



City of Sanibel

Planning Department

MEMORANDUM

DATE: April 25, 2013

TO: Judie Zimomra, City Manager

FROM: James C. Jordan, Planning Director

SUBJECT: City Council Consideration of Fee Waiver Requests

BACKGROUND

The following fee waiver requests were recently submitted for City Council consideration.

- (1) Jeff Weigel, representing the Sanibel Deli, located at 2330 Palm Ridge Rd, is seeking a waiver of the fees required to apply for a variance (to parking) and a conditional use permit (for fast-food restaurant seating). A variance and conditional use permit would be required for Sanibel Deli to expand its current carry-out business into an adjoining unit and provide indoor dining seats for their customers. The Planning Department has estimated the fees for the variance and conditional permit at \$8,409.00. This amount does not include implementing development permit or building permit.

The applicant states that the basis for the fee waiver is due to financial hardship. See **Attachment A**, as provided by the applicant, for additional details.

-  (2) MG Whitiker representing the Fresh Taqueria, located at 2411 Periwinkle Way. Ms. Whitiker seeks a fee waiver to apply for variance(s) that would allow two additional

signs above the one permitted in-ground sign for the business location. One of the two additional signs would identify the off-site parking lot for the Fresh Taqueria and the other would serve as a directional sign to the off-site parking lot. The Planning Department has estimated the fees for these variances at \$2,000.00 for one variance to one regulation, plus \$560.00 for each additional variance request to each separate regulation.

The applicant seeks City Council approval for a fee waiver. See **Attachment B**, as provided by the applicant, for additional details.

OPTIONS

Pursuant to Land Development Code, Section 90-5, the City Council, by resolution, 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.

City Council can take either of the following actions on the two requests:

- Reduce the amount of fees by a determined percentage.
- Waive the fees entirely.
- Deny the requests altogether.

CITY OF SANIBEL

RESOLUTION NO. 13-050

A RESOLUTION GRANTING A PARTIAL WAIVER OF THE VARIANCE FEE FOR TWO DREAMERS, INC. D/B/A FRESH TAQUERIA LOCATED AT 2411 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MG Whitaker, President of Two Dreamers, Inc. d/b/a Fresh Taqueria applied for consideration of variances for signage at the existing Fresh Taqueria restaurant parcel located at 2411 Periwinkle Way and the offsite parking lot that serves such parcel; and

WHEREAS, MG Whitaker, on behalf of Two Dreamers, Inc. d/b/a Fresh Taqueria has requested that the application fee for the variances 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 variances filed by Two Dreamers, Inc. d/b/a Fresh Taqueria;

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 variance fees have been met and the variances(s) application fee is hereby reduced to a total amount of \$_____ for the applicant relating to Two Dreamers, Inc. d/b/a Fresh Taqueria located at 2411 Periwinkle Way.

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 4th day of June, 2013.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

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

5/22/13
Date

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

Date filed with City Clerk: _____



2411 Periwinkle Way
 Sanibel Island, Florida 33957
 239-579-0114
 www.freshtaqueria.com

RECEIVED
 APR 17 2013

February 23, 2013

Ms. Judith Zimomra
 City Manager
 City of Sanibel
 800 Dunlop Road
 Sanibel, FL 33957

PLANNING DEPT
 CITY OF SANIBEL

Dear Judy:

We would like to request that the variance fees are waived for the permit for the restaurant parking lot sign or that the City counsel change the codes accordingly.

We own 2411 Periwinkle Way ,which houses our restaurant FRESH Taqueria. Our parking is on the other side of the Cottages to Castles building at 2429 Periwinkle way. We are the only business that we know of that has the historic situation of having separated parking from their building. This situation has existed for over 25 years and signage identifying the parking lot has existed . Cheeburger Cheeburger had signs that said Parking for Cheeburger Cheeburger logo on it since 1986. We are requesting that we are allowed to have a clearly visible sign identifying our parking lot similar but smaller to our restaurant sign. We feel it is very detrimental to our neighbors to not have this sign up because our customers will use their lots instead of ours. Our customers regularly pass the parking lot due to the lack of clear visibility of the sign and end up doing a U-turn in the middle of Periwinkle on a fairly regular basis. We feel that it definitely is a tremendous safety concern for the public not to have the parking lot clearly identified and visible to drivers on Periwinkle and to not have a directional sign pointing from the main property directing people toward the parking lot.

We also had a directional sign on the property pointing to the parking lot saying parking with an arrow pointing that way that we accidentally knocked off during Christmas lights removal that also dated back to Cheeburger 25+ years. It dated back 25 years and was here when we purchased the property until just a few months ago when it was accidentally knocked down. We would like to replace it with a sign that says parking 3 drives with an arrow. We have people on a daily basis try to pull in on our sidewalk across the bike path and stop blocking the path when they realize that there is no parking out front any more as there was in Cheeburgers time which many remember. They then proceed to back out onto Periwinkle which is dangerous. The other situation is that they just stop either in the middle of Periwinkle or on the bike path and wait til someone from the restaurant comes out to tell them where to

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go or a passenger gets out and comes in and asks. This creates much confusion that endangers the bikers, which make up a significant amount of our customer base and the locals who come on bike in the evenings.

We appreciate all the building department and the City Managers office has done to temporarily assist us with this issue and hope we can work together to find a good permanent solution that will cease all confusion over the location of the parking for the restaurant and ensure the safety of the general public in the vicinity of the restaurant. Please let us know if there is anything you need from us.

My Best,

A handwritten signature in black ink, appearing to read 'MG Whitaker', with a long horizontal line extending to the right.

MG Whitaker
Managing Partner
Two Dreamers, Inc

2411 Periwinkle Way
Sanibel, FL 33957