



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final Planning Commission

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

Tuesday, February 27, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call To Order

The meeting convened at 9:07 a.m. due to technical difficulties.

2. Pledge of Allegiance (Commissioner Welch)

Commissioner Welch led the Pledge of Allegiance.

3. Roll Call

Present: 7 - Chairperson Roger Grogman, Vice Chair Eric Pfeifer, Commissioner Ken Colter, Commissioner Laura DeBruce, Commissioner Paul Nichols, Commissioner Erika Steiner, and Commissioner Lyman Welch

Discussion ensued regarding amending the agenda due to the hard stop of 12 p.m.

Commissioner DeBruce moved, seconded by Vice Chair Pfeifer, to move Items 4 and 5 to be addressed after Item 11. The motion carried.

6. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

7. City Council Liaison Report

Vice Mayor Mike Miller noted there had been no Council meetings since the last report and spoke to current bills being watched in the Legislative Session.

8. Consent Agenda

a. Adoption of Minutes: February 13, 2024

Discussion ensued regarding correcting a scrivener's error in the roll call which listed Commissioner Steiner as Chairperson.

Commissioner Welch moved, seconded by Commissioner DeBruce, to adopt the February 13, 2024 minutes with the scrivener's error corrected. The motion carried.

b. Approval of the Liaison to City Council Report Schedule

Discussion ensued regarding the times of the March and April meetings being reversed and will be corrected on the approved copy. Further discussion ensued

regarding the option to work with the City Clerks Office to trade dates if needed after approval of the schedule.

Vice Chair Pfeifer moved, seconded by Commissioner DeBruce, to approve the Liaison to City Council Report Schedule with the March and April meeting times corrected. The motion carried.

9. 9:05 - Public Hearings:

- a. Consideration of applications filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V - Conditional Uses, Section 82-204 - Application and hearing and Chapter 126, Article IV - Conditional Uses, Section 126-82 - General Requirements; and Chapter 82, Article IV, Subdivision III - Long-Form, Section 82-421 - Application, to allow Institutional Uses on approximately 5 acres of an approximately 11-acre parcel located at 1905 Periwinkle Way - tax parcel (STRAP) no. 25-46-22-T2-00017.0010. The application is submitted by the Sanibel Captiva Conservation Foundation, property owners. **Application Nos. CUP-2023-000202 and DP-2024-015058.**

Planning Director Paula McMichael read into record the description of Applications CUP-2023-000202 and DP-2024-015058.

City Clerk Kelly polled the Commission for site visits, ex-parte communications and conflict:

- Chair Grogman	Site Visit	No Ex-parte	No Conflict
- Vice Chair Pfeifer	Site Visit	No Ex-parte	No Conflict
- Commissioner Colter	Site Visit	No Ex-parte	No Conflict
- Commissioner DeBruce	Site Visit	No Ex-parte	No Conflict
- Commissioner Nichols	Site Visit	No Ex-parte	No Conflict
- Commissioner Steiner	Site Visit	No Ex-parte	No Conflict
- Commissioner Welch	Site Visit	No Ex-parte	No Conflict

Discussion ensued regarding Commissioner Welch and Commissioner DeBruce being members of the Sanibel Captiva Conservation Foundation (SCCF). Attorney Agnew confirmed that there was not a financial conflict or bias for either Commissioner.

Clerk Kelly swore in the following:

- Kim Ruiz - City of Sanibel, Principal Planner
- Paula McMichael - City of Sanibel, Planning Director
- James Evans - SCCF CEO - Applicant
- Jenny Evans - SCCF Adult Education Director - Applicant
- Sue Sterrett - Public

Principal Planner Kim Ruiz summarized the staff report included in the agenda packet and provided a brief PowerPoint presentation. Ms. Ruiz advised one public comment in support of the project was received.

Ms. McMichael noted suggested revisions to Condition 1 as: adding “observation platforms” and in (j) “other normal or incidental onsite activities or events, consistent and associated with the foundations mission statement, and consistent with the preserve nature of the site”.

James Evans, SCCF CEO, thanked the Commissioners for considering the application, advised the height of the platform would only be 3-4 feet above grade, stated no trash cans were planned to be provided, and noted acceptance of the conditions including the revisions to Condition 1.

Discussion ensued regarding trash receptacles and the “Leave no Trace” policy, no lighted signs, portions of the preserve being for wildlife only, and dogs being allowed at the park and the desire for a dog water fountain. Further discussion ensued regarding the increased buffer zones being to accommodate utilities and wildlife, and if bikes are allowed in the preserve area, noting the proposed bike racks being sufficient. Discussion turned to the types of sculptures that will be installed to blend in with the aesthetic of the preserve and the platform being for viewing the birds and wildlife.

Discussion continued regarding the site having been a debris site following Hurricane Ian and the site being restored as a preserve and will not be a debris site in the future. Commission inquired as to capping the height of the platform at 6 feet, to which Mr. Evans concurred. Attorney Agnew spoke to Condition 5 providing latitude up to 10-feet for the platform.

Clerk Kelly swore in Mitch Koppelman, Sanibel Resident, who spoke to signage acknowledging no motorized vehicles in the preserves. Mr. Evans responded that signage and chains will be installed to limit access where needed.

Public Comment:

- Sue Sterrett - noted support of the project, inquired if there were any lights planned, inquired about the height of the platform, and if the soil had been tested. Mr. Evans spoke to the preserve being open from sunrise to sunset with no lighting being planned, the observation platform being a maximum of 5-feet high, and the mulch layer on the property following the debris piles was removed down to grade.

Ms. Ruiz read into record the seven conditions as proposed in the staff report.

Discussion ensued regarding adding "non-motorized" to condition 1, making it "non-motorized, except Class 1 e-bikes". Attorney Agnew noted revisions could be made and would need to be approved by motion and vote. Discussion continued regarding Condition 1(j) as stated by Ms. McMichael and addition of (l). Mr. Agnew noted the clarification of allowed and not-allowed e-bikes. Commission inquired as to

updating Condition 5 limiting the observation platform to be no higher than 6 feet above grade and including a pet water fountain. Mr. Evans concurred with the revisions.

Attorney Agnew spoke to Code Section 66-165 being the reference for Class 1 e-bikes.

Clerk Kelly swore in Nicholas DeRosa, Sanibel Resident, who inquired if a pedestrian only restriction could be issued. Mr. Evans stated SCCF would be in support of that condition.

Clerk Kelly swore in Susan Greenburg, Sanibel Resident, who spoke to the need for electric wheelchair access. Mr. Evans spoke to working to make the area ADA compliant.

Discussion ensued regarding not allowing bikes in the preserve and that bike racks will be available near the shared use path access, allowing for a rest area.

Discussion returned to wordsmithing the language for Condition 1(a). Mr. Agnew noted there is no need for explicit language for ADA compliance and noted sample language that could be included if desired. Ms. McMichael spoke to the language being proposed to emphasize that there is no vehicle access to the site.

Commissioner Welch moved, seconded by Commissioner Pfeifer, to approve Resolution 24-03, approving Applications CUP-2023-000202 and DP-2024-015058, with the seven conditions listed in the staff report, including revisions to condition 1 as stated by Director McMichael, with the additional statement in 1a "pedestrians only on shell path or in gardens", Condition 5 being no higher than 5 feet above grade, to close the public hearing in this matter and authorize the chair to execute the resolution without bringing back for further consideration. The motion carried unanimously.

- b.** Consideration of an application filed pursuant to Land Development Code Chapter 98 - Historic Preservation, Article III - Administration, Division 2 - Certificate of Appropriateness, Subdivision II - Alterations or Repairs, for the Planning Commission to determine whether the proposed alterations and repairs to the exterior of the historic Sanibel Colored School located at 520 Tarpon Bay Road - tax parcel (STRAP) no. 26-46-22-T4-00019.0000. are consistent with the historic character of the building. The application is submitted by Benchmark General Contractors on behalf of the owner, 520 Tarpon LLC. **Application No. CA-2024-000211.**

Planning Director Paula McMichael read into record the description of Applications CA-2024-000211.

City Clerk Kelly polled the Commission for site visits, ex-parte communications and conflict:

- Chair Grogman	Site Visit	No Ex-parte	No Conflict
- Vice Chair Pfeifer	Site Visit	No Ex-parte	No Conflict

- Commissioner Colter	Site Visit	No Ex-parte	No Conflict
- Commissioner DeBruce	Site Visit	No Ex-parte	No Conflict
- Commissioner Nichols	Site Visit	No Ex-parte	No Conflict
- Commissioner Steiner	Site Visit	No Ex-parte	No Conflict
- Commissioner Welch	No Site Visit	No Ex-parte	No Conflict

Clerk Kelly swore in the following:

- Kim Ruiz - City of Sanibel, Principal Planner
- Dane Johnson - Benchmark General Contractors
- Brandy Schulte - Benchmark General Contractors
- Samantha Coghlan - Owner
- Eric Coghlan - Owner
- Callie Johnson - on behalf of adjacent property owner

Principal Planner Kim Ruiz summarized the staff report included in the agenda packet and provided a brief PowerPoint presentation. Ms. Ruiz read into record the seven proposed conditions listed in the staff report, noting Commission should determine the type of roof to be authorized.

Ms. Schulte noted there were no further statements from the applicants.

Discussion ensued regarding use of the standing seam roof and inquired if the standing seam roof meets building requirements, as well as what underlayment would be used. Ms. Schulte responded that building codes would be met while maintaining as much historical character as possible. Ms. Schulte concurred with the seven conditions as proposed.

Commission inquired as to why the item was before the Commission. Mr. Agnew noted the Historical Preservation Committee makes recommendations while Planning Commission has approval powers. Further discussion ensued regarding the Historical Committee being undecided between the roof styles. Discussion ensued regarding the preference of the standing seam roof and the style being more resilient.

Discussion ensued regarding vents being removed. Ms. Ruiz noted the vents were air vents for the elevator foundation, not flood proofing vents as required in storage areas or garages. Commission spoke to the unfortunate loss of two historic register properties following the hurricane, the re-installation of the second door being a request from the applicant as a secondary ingress/egress point.

Public Comment:

- Callie Johnson - on behalf of Bailey's - support the proposed repairs and updates.

Commissioner Nichols moved, seconded by Commissioner DeBruce, to approve Resolution 24-02, approving Application CA-2024-000211, with the seven conditions listed in the staff report, choosing option 2b, to close the public hearing in this matter, and authorizing the Chair

to execute the resolution without bringing back for further consideration. The motion carried unanimously.

10. Report from Planning Department

- a. Upcoming meeting dates:
 - i. Planning Commission - Tuesday, March 12, 2024
- b. ii. Report to City Council - 5:30pm, Tuesday, March 5, 2024- Commissioner Pfeifer

Ms. McMichael spoke to there being no public hearings scheduled for the next meeting, noting open bodies of water would be brought back as a discussion item. She further spoke to projects being worked on by Staff.

Deputy Planning Director Craig Chandler spoke to the CDBG-DR Public Assistance grant applications that had been submitted, advising the amounts and purposes of the three grants applied for, and noting next steps and deadlines.

Commissioner Colter stepped out of the meeting at 10:45 a.m. and returned at 10:51 a.m.

Ms. McMichael spoke to a Shared Use Path Master Plan Update, noting a presentation by the Consultant scheduled for April 30th.

Discussion ensued regarding the process for public input regarding the grant applications. Mr. Chandler noted he would look into it and get back to the Commission. Vice Mayor Miller spoke to the grant process when processed through Lee County and the Board of County Commissioners.

Discussion ensued regarding the review of the transportation element of the Sanibel Plan, the transportation seminar hosted by Committee of the Islands (COTI) last week, and how to include the stakeholders in the review.

Commission inquired if there were any grant proposals for below market rate housing near-island options. Mr. Chandler advised he expected to see that later in the funding process. Discussion ensued as to including the Parks and Recreation Advisory Committee (PARC) in the Shared Use Path Plan update. Staff advised a presentation was provided at the last PARC committee meeting, the Consultant being scheduled for presentations at Planning Commission on April 30 with two subsequent presentation to Council, and that an invite would be sent to PARC members to attend all.

11. Report from Commission Members

Commissioner DeBruce spoke to traffic studies, noting the code does not require the

submission of a traffic study for application purposes. Ms. McMichael spoke to the conditional use permit application process, noting that traffic studies are not required but are strongly recommended. Mr. Chandler responded that certain items must be provided through a narrative statement with back up materials and the engineer's report is responsive to those general requirements.

Discussion ensued regarding the desire that applicants not be held up due to a traffic study. Attorney Agnew spoke to the relevant sections of the code, noting the process if amendments were required. Mr. Agnew further spoke to the requirement existing for compliance and the burden of proof lies with the applicant. Discussion ensued regarding Section 126-82(6)(a) and being in compliance with the Plan. Discussion ensued regarding a traffic study being more relevant for redevelopment of a center that would have traffic impacts than for an existing center where traffic needs have already been calculated and addressed.

Commission inquired if the monthly permit reports could include why applications are deemed incomplete. Ms. McMichael concurred with adding the additional information and spoke to items analyzed when reviewing applications to ensure they are meeting the required standards. Discussion returned to the fact that these standards apply to Conditional Use Permit (CUP) applications.

Discussion ensued regarding monitoring processes for meeting and streamlining reviews and approvals. Ms. McMichael spoke to the implementation of CityView Permitting software. Commission inquired if a report could be brought back at a future meeting expressing code sections that should be reviewed and updated.

Commissioner Welch thanked Staff for including the PARC committee in the Master Plan update and expressed the need for an update of the Parks and Recreation element of the Sanibel Plan.

4. Discussion of Potential Reconsolidation of Subcommittees into Planning Commission

Discussion ensued regarding determining if the subcommittees are beneficial or could the tasks be added as agenda items for the Commission in full. Attorney Agnew spoke to the four sections of code being references to items the Commission must address annually and researching the history of the subcommittees, noting there were no records of enabling legislation.

Commission inquired if the subcommittees could be Chaired/Vice Chaired by Commission members with committee members being residents. Mr. Agnew responded that he saw no prohibition of allowing ad-hoc members but that it would be a policy consideration for Council. Discussion ensued regarding there being many residents that would like to participate and this being an appropriate time for these discussions. Discussion ensued regarding the types of experience or expertise that

would be desired on the subcommittees.

Commissioner Nichols moved, seconded by Commissioner Steiner, to request Council to authorize review of the subcommittee makeup to transition to Chair and Vice Chairs to be Commission members while allowing appointment of residents as ad-hoc members.

Discussion ensued regarding who would be reviewing the applications and making appointments and asking Council to consider authorizing Planning Commission members to interview and appoint.

Attorney Agnew clarified that the intent was to consolidate the subcommittees into the Commission as opposed to making additional meetings with the full commission involved. He further expressed what Staff resources were required for holding the subcommittee meetings; such as advertising, clerking, and preparing the agendas and reports.

Discussion continued regarding making the request of Council to authorize the ad-hoc members and for Commission to do appointments.

Commissioner Welch moved, seconded by Commissioner DeBruce, to amend the motion to include an offer for Planning Commission Members to interview and appoint the subcommittee members.

Attorney Agnew spoke to the background of the request to consolidate the subcommittees back into the Commission.

Mr. Agnew stated the questions to consider as: a) Do we need the subcommittees, and b) if needed do we expand to include ad-hoc members.

Discussion ensued regarding the process of subcommittee meetings and making recommendations back to the Commission, the subcommittees being relevant to focus on specific topics, and the request for Council to authorize public members.

Discussion ensued regarding what the original motion was, Commissioner Steiner withdrawing her second, Commissioner DeBruce seconding the motion instead and the main motion and motion to amend both being withdrawn.

Public Comment:

- Roy Gibson
- Peter Pappas

Commissioner Nichols moved, seconded by Commissioner DeBruce, to request Council to authorize review of the subcommittee makeup to transition to Chair and Vice Chairs to be Commission members while allowing appointment of residents as ad-hoc members and to include an offer for Planning Commission Members to interview and appoint the subcommittee members. The motion carried by a vote of 5-2 with Vice Chair Pfeifer and Commissioner Steiner opposed.

Opposed: 2 - Vice Chair Eric Pfeifer, and Commissioner Erika Steiner

5. Selection of Subcommittee Members and Election of Chair

- a. Below Market Housing Review Subcommittee
- b. Capital Improvements Review Subcommittee
- c. Land Development Code Review Subcommittee
- d. Permitting Process Review Subcommittee

Items 5a-5d will be brought back at a future meeting.

12. Public Comment

There were no public comments from the audience.

13. Adjournment

There being no further business, the meeting adjourned at 12:00 p.m.