



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final Planning Commission

Tuesday, March 26, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call To Order

The meeting convened at 9:02 a.m.

2. Pledge of Allegiance (Commissioner Pfeifer)

Vice Chair Pfeifer led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chairperson Roger Grogman, Vice Chair Eric Pfeifer, Commissioner Ken Colter, Commissioner Paul Nichols, Commissioner Lyman Welch, and Commissioner Erika Steiner
Absent: 1 - Commissioner Laura DeBruce

a. Motion to excuse absent member(s): Commissioner DeBruce

Vice Chair Pfeifer moved, seconded by Commissioner Nichols, to excuse Commissioner DeBruce. The motion carried.

Excused: 1 - Commissioner Laura DeBruce

Councilmember Holly Smith reported that the Legislative Session ended on March 8th, spoke her appreciation for efforts from Representative Botana and Senator Martin, and noted funding items that were included in the State budget.

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. Consent Agenda

a. Adoption of Minutes: February 27, 2024 (continued from March 12, 2024 meeting)

Vice Chair Pfeifer moved, seconded by Commissioner Welch, to adopt the February 27, 2024 minutes. The motion carried with Commissioner DeBruce excused.

Excused: 1 - Commissioner Laura DeBruce

b. Adoption of Minutes: March 12, 2024

Commissioner Nichols moved, seconded by Commissioner Steiner, to adopt the March 12, 2024 minutes. The motion carried with Commissioner DeBruce excused.

Excused: 1 - Commissioner Laura DeBruce

6. 9:05 - Public Hearings:

- a. Consideration of applications filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision XIII. - Waivers to Lawfully Existing Nonconforming Structures and Properties Located in the General, Town Center General and Town Center Limited Commercial Districts, Section 82-351. - Authorization and Chapter 82, Article IV, Subdivision III - Long-Form, Section 82-421 - Application, to obtain a waiver from the installation, location, numbers, types, size and variety specific for commercial vegetation buffers and landscaping and from design specifications for off-street parking spaces and loading areas in association with change of use that results in the creation of an additional unit with a request to allow for fewer than required spaces at an existing commercial development at 2365 Periwinkle Way - tax parcel (STRAP) no. 26-46-22-T2-00004.0100. The application is submitted by Carmella Cioffi, AIA, NCARB, of MHK Architecture, on behalf of the property owner MSK 2365 LLC. **Application Nos. WVR-2024-000217 and DP-2024-014814.**

Planning Director Paula McMichael read into record the description of Applications WVR-2024-000217 and DP-2024-014814.

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 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

By motion and second Commissioner DeBruce was excused from the meeting.

Clerk Kelly swore in the following:

- Craig Chandler - City of Sanibel, Deputy Planning Director
- Dana Dettmar - City of Sanibel, Natural Resources Department
- Carmella Cioffi - Applicant

Deputy Planning Director Craig Chandler summarized the staff report included in the agenda packet, entering the Staff Report with attachments as City Exhibit C-1.

Applicant Carmella Cioffi concurred with the Staff presentation. Natural Resources Department Staff also concurred with the Planning Staff presentation.

Commission inquired as to where the 10th parking space would be located and who would make the determination within 24 months. Mr. Chandler responded it would

be Staff and advised where the parking spot could be located if needed. Commission expressed their appreciation for the applicant's efforts throughout the application process.

Discussion ensued regarding how many occupants would be leasing the property. Ms. Cioffi responded there would only be two applicants with the desire to be sole occupant in the future. Commission inquired if approval of the 10th parking spot would be required to come back to Planning Commission. Mr. Chandler advised Staff would make the recommendation and confirmed it would come back to Commission. Discussion ensued regarding the 24-month timeline being similar to the bonus outdoor dining principles.

Commission inquired where the bike parking would be located to which Ms. Cioffi advised was between the main building and storage unit. She further spoke to the ADA compliant parking spot. Commission inquired if the bike parking could be moved closer to the Shared Use Path which Ms. Cioffi agreed could be considered.

Ms. Cioffi expressed agreement with the conditions listed in the Staff Report.

There were no public comments from the audience.

Discussion ensued regarding there being two businesses on the island with the same name, Island Style. Attorney Agnew noted that as the businesses are separate it does not pose an issue for the City, it could be a trademark issue for the businesses.

Commissioner Welch moved, seconded by Vice Chair Pfeifer, approving applications WVR-2024-000217 and DP-2024-014814, with the eight conditions listed in the staff report, adopting Resolution 24-04, closing the public hearing in this matter, and to authorize the Chair to execute the Resolution without bringing back for further consideration. The motion carried by a vote of 6-0 with Commissioner DeBruce excused.

Excused: 1 - Commissioner Laura DeBruce

- b.** Consideration of an application for Development Permit pursuant to Land Development Code Chapter 82 - Administration, Article IV - Development Permits, Division 2 - Procedure, Subdivision III - Long-form, Section 82-421(1) and Section 82-422 - Scheduling and notice, accompanied by a Major Subdivision Plat filed pursuant to Land Development Code Section 114-106 - Preliminary plat, to allow a Unified Residential Housing (Cluster Housing) development including five parcels for single family residential use and common area tracts with associated improvements, known as "Island Inn Road" subdivision located at 3055 Island Inn Road - tax parcel (STRAP) no. 27-46-22-T3-00010.0010 and 3015 Island Inn Road - tax parcel (STRAP) no. 27-46-22-T3-00400.0140. The application is submitted by Greensite Engineering, Inc. on behalf of the property owner, Roderick Dunn. **Application Nos. DP-2022-004239 and SPLT-2022-000060.**

Planning Director Paula McMichael read into record the description of Applications

DP-2022-004239 and SPLT-2022-000060.

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	Ex-parte	Conflict
- Commissioner Colter	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

By motion and second Commissioner DeBruce was excused from the meeting.

Discussion ensued regarding Vice Chair Pfeifer having ex-parte communications with Gwenda Heitt-Clements, the owner of 3025 Poinciana Circle, regarding the adjacent parcel being allowed 5 dwelling units. Vice Chair Pfeifer advised he is the realtor for the property listed at 3025 Poinciana Circle, advising conflict as the outcome of this hearing may affect him financially. Vice Chair Pfeifer provided an ex-parte form to Clerk Kelly. Vice Chair Pfeifer abstained from participation in the hearing, was recused from the vote, and filed Form 8B Memorandum of Voting Conflict with Clerk Kelly.

City Clerk Scotty Lynn Kelly swore in the following:

- Kim Ruiz - City of Sanibel, Principal Planner
- Joel Caouette - City of Sanibel, Natural Resources Department
- David Kolson - 3049 Poinciana Circle
- Andrew Pennington - 3001 Poinciana Circle
- Roderick Dunn - Applicant, Property Owner
- Stephanie Caldwell - Greensite Engineering, on behalf of the Applicant
- Meghan Lupu - 3045 Poinciana Circle
- Molly Heuer - 2560 Sanibel Boulevard
- Donna Yetsko - 3007 Poinciana Circle
- Charles Sobczak - 2560 Sanibel Boulevard
- Steve Yetsko - 3007 Poinciana Circle
- Amejo Amyot - 3021 Singing Wind
- Edmond Amyot - 3021 Singing Wind
- John Wisniewski - 3019 Poinciana Circle
- Mitchel Koppelman - 2984 Island Inn Road
- Steve Maxwell - 392 Raintree Place
- Ewa Pane - 3037 Poinciana Circle
- Amy Nowacki - 1112 Buttonwood Lane
- Karen Storjohann - 401 Tiree Circle
- Paula McMichael - City of Sanibel, Planning Director

Commissioner Colter stepped out of the meeting at 9:48 a.m. and returned at 9:53 a.m.

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 10 conditions recommended with approval of the applications.

Vice Chair Pfeifer stepped out of the meeting at 10:18 a.m. and returned at 10:21 a.m.

Stephanie Caldwell, on behalf of the applicant, concurred with the Staff presentation. Roderick Dunn, Property Owner/Applicant, spoke to efforts to prepare the property following the hurricane and stated he accepted the 10 conditions in the staff report.

Joel Caouette, Natural Resources Department, concurred with the Staff presentation and spoke to monitoring nesting Bald Eagles in 2022-2023; noting the nest is currently inactive but if it were to become active during construction, the Applicants would have to work with US Fish and Wildlife Service for permitting, so as not to violate the Golden/Bald Eagle Act.

Discussion ensued regarding the ditches on the property being in the calculation for open body of water. Ms. Ruiz confirmed that even though man-made, the ditches were included as per code.

Commission inquired if the open body of water were subtracted from the total lot size to calculate density only for a modern platted subdivision. Ms. Ruiz confirmed. Commission then inquired if Poinciana Circle were zoned D2 and at what point does the HOA take responsibility as listed in the proposed conditions. Ms. Ruiz noted prior to the HOA it would be the owner. Attorney Agnew responded the responsibility would be the developer or the HOA.

Discussion ensued regarding allowing the developer to fill the ditches with mitigation of vegetation.

Commissioner Colter stepped out of the meeting at 10:31 a.m. and returned at 10:36 a.m.

Discussion ensued regarding the acreage calculations differing from the County records for the parcel and if that would change the number of approved dwelling units. Ms. Ruiz noted the County number is an estimate and the calculations were done from the survey provided. Commission inquired if adding the two parcels together to get the acreage were appropriate to which Ms. Ruiz responded was

standard practice.

Discussion ensued regarding the requirements under Section 86-133(b) and how the application meets the stated requirements. Ms. Ruiz responded that the adjacent neighborhoods were created before City incorporation and were under different standards. Further she noted the application being heard would have to meet State requirements for stormwater management. Discussion ensued regarding the plat layout, the developer not necessarily being the home builder, and each lot being allowed to count towards impervious coverage.

Discussion turned to the size and location of the vegetation buffers. Ms. Ruiz noted they would be between the roadway and the homes on Poinciana Circle to screen the roadway from the property yards.

Commission inquired as to how Public Works Staff reviewed and analyzed the stormwater drainage. Clerk Kelly swore in Oisin Dolley, City Engineer, who spoke to reviewing for adequate on-site retention for the subdivision and maintaining the conveyance of stormwater in the right-of-way and between the lake and the 30-foot drainage easement. He then spoke to the process for the drainage system proposed.

Discussion turned to the drawings in Attachment G and page 6 having an area labeled “lake”, Mr. Dolley confirmed those were actually the retention areas. Discussion continued regarding the man-made ditches being filled in and the retention areas being created as proposed. Mr. Dolley spoke to the requirement for on-site retention before stormwater is processed through a drainage plan and the proposed subdivision having a shared retention and drainage plan.

Commission inquired as to the eagle nest location. Mr. Caouette noted it was south of the parcel and the subdivision is in the buffer zone for an eagle nest. Commission inquired why an environmental assessment report was not required, Ms. Ruiz noted it was included in the application packet. Mr. Caouette responded that there was not an active eagle nest when the report was provided. Discussion ensued regarding the timing of the notifications to adjacent property owners.

Discussion ensued regarding having the opportunity for public comments during this hearing.

Commission inquired as to the definition or examples for “cluster housing” and how Section 86-133b regarding harmony and rhythm of the neighborhood demonstrates the standards are met.

Public Comment:

- John Wisniewski - provided comments on behalf of Stephanie Ferradino - provided

document to be added to the record

- Andy Pennington - concerns with the look of the cluster housing, impervious coverage, wet parcel, and sewer pump station for the parcel
- Ed Amyot - spoke to vegetation concerns for development of the parcel
- Meghan Lupu - concerns with public notice being provided but backup materials (Staff report) not being available in a timely manner, and read into record portions of Ms. Ferradino's comments
- Molly Heuer - 2560 Sanibel Blvd - confirmed the parcel was allowed the 5 units.
- Karen Storjohann - Bright Waters HOA - provided a document to add to the record - spoke to concerns with access to the Bright Waters lake and common area parcel

Vice Chair Pfeifer stepped out of the meeting at 11:17 a.m. and returned at 11:20 a.m. Commissioner Nichols stepped out of the meeting at 11:29 a.m. and returned at 11:34 a.m.

Public Comment:

- Amejo Amyot - concerns that the public was unable to fully participate in the review and hearing process, requesting to table the hearing for further discussion and review, further speaking to comments provided by Stephan Ferradino - added comments to record
- Charles Sobczak - 2560 Sanibel Blvd - spoke to keeping the lots together as a cluster development to ensure the preservation of environmentally sensitive lands.
- David Kolson - concerns with preserve area and rehabilitation
- Mitch Koppelman - concerns with consistency of rhythm and harmony with the neighborhood, vegetative requirements, and drainage
- Steve Yetsko - concerns with parcel being wetland, drainage issues to adjacent parcels
- Donna Yetsko - compliance with Sanibel Plan and comprehensive land use plan
- Steve Maxwell - read into record comments submitted via email

The meeting recessed at 12:03 p.m. and reconvened at 12:12 p.m.

Planning Director Paula McMichael spoke to Section 86-133 having been reviewed by Staff and the application meets the standards. She further spoke to Section 86-132, there being no requirement to preserve conservation tract, and being consistent with the Sanibel Vision Statement and maintaining a sanctuary island.

Discussion ensued regarding each subdivision being responsible for their own water drainage plans. Commission inquired if the units could have been designed stretching out to the west. Ms. Ruiz responded that cluster housing has been included in the Sanibel Plan since inception, there being limitations under the current standards for impervious cover and developed area, and working to protect the property rights of the owners.

Continued discussion ensued regarding the need for further consideration, Section 86-133 being subjective, allowing more time to consider alternative building configurations, and requesting to consider continuing the hearing two meetings from now.

Commission inquired as to when surety bonds would be required. Ms. Ruiz responded it would be prior to approval of plat and read into record Section 118-89.1(d) regarding surety bonds. Mr. Dolley spoke to discussions with the owner regarding drainage, the road being pitched away from the Poinciana area, option being to implement a berm or swale, the swale being the desired option, and the swale providing a connection to existing drainage areas.

Commission inquired if the conditions should be revised to state where the plantings and buffer should be located. Ms. Ruiz replied that could be clarified. Commission further inquired regarding buffering and vegetation around the Bright Waters lake. Mr. Caouette described where the plantings could be and if Commission desired a related condition Staff would be in agreement.

Discussion ensued regarding all the standards and qualifications having been met. Commission inquired how additional time would be beneficial. Discussion turned to concerns that have developed upon reviewing the drafted homes and layout, additional time having been requested by public comment and the desire to accommodate those requests.

Attorney Agnew advised if a continuance were requested the motion should include a date certain. He further spoke to adding specific timelines or requests in the motion. Finally, he clarified that if a motion were to approve or deny, then the motion would include bringing the Resolution back for further consideration

Commission inquired if there were an alternative design configuration that would be acceptable more widely to the adjacent neighborhoods. Ms. McMichael responded the plans were reviewed as they had developed through the review and application process. Ms. Ruiz noted the adjacent neighborhoods are non-conforming to current standards.

Commissioner Welch moved to continue to April 30th at 9:10 a.m., asking the applicant provide evidence that Section 86-133(b) has been met for cluster development and that Staff provide clarification or revision to the conditions. The motion was withdrawn.

Commissioner Steiner moved to amend the motion to include time for communication with the neighboring community prior to the April 30th hearing. The motion to amend was withdrawn.

Discussion ensued regarding allowing time for additional public input, Staff response, and communications with the neighbors. Ms. McMichael spoke to requiring the application be submitted at least 2 weeks prior to the hearing allowing an additional

time buffer.

Public Comment:

- Karen Storjohann - on behalf of the Bright Waters HOA - requesting Staff address the inaccuracies in the report be corrected, include language regarding fertilizer, and request that the vegetation buffer be replanted.
- Andy Pennington - cluster housing definition and requirements clarified at the next meeting
- Amejo Amyot - concerned that 86-133 cannot be met, inquired if less houses could be built
- Mitch Koppelman - Section 86-133b reassessment, concerns that the adjacent neighborhoods would not be used as comparisons.

Commissioner Welch moved, seconded by Commissioner Steiner, to continue the hearing to April 30th, requesting the applicant provide evidence supporting 86-133b by April 16th, and requesting Staff to provide proposed clarifications to the conditions by April 16th. The motion carried by a vote of 3-2 with Chair Grogman and Commissioner Colter opposed, Commissioner DeBruce excused, and Vice Chair Pfeifer recused.

Opposed: 2 - Chairperson Roger Grogman, and Commissioner Ken Colter

Excused: 1 - Commissioner Laura DeBruce

Recused: 1 - Vice Chair Eric Pfeifer

7. Old Business

- a. Confirm selection of subcommittee members and election of chairs.

- i. Below Market Rate Housing Review Subcommittee
- ii. Capital Improvements Review Subcommittee
- iii. Land Development Code Review Subcommittee
- iv. Permitting Process Review Subcommittee

Attorney Agnew advised that one motion and vote could be taken to approve the full slate.

Vice Chair Pfeifer moved, seconded by Commissioner Nichols, to approve the subcommittee rosters and chairs as presented. The motion carried with Commissioner DeBruce excused.

Excused: 1 - Commissioner Laura DeBruce

8. Report from Planning Department

- a.** Upcoming meeting dates:
 - i. Planning Commission - Tuesday, April 9, 2024
 - ii. Report to City Council -Tuesday, April 2, 2024- Commissioner Steiner
- b.** Plan Application Status Report

Ms. McMichael advised the next meeting would be April 9th with one hearing scheduled, Commissioner Steiner to report to Council on April 2nd, and noted the plan status report included. Commission inquired what information was pulled out for the status report. Mr. Chandler responded that the table shows the actual number of permits submitted for plan review and this report being to provide transparency.

9. Report from Commission Members

Vice Chair Pfeifer offered condolences for the passing of Muriel Goss, the wife of Sanibel's first Mayor Porter Goss.

Chair Grogman requested to get the topic of open bodies of water back on an agenda.

Commissioner Welch concurred with the request to discuss open bodies of water, noting the subcommittee should meet soon.

10. Public Comment

There were no public comments from the audience.

11. Adjournment

There being no further business, the meeting adjourned at 1:09 p.m.