



City of Sanibel

Planning Department
MEMORANDUM

DATE: May 24, 2012

TO: Judie Zimomra, City Manager

FROM: James C. Jordan, Planning Director

RE: **Request for City Council to Waive Permit Application Fees, as Submitted by the Owner of the Sanibel Sprout, Located at 2330 Palm Ridge Road**

Owner Edith Rood received development permit and conditional use approval from the Planning Commission, to add a juice bar at the Sanibel Sprout (an existing Health Food Store, located in a 1200 SF commercial unit, within the Palm Ridge Shopping Center). The Planning Department's application fees associated with the public hearing and implementing permits for this request total \$4,597.00.

The approval of the juice bar also required that Mrs. Rood purchases additional sewer capacity from the City's Utility Department in the amount of \$1,957.76. Mrs. Rood has not yet submitted this application nor has she paid this particular fee.

Pursuant to Land Development Code Section 90-5, - Exemptions, immunities and waivers (f,) Mrs. Rood seeks City Council consideration to have all paid permitting fees associated with the juice bar reimbursed to her. Under this provision Council may waive payment of all or part of a fee for any of following reasons:

- (1) Demonstrated hardship of a kind and nature exceeding the general inconvenience of paying fees.
- (2) The resubmission of an application is found to be necessary, and it would be inequitable to require payment of a full application fee.
- (3) All or a substantial portion of the benefit resulting from the application will be a public benefit.

Recommendation

The total permitting fees Mrs. Rood has paid the City amounts to \$4,597.00; this includes the payment of \$4,384.00 for the conditional use permit application and \$213.00 for the development permit application. This amount does not include the pending utility department fee of \$1,957.76 charged for additional sewer capacity nor does it include any building permit fees.

The Planning Department recommend a reduction of the conditional use permit fee in the amount of \$2,384.00 to cover the administrative and advertising costs associated with the conditional use approval of the juice bar.

Dear Madam City Manager and Members of the City Council,

Last December I bought the Island Nutrition Center (now called The Sanibel Sprout) to provide a modest income for my daughter and myself. She can no longer pursue her chosen profession of yoga instructor because she underwent serious back surgery last year; and I'm a senior citizen living on social security, having lost 95% of my financial nest egg in the past few years. The Sanibel Sprout was the perfect solution for us: my daughter Nikki has in-depth knowledge of the health food and supplement industry, and I have experience with start-ups, this being my third company.

We were tremendously encouraged by our customers' reaction to The Sanibel Sprout; they ranged from positive to highly enthusiastic, one reason being that we are the only dedicated health food store on Sanibel (and Captiva). However, talking to our customers it quickly became apparent that there is a serious need for a juice bar: there is no such thing on the island! There are several establishments that can whip up smoothies made from non-organic produce, with sometimes commercially bottled syrups and other artificial ingredients. But our customers want healthy, organic and natural ingredients, such as fresh non-GMO vegetables and fruits, wheat grass and natural herbal tonics.

We applied to the Planning Commission for a permit for the juice bar and, in due course, it was granted. We are not yet profitable, but we believe that the juice bar is an essential investment in our future financial success. So it came as a shock that the fee for our permit was \$4,597.00. And that does not include the permit for the build-out, the Public Works waste water fee, and the cost of the build-out itself.

We therefore respectfully request that the City council waive the \$4,597.00 fee for the permit.

We believe that The Sanibel Sprout serves an unmet need in Sanibel, and that the addition of the juice bar will enhance its usefulness and contribute to the health of our wonderful community.

Thank you very much for your consideration,

Edith Rood, Owner
The Sanibel Sprout

CITY OF SANIBEL

RESOLUTION NO. 12-054

A RESOLUTION GRANTING A PARTIAL WAIVER OF THE CONDITIONAL USE APPLICATION FEE FOR SANIBEL SPROUT, LLC LOCATED AT 2330 PALM RIDGE ROAD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Edith Rood and Nicki Rood, owners of the Sanibel Sprout, LLC located at 2330 Palm Ridge Road, appeared before the Sanibel Planning Commission at its April 24, 2012 Planning Commission meeting; and

WHEREAS, Edith Rood and Nicki Rood, as owners of the Sanibel Sprout, LLC applied for consideration of a conditional use permit to operate a juice bar within the existing Sanibel Sprout; and

WHEREAS, Edith Rood and Nicki Rood have requested that the application fee for the conditional use permit be reduced and such written request has been considered by City Council; and

WHEREAS, pursuant to Section 90-5(f)(1)-(3) of the Sanibel Code, the City Council, by Resolution, may waive payment of all or part of a fee for any of the reasons set forth therein; and

WHEREAS, the City Council finds it appropriate to waive a portion of the application fee for the conditional use permit filed by Edith Rood and Nicki Rood;

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Sanibel, Florida, that:

SECTION 1. Pursuant to Sanibel Code Section 90-5(f)(1)and(3), the City Council finds that the criteria for the granting of a partial reduction of the conditional use permit application fee have been met and the conditional use permit application fee is hereby reduced to a total amount of \$2,213.00 (\$2,000.00 conditional use permit and \$213.00 development permit) for the applicants relating to Sanibel Sprout, LLC located at 2330 Palm Ridge Road.

SECTION 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida this 5th day of June, 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

5/29/12
Date

Vote of Council Members:

- Ruane _____
- Denham _____
- Congress _____
- Harrity _____
- Jennings _____

Date filed with City Clerk: _____