OF WEST GULF DRIVE (A. RURAL COLLECTOR ROAD).
 (2) THE MINIMUM DEPTHS FOR VEGETATION BUFFERS REQUIRED BY SUBSECTION (1) OF THIS SECTION MAY BE INCREASED BY THE PLANNING COMMISSION WHEN NECESSARY TO ACCOMMODATE DRAINAGE EASEMENTS AND FACILITIES, OVERHEAD POWER LINES, AND OTHER NATURAL OR MAN-MADE FEATURES LOCATED ALONG THE BOUNDARIES OF THE PARCEL, IN QUESTION WHICH CONSTRAIN THE ESTABLISHMENT OF REQUIRED VEGETATION BUFFERS.
 (3) REQUIRED VEGETATION BUFFERS MUST BE ENTIRELY LOCATED BETWEEN THE PROPERTY LINES OF A LOT OR PARCEL, AND ALL STRUCTURAL DEVELOPMENT AND DRIVEWAYS AND PARKING AREAS LOCATED ON SUCH LOT OR PARCEL.

SEC. 122-73. TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED

(1) EACH REQUIRED VEGETATION BUFFER SHALL INCLUDE AT LEAST ONE (1) LARGE OR MEDIUM TREE FOR EACH 75 SQUARE FEET OF THE REQUIRED BUFFER AREA, WITH A MINIMUM OF SIX (6) DIFFERENT SPECIES OF NATIVE PLANTS INCLUDED.
 (2) EACH REQUIRED VEGETATION BUFFER SHALL INCLUDE AT LEAST ONE (1) SMALL TREE OR SHRUB FOR EACH 30 SQUARE FEET OF THE REQUIRED BUFFER AREA, (AT LEAST 25 PERCENT OF WHICH MUST BE SMALL TREES WITH A MINIMUM OF SIX (6) DIFFERENT SPECIES OF NATIVE PLANTS INCLUDED).
 (3) EACH REQUIRED VEGETATION BUFFER SHALL INCLUDE AT LEAST ONE (1) LOW GROWING (SMALL) SHRUB OR GROUND COVER PLANT FOR EACH 25 SQUARE FEET OF THE REQUIRED BUFFER AREA, WITH A MINIMUM OF THREE (3) DIFFERENT SPECIES OF NATIVE PLANTS INCLUDED. NO GRASSES OR VINES SHALL BE USED TO SATISFY THIS REQUIREMENT.
 (4) A MINIMUM OF 75% BY COUNT, OF THE IN-GROUND TREES AND SHRUBS REQUIRED BY EACH OF THE SUBSECTIONS (1) THROUGH (3) OF THIS SECTION SHALL BE NATIVE SPECIES. THE REMAINDER MAY BE EITHER NATIVE OR NON-COMPETING EXOTIC SPECIES. THE CATEGORY FOR NATIVE SPECIES AS LARGE OR MEDIUM TREES, SMALL TREES OR SHRUBS, OR LOW GROWING (SMALL) SHRUBS OR GROUND COVER PLANTS, IS SPECIFIED ON THE CITY'S PORTFOLIO OF AVAILABLE NATIVE PLANTS LIST. EXISTING PRESERVED PLANTS SHALL BE COUNTED TOWARD MEETING THE REQUIREMENTS OF THIS DIVISION.

SEC. 122-74. INSTALLATION STANDARDS.

PLANT MATERIAL USED TO MEET THE REQUIREMENT OF THIS DIVISION MUST MEET THE STANDARDS FOR FLORIDA, NO. 1 OR BETTER, AS SET OUT IN GRADES AND STANDARDS FOR NURSERY PLANTS, PART 14.14 DEPARTMENT OF AGRICULTURE, STATE OF FLORIDA. ROOTBALL SIZES ON ALL TRANSPLANTED PLANT MATERIALS MUST ALSO MEET THE STANDARDS.

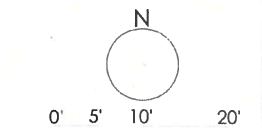
ALL VEGETATION SHALL BE INSTALLED IN A SOUND WORKMAN LIKE MANNER AND ACCORDING TO GOOD PLANTING PROCEDURES WITH THE QUALITY OF PLANT MATERIALS AS DESCRIBED IN THE CODE.

SEC. 126-653. ENVIRONMENTAL PERFORMANCE STANDARDS

(a) THE USE OF ST. AUGUSTINE BAHIA, BERMUDA, SEASHORE PASPALUM, OR ZOYSIA SOO OR GRASSES WILL BE LIMITED TO NO MORE THAN TWENTY (20) PERCENT OF THE LAND AREA OF THE PARCEL OF FOUR THOUSAND (4,000) SQUARE FEET PER DWELLING UNIT, WHICHEVER IS LESS. SOO GRASSES SHALL BE USED TO STABILIZE ON-SITE WASTEWATER DISPOSAL SYSTEMS AND BERMUDA GRASSES NECESSARY FOR INSTALLATION OF APPROVED DRAINAGE PLANS ARE NOT INCLUDED IN THIS LIMITATION.

PROPOSED BUFFER VEGETATION PLAN						
2407 Periwinkle Way, Sanibel, FL						
Category: Large/Medium Trees	Specification / Description	Native Y/N	Existing	Required	Proposed	Total Improved
NATIVE	Bursera simaruba	Y	3		4	7
	Conocarpus erectus	Y	2			2
	Ficus aurea	Y	1			1
	Myrsine fragrans	Y	1			1
	Sabal palmetto	Y	11			11
	Coccoloba uvifera	Y	31			31
TOTAL					4	53
NON-NATIVE, NON-INVASIVE						
Bucida buxaria					6	6
Cocos nucifera					2	2
TOTAL					8	8
Total = Large/Medium Tree					100%	59
Native					89.83%	53
Non-native					10.17%	6
Category: Small Tree/Large Shrub	Specification/Description	Native Y/N	Existing	Required	Proposed	Total Improved
NATIVE	Myrsine guianensis	Y	1		13	14
	Capparis cynophallophora	Y	11		14	24
	Corymbasium leuco	Y	52		14	66
	Forsteria segregata	Y	4		13	17
	Wyclia caribaea	Y	3			3
	Psychotria nervosa	Y	7			7
NON-NATIVE, NON-INVASIVE	Indigo Berry	Y	1			1
	Randia aculeata	Y				
TOTAL					40	119
NON-NATIVE, NON-INVASIVE						
TOTAL					0	0
Total = Small Tree/ Large Shrub					100%	119
Native					100.00%	119
Non-native					0.00%	0
Small Shrubs/ Groundcovers/ Grasses / Vines	Specification/Description	Native Y/N	Existing	Required	Proposed	Total Improved
NATIVE	Stipagrostis dichachne	Y	2		14	16
	Hymenocallis latifolia	Y			16	16
	St. virginica	Y			16	16
	Blue Flag Iris	Y				
TOTAL					46	46
NON-NATIVE, NON-INVASIVE						
TOTAL					0	0
Total = Small Shrub/ Groundcovers/Grasses					100%	46
Native					100.00%	46
Non-native					0.00%	0

NOTES:
 1. 75% Native Vegetation or greater shall be met in all three (3) Vegetation Categories on site Large-Medium Tree / Small Tree-Large Shrub / Small Shrub/ Groundcovers/Grasses.
 2. Care shall be taken to preserve all native vegetation on site. Any impacted natives shall be tagged and remain tagged until final inspection.
 3. All invasive exotics shall be removed from site, 200' of Scaevola to be removed.
 4. Coccoloba Palm on site are considered native.
 5. Contractor to stabilize all disturbed areas on site with landscape plantings and mulch or sod.
 6. Existing mangroves and buttonwoods to remain. Undisturbed vegetation not included in Sanibel Vegetation Plant Counts.



PLAN REVISIONS:
 Primary Issue Date: 12/18/2020
 Version: 00
 Notes: Rev. per RAI
 Date: 00/00/2020

LEIGH A. GEVELINGER, P.L.A.
 FL LICENSE NO. LA 6667171

PROJECT #: 20-061

SHEET: L-2

**City of Sanibel
Natural Resources
Department**

Attachment F

Application No. 21-12561 WVR
UNLIMITED BIKING – COMMERCIAL WAIVERS
Natural Resources Memorandum

Memorandum

To: Craig Chandler and Joshua Ooyman, City Planners
From: Joel Caouette, Environmental Biologist
Subject: Waiver Request for Commercial Vegetation Buffer Standards (Section 122-48; 122-49) for 2407 Periwinkle Sanibel, LLC Located at 2407 Periwinkle Way
Date: January 28, 2021

The Natural Resources Department (NRD) has reviewed the waiver request to the commercial vegetation buffer standards for the property at 2407 Periwinkle Way. Additionally, staff has reviewed the existing vegetation plan, and the proposed plan for improvements to the vegetation buffer along Periwinkle Way (Front) provided by Coastal Vista Design (dated 12/18/20) and has inspected the current condition of the existing vegetation buffers. The applicant is seeking a waiver from the City's commercial buffer standards (Sec. 122-48-49) and provided the following rationale:

"This parcel is an existing retail center. The parcel has two existing structures, one of which is located closer to Periwinkle Way than presently permitted. These waivers are being required due to a requested conditional use for bicycle rentals that will take place entirely within the existing buildings.

The Land Development Code specifies that the buffers must be at least 20' in depth along Periwinkle Way on the North. The rear property line on the South abuts an existing City Preserve area and additional buffering would serve no purpose. On the adjacent property to the West there is another building within about 12' of the Islander Center building. There is no room for additional landscape buffer above what is already existing. On the East an adjacent lot has a building that runs parallel with the end of the Islander Center parking lot. There is insufficient room for any additional buffer. On the North/Periwinkle front of the property the proposed landscaping is to be located just inside the bike path, but outside the parking area. This plan changes the nonconforming buffer into a more conforming buffer consistent with the principle in §126-172(a) (2) which allows changes to nonconforming structures where the nonconforming areas are not increased."

Generally, NRD finds that that due to existing vegetation and existing site conditions there is insufficient area for the applicant to fully comply with the commercial buffer standards for the side and rear buffers and does not oppose the waiver request for these vegetation buffers. However, full compliance with the

commercial buffers standards for the front buffer can be achieved and should be required. Specific findings and recommendations for each required vegetation buffer are as follows:

North (Front) Buffer: The north (front) buffer area (minus the existing driveway) totals 4,586 square feet. Per the commercial buffer standards (Section 122-49) the front buffer is required to have 61 trees, 152 shrubs, and 183 groundcovers with six (6) different tree species, five (5) different shrub species and three (3) different groundcover species. Currently, there are 32 trees, 104 shrubs, and two (2) ground covers with eight (8), eight (8) and one (1) species in each respective category. The existing front buffer complies with the size and location of the required buffer (Section 122-48) but does not comply with the types, varieties, and numbers of plants required (Section 122-49). While the plan submitted by Coastal Vista Design dated 12/18/20 increases compliance of the existing buffer, it fails to bring the front buffer into full compliance falling short by 25 trees, eight (8) shrubs, and 135 groundcovers. NRD finds that there is sufficient area to fully comply with the types, varieties, and numbers of plants required (Section 122-49) and **recommends that a revised vegetation plan be submitted that demonstrates full compliance with the front commercial buffer standards.**

East (Side) Buffer: The east (side) buffer area is currently vegetated with 22 trees and 50 shrubs with the existing parking lot and building located approximately 15ft from the property line. The existing east (side) buffer does not comply with the size and location of the required buffer (Section 122-48) nor does it comply with the types, varieties, and numbers of plants required (Section 122-49). While NRD finds that there is insufficient room for the property to fully comply with the City's buffer standards, areas where the buffer can be improved have been identified. The existing vegetation inventory (dated 1/20/21) identifies several invasive exotic plants in the east buffer including four (4) seaside mahoe (*Thespesia populnea*), three (3) Chinese fan palms (*Livistona chinensis*), one (1) Senegal date palm (*Phoenix reclinata*), and one (1) umbrella tree (*Schefflera actinophylla*). The above-mentioned plants are identified by the Florida Exotic Pest Plant Council (FLEPPC) as category I & II invasive plants and are prohibited from being planted on Sanibel. **NRD recommends that all existing FLEPPC category I & II invasive plants be removed from the buffer and the open space created by the removal of this vegetation be revegetated with native trees, shrubs, and groundcovers in accordance with Section 122-49-50. The revegetation plan shall be approved by NRD prior to installation.**

West (Side) Buffer: The west (side) buffer area is currently vegetated by two (2) trees and the building on the west side of the property is located approx. 7ft from the property line. The existing west (side) buffer does not comply with the size and location of the required buffer (Section 122-48) nor does it comply with the types, varieties, and numbers of plants required (Section 122-49). While NRD finds that there is insufficient room for the property to fully comply with the City's buffer standards, areas where the buffer can be improved have been identified. One (1) Chinese fan palm was identified on the west buffer and is a FLEPPC listed plant. **NRD recommends that all existing FLEPPC category I & II invasive plants be removed from the buffer and the open space created by the removal of this vegetation be revegetated with native trees, shrubs, and groundcovers in accordance with Section 122-49-50. The revegetation plan shall be approved by NRD prior to installation.**

South (Rear) Buffer: The south (rear) buffer is currently vegetated by 45 trees, 45 shrubs, and three (3) groundcovers; the parking area, sanitary station, and shell patio all encroach into the 15ft buffer. The existing south (rear) buffer does not comply with the size and location of the required buffer (Section 122-48) nor does it comply with the types, varieties, and numbers of plants required (Section 122-49). While NRD finds that there is insufficient room for the property to fully comply with the City's buffer standards, areas where the buffer can be improved have been identified. Two (2) laurel fig (*Ficus microcarpa*) and one (1) Chinese fan palm were identified on the south buffer and both are FLEPPC listed plants. **NRD recommends that all existing FLEPPC category I & II invasive plants be removed from the buffer and the open space created by the removal of this vegetation be revegetated with native trees,**

shrubs, and groundcovers in accordance with Section 122-49-50. The revegetation plan shall be approved by NRD prior to installation.

Joshua G. Ooyman

From: Leigh Gevelinger <leigh@coastalvistadesign.com>
Sent: Wednesday, January 20, 2021 8:45 AM
To: Joel P. Caouette
Cc: Steve Hartsell
Subject: 2407 Periwinkle Way - Landscape Buffer Counts

Good morning Joel,

See below for the East, South (Rear) and West buffer existing vegetation inventory. There didn't appear to be any invasive exotics that would be required to be removed per the City of Sanibel Invasive Exotic Removal List. Native vegetation is green. Other vegetation (not highlighted) is non-native, non-invasive.

2407 Periwinkle Way – Side and Rear Buffer counts:

WEST SIDE BUFFER EXISTING VEGETATION

- 3 Sea Grape (*Coccoloba uvifera*)
- 3 Strangler Fig (*Ficus aurea*)
- 3 Southern Live Oak (*Quercus virginiana*)
- 3 Cabbage Palmetto (*Sabal palmetto*)
- 1 Black Olive Tree (*Bucida buceras*)
- 4 Mahoe (*Hibiscus tiliaceus*)
- 3 Chinese Fan Palm (*Livistona chinensis*)
- 1 Reclinata Date Palm (*Phoenix reclinata*)
- 1 Umbrella tree (*Schefflera actinophylla*)
- 3 Coco Plum (*Chrysobalanus icaco*)
- 2 Florida Privet (*Forestiera segregata*)
- 28 Wild Coffee (*Psychotria nervosa*)
- 14 Dwarf Clusia (*Clusia guttifera*)
- 11 Red Ixora (*Ixora coccinea*)

BACK (NORTH) SIDE BUFFER EXISTING VEGETATION

- 2 Gumbo Limbo (*Bursera simaruba*)
- 1 Bahama Cassia (*Cassia bahamensis*)
- 3 Sea Grape (*Coccoloba uvifera*)
- 32 Cabbage Palmetto (*Sabal palmetto*)
- 2 Mahogany (*Swietenia mahagoni*)
- 1 Norfolk Island Pine (*Araucaria heterophylla*)
- 1 Black Olive Tree (*Bucida buceras*)
- 2 Cuban Laurel (*Ficus microcarpa nitida*)
- 1 Chinese Fan Palm (*Livistona chinensis*)
- 1 Pigmy Date Palm (*Phoenix roebelenii*)
- 3 Leather Fern (*Acrostichum danaeifolium*)
- 14 Coco Plum (*Chrysobalanus icaco*)
- 2 Florida Privet (*Forestiera segregata*)
- 2 Myrsine (*Myrsine guianensis*)
- 3 Wild Coffee (*Psychotria nervosa*)
- 15 Dwarf Clusia (*Clusia guttifera*)
- 8 Red Ixora (*Ixora coccinea*)

WEST SIDE BUFFER EXISTING VEGETATION

- 1 Mahogany (*Swietenia mahagoni*)
- 1 Chinese Fan Palm (*Livistona chinensis*)

Contact me with any questions.

Best,
Leigh

Leigh Gevelinger
ASLA Florida, LEED-AP
Professional Landscape Architect



COASTAL VISTA
— D E S I G N —

2410 Palm Ridge Road
Sanibel Island, FL 33957
Office: 239-558-4610

Leigh@CoastalVistaDesign.com
www.CoastalVistaDesign.com

[Instagram](#) [Facebook](#)