



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft Planning Commission

*The times are estimated, but public hearings will not commence prior to
the time stated*

Tuesday, April 13, 2021

9:00 AM

City Hall

1. Call To Order

The meeting convened at 9:01 a.m.

2. Pledge of Allegiance

Chair Grogman led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Vice Chair Roger Grogman, Commissioner Eric Pfeifer, Commissioner Karen Storjohann,
Commissioner Paul Nichols, Commissioner Ty Symroski, and Commissioner Laura DeBruce
Absent: 1 - Commissioner Matthew Kirchner

a. Motion to Excuse Any Absent Member

Chair Grogman moved, seconded by Commissioner Storjohann to excuse absent Commissioner Kirchner. The motion carried.

Excused: 1 - Commissioner Kirchner

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. City Council Liaison Report

Mayor Smith gave a brief report regarding the March and April meetings:

March 16:

- Swearing in of new Councilmembers - Dr. Scott Crater, John Henshaw, and Mike Miller
- Election of Mayor - Holly D. Smith
- Election of Vice Mayor - Richard Johnson

April 4:

- Presentation by LCEC regarding process for reliability in service
- Adoption of Ordinance 21-002 to update beach parking map
- Covid Update - as of April 5, Florida Department of Health reported approximately 88% of Sanibel's eligible population had had at least one dose of the vaccination

- and 94% of Sanibel's 65 and over populations had received at least one dose
- FISH administered 300 additional doses of vaccine on island
- Mask mandate discussion continued, still in effect
- City will not be moving forward with Fireworks display for 2021
- Discussion regarding steps for a full reopening of the Recreation Center in the fall
- Approval of hiring an Aquatics Manager - still looking for a qualified candidate
- Water quality report by Director Milbrandt
- Letters sent to the Army Corps of Engineers relating to the Lake Okeechobee System Operating Manual (LOSOM)
- Resiliency being discussed in Senate and House
- Approved supporting a grant funded undergraduate project to understand climate affects on geology on Sanibel
- Approved partnering with SCCF and Captiva Community Panel on a grant application relating to Sanibel and Captiva sea level rise
- Potential Captiva connection to Sanibel Sewer system
- Legislative update provided by Paige LeBoutillier
- Liaison appointments - Mayor Smith liaison to Commission
- Looking at options moving forward with the Police Department renovations and Center4Life relocation to 2475 Library Way
- Discussion regarding safety at Sanibel Captiva Road and Rabbit Road intersection - installing center of the road warning paddles as well as Shared Use Path stop signs

6. Consent Agenda

a. Approval of the February 23, 2021 Minutes

Commissioner Storjohann moved, seconded by Commissioner DeBruce to adopt the February 23, 2021 Minutes. The motion carried 6-0 with Commissioner Kirchner excused.

Excused: 1 - Commissioner Kirchner

b. Approval of the March 9, 2021 Minutes

Commissioner Nichols moved, seconded by Commissioner DeBruce to adopt the March 9, 2021 Minutes. The motion carried 6-0 with Commissioner Kirchner excused.

Excused: 1 - Commissioner Kirchner

7. Public Hearing

a. Consideration of proposed amendment to Land Development Code Section 78-1 - Rules of construction and definitions

Craig Chandler, Acting Planning Supervisor, gave a brief status update regarding the memorandum. On March 9, 2021, staff provided analysis and recommendation to amend Land Development Code Section 78-1 - Rules of Construction and Definitions for the term retail store. The Land Development Code Review

Subcommittee directed staff to return to the Planning Commission with a draft ordinance for review and recommendation for City Council approval of the draft ordinance. The review of formula retail was initiated by City Council following discussion that occurred during the review of a conditional use application being heard by the Planning Commission. Staff identified through that process the potential for misinterpretation of the definition of formula retail store.

In an effort to remove the opportunity for misinterpretation staff came forward with recommendations to provide clear interpretation of Formula Retail store, consistent with the intent of the regulation as a means of tracking the cumulative share of retail stores with at least three locations and achieving balance of such uses relative to the overall commercial land use inventory.

There were no public comments from the audience.

Commissioner DeBruce spoke to also including Section 126-102 Formula Retail Stores, stating updating this provision along with the definition change ensures protecting formula retail. At the moment, there are five standards to be considered when approving formula retail. She proposed reviewing all ten considerations listed in Section 126-102 when approving formula retail applications. She further spoke to requesting Council direct Commission to review for updates.

Commissioner DeBruce provided copies of the code section being discussed to the Commission and for inclusion in the record. Mr. Chandler spoke to this being Land Development Code Section 126-102, specifically conditions 6-10. Discussion ensued regarding the proposal not being included in the packet and requesting Council increase the 60,000 square foot limit and that Planning Commission consider the 10 conditions in section 126-102 when formula retail is being considered, even before considering the 60,000 square foot cap and this would modify the criteria used to evaluate an application.

Director Williams spoke to formula retail being a conditional use and that Council had set a 60,000 square foot threshold for formula retail on the island. Clarifying that the current request is that conditions 1-4 are considered for all formula retail applications, condition 5 introduces the threshold and triggers the review of items 6-10.

Discussion ensued regarding the cap originally being 50,000 square-foot which was set in 2006. In 2017 the first application was received that triggered that cap and additional review. At that time Council increased the cap to 60,000. The original 50,000 was the benchmark as rounded up from existing formula retail on the island at that time. Staff has not had the opportunity to discuss the proposal at the time. Determining if the use creates an imbalance will be considered when the commercial sector goes beyond the cap. Discussion ensued regarding only the

commercial retail portion of gas stations being included in the retail inventory.

Attorney Agnew spoke to the purpose of the hearing to review and recommend changes to Section 78-1. Recommendations could include a request that City Council consider the additional review of Section 126-102. The thought behind the cap is that the inventory is presumptively balanced at that level. Discussion ensued regarding the intent for the stricken language, as well as an example of a situation that would trigger a review.

Further discussion ensued regarding focusing on Section 78-1 as assigned, with the request to consider Section 126-102 at a future meeting. Director Williams spoke to there being a 2,000 square-foot limit per facility eliminating the possibility of a large chain coming to the island.

Discussion continued focusing on what was noticed as before the Commission.

Public Comments:

- Kate Sergeant - business owner - "On Island" spoke to making restrictions on retail chains stronger, competition for small local businesses is immense compared to large retail organizations, success of local businesses depends on success of Sanibel, very difficult to own a business on Sanibel due to season, high rent, natural disasters, adding a large chain would be harmful to the small local businesses.
- Claudia Burns - Sanibel resident - spoke to being able to outlaw formula restaurants but not formula retail.
- Josh Stewart - family owns Adventures in Paradise Outfitters - surprised to hear that it was easier than thought to open retail chains due to a loophole and requested to strengthen the restrictions.

Commissioner Storjohann moved, seconded by Vice Chair Pfeifer, to recommend to City Council approval of the draft ordinance, to close the public hearing, and authorize the Chair to execute the resolution without bringing it back to the Planning Commission for further consideration. The motion carried 6-0 with Commissioner Kirchner excused.

Excused: 1 - Commissioner Kirchner

Attorney Agnew explained the proper procedure being to request direction from City Council for direction to review for possible amendment.

Discussion ensued regarding ensuring the Commission was interested in moving forward with the request.

Public Comment:

- Claudia Burns - strongly encouraged the Commission to move forward with the request to forward to Council.

Commissioner DeBruce moved, seconded by Commissioner Symroski to formally request City

Council consider review and amend Section 126-102 Formula Retail Stores. The motion carried 6-0 with Commissioner Kirchner excused.

Excused: 1 - Commissioner Kirchner

8. Report from Director of Community Services

a. Upcoming meeting dates:

Planning Commission - Tuesday, April 27, 2021

ii. Land Development Code Review Subcommittee - Tuesday, April 13, 2021

iii. Report to City Council - Tuesday, May 4, 2021 - Commissioner DeBruce

Director Williams noted the upcoming meeting schedule was attached to the agenda, the Land Development Code Review Subcommittee scheduled immediately following the Planning Commission meeting, and that staff was working to recommend dates to schedule additional subcommittee meetings.

9. Report from Commission Members

Commissioner Symroski stated he would not be available to provide the liaison report to City Council on July 20.

10. Report from Commission Chair

No further report.

11. Public Comment

There were no public comments from the audience.

12. Adjournment

Commissioner Storjohann moved, seconded by Commissioner Nichols to adjourn the meeting. The motion carried 6-0 with Commissioner Kirchner excused.

Excused: 1 - Commissioner Kirchner

There being no further business the meeting adjourned at 9:59 a.m.