9:15 A. M. 8. Discussion regarding the paving of Centre Street

City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
RECREATION	472-0345
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

May 7, 2009

Dear Centre Street Area Property Owners & Residents,

At 9:15 a.m. on Tuesday, May 19, 2009, the Sanibel City Council is scheduled to discuss if Centre Street should be paved and if it is paved how the project would be funded. Historically on Sanibel, based upon the enclosed Resolution, a petition by 80% of the effected property owners has been required to convert unpaved streets to paved surfaces. Additionally, historically 2/3 of the cost for this type of project has been borne by the benefited property owners and 1/3 of the cost by the City of Sanibel.

No later than Friday, the May 19, 2009 agenda will be posted on the City of Sanibel website www.mysanibel.com and also available for you at the Sanibel City Hall, 800 Dunlop Road.

Those who can not attend the meeting can submit input to all five Council members via email to sancouncil@mysanibel.com

If you have any questions regarding this matter please do not hesitate to contact me at 239-472-3700 or j.zimomra@mysanibel.com

Sincerely,

Judy Zimomra
City Manager

Cc: Sanibel City Council
Ken Cuyler, City Attorney
Gates Castle, Public Works Director
Sylvia Edwards, Finance Director

Recycled paper

CITY OF SANIBEL

RESOLUTION NO. 98 -189

A RESOLUTION ESTABLISHING A POLICY FOR CONSIDERATION, BY THE CITY COUNCIL, OF REQUESTS FOR CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY SPECIAL ASSESSMENTS ON SPECIALLY BENEFITED PROPERTIES; PROVIDING FOR EXCEPTIONS; REPEALING RESOLUTION 87-113; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the home rule provisions of the Florida Constitution permit municipalities to make qualified public improvements and to finance them through special assessments on specially benefiting properties; and

WHEREAS, Florida Statutes, Chapter 170, specifically authorizes the cities to provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering, and draining of streets; to construct, reconstruct, repair, renovate, excavate, grade, stabilize, and upgrade swales, culverts, canals, and other drainage facilities; to provide for other public improvements; and to pay all or any part of the costs of any such improvement by levying and collecting special assessments on the abutting, adjoining, contiguous, or other specially benefited properties; and sets out procedures and requirements for specially assessing the cost of such projects; and

WHEREAS, other provisions of general law such as (without limitation) Chapters 166, 180 and 196, allow for financing public improvements by special assessments; and

WHEREAS, the City of Sanibel may specially assess for any public improvement, but particularly for public improvements which meet certain criteria and are not scheduled or budgeted for the immediate future when the majority of the benefited property owners is willing to pay for such improvements through special assessments; and

WHEREAS, the City Council wishes to establish a general policy for the consideration of requests for certain public improvements to be financed through special assessments;

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

Section 1. The City Council shall consider the advisability and feasibility of making certain types of public improvements and financing the cost of such improvements through special assessments on the benefited properties when presented with a petition requesting the improvements signed by the owners of at least 50% (by acreage) or 80% (by parcels) of the properties to be specially benefited by such improvements and containing the following information:

a. A general description of the public improvements requested;

b. A list of the properties, and the owners, which will be specially benefited by such public improvement.

Section 2. The City Council will consider the possibility and advisability of acquiring privately-owned streets, rights-of-way,

and canals, and of improving such streets, rights-of-way and canals to City standards and funding such improvements by special assessments, whenever presented with a petition as described in Section 1 above, but also including an offer by the owners of 85% (by acreage) of the private street, right-of-way, or canal to deed their interest in such street or canal to the City, without payment, and a statement from the City's Public Works Director identifying necessary improvements. In such case, if the remaining owners are unwilling to deed their interest therein to the City, the City Council will consider the advisability of a negotiated purchase or the institution of eminent domain proceedings to acquire such portion of the street, right-of-way, or canal, as part of the project cost.

Section 3. The City Council will consider the advisability and feasibility of localized drainage projects for special assessment based upon a petition meeting the requirements of Section 1 of this resolution. Localized drainage projects are those which are large enough to require a contractor, but receive less than 50% of runoff from collector or arterial roads, as depicted on the Existing Traffic Circulation Map of the Sanibel Plan.

Section 4. The City's share of the public improvement cost is established at the special assessment hearing and will be based upon a determination that the assessment is fairly apportioned between the public and the benefiting properties.

Section 5. All costs and expenses of the improvement project, whether in-house or contractual, will be included in the total cost calculation of the project. Such costs include, without limitation, administrative, legal, title, land acquisition, engineering, financing and construction costs.

Section 6. As a general guideline, the public share of street projects, canal dredging projects and drainage projects will be 1/3 of the total costs and expenses of the project. This is not in any way binding, and will be considered at the time of the special assessment hearing.

Section 7. The City Council will consider the advisability and feasibility of beach nourishment or renourishment projects for special assessment, in accordance with its beach management plan and based upon a petition meeting the requirements of Section 1 of this resolution. However, the extent of city participation, if any, will be based upon an economic benefit analysis to be conducted in conjunction with the special assessment process.

Section 8. Wastewater projects are not included in this resolution. They are covered by the City's wastewater master plan and ordinances, and by special assessment resolutions pertaining to wastewater.

Section 9. Any other special assessment projects not specified in this resolution will be considered on a case-by-case basis by the Council.

Section 10. Resolution 87-113 is hereby repealed.

Section 11. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 15th day of September, 1998.

AUTHENTICATION:

Wallace M. Kain
Mayor

Gary A. Price
City Clerk

APPROVED AS TO FORM: Robert D. Pritt
City Attorney

9/9/98
Date

Vote of Council members:

Davison	aye
Janes	aye
Kain	aye
Madison	aye
Reding	aye

Date filed with City Clerk: SEP 15 1998

RES-SPECIAL-ASSESS-2.ORDS19

Item 12f: Approval of A RESOLUTION ESTABLISHING A POLICY FOR CONSIDERATION, BY THE CITY COUNCIL, OF REQUESTS FOR CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY SPECIAL ASSESSMENTS ON SPECIALLY BENEFITED PROPERTIES; PROVIDING FOR EXCEPTIONS; REPEALING RESOLUTION 87-113; AND PROVIDING AN EFFECTIVE DATE.

City Manager Price read the title. Councilman Reding explained he had requested the policy be modified to include language stating the 1/3-2/3 split applies to projects addressed in the past, such as drainage, canals and street resurfacing, but that new issues would be decided on a case-by-case basis. He expressed his support for the modifications. From the public, Jon Liljequist suggested it was not inconceivable that one person could own 50% of acreage, thereby giving one person the ability to obtain a petition. The City Manager explained the resolution just says the request will be considered when the appropriate percentage of owners have submitted a petition, as has always been the procedure. City Attorney Pritt added the petition is just the beginning of the process, it doesn't commit the City to anything. ***Upon a motion by Councilman Janes, seconded by Councilman Reding, the resolution was unanimously approved.***

Council recessed at 12:30 p.m. and returned at approximately 1:30 p.m. for a closed discussion between the City Manager and representative, and the City Council relative to collective bargaining. **(Note: Pursuant to Section 447l.605 Florida Statutes, this discussion will be closed and exempt from the public meeting requirements of Section 286.011, Florida Statutes.)** Following the closed session, the regular Council meeting was called back to order at about 2:11 p.m. City Attorney Pritt announced that the closed session was per Section 447.605 Florida Statutes, and the next step is to read the appropriate resolution. He stated there would be no public comment on the resolution. City Manager Price read into the record the title ***of A RESOLUTION APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND FRATERNAL ORDER OF POLICE; AND PROVIDING AN EFFECTIVE DATE. Upon a motion by Councilman Janes, seconded by Councilman Reding, the resolution was approved by unanimous vote.***

Council returned to the regular agenda to complete the City Manager's Report.

Item 12a: Monthly review of Capital Approved Projects.

There were no items for discussion and no action indicated.

Item 12b: Monthly Status Report on Council Authorized Tasks

There was brief discussion of Item 96-47-H, Periwinkle Bike Path Relocation and community redevelopment. City Manager Price explained this is not the bike path discussed earlier in the day, this item refers to a highly commercial strip. There was no action required.

As an add-on item, City Manager Price read into the records ***A RESOLUTION PERTAINING TO THE SANIBEL BOARD OF TRUSTEES OF THE MUNCIPAL POLICE OFFIERS' RETIREMENT TRUST FUND; ACKNOWLEDGING THE ELECTION OF TWO TRUSTEES BY POLICE OFFICER MEMBERS OF THE PLAN; APPOINT TWO RESIDENT MEMBERS TO THE BOARD; ALL FOR TERMS COMMENCING OCTOBER 1, 1998 AND ENDING ON SEPTEMBER 30, 2000; AND PROVIDING AN EFFECTIVE DATE.***

The City Manager explained police officers had appointed Officers Jack Primm and Scott Ashby to Seat No. I and Seat No. 2 respectively. It is recommended that Council appoint Glenn Ristine to Seat No. 3 and Gene Stuart to Seat No. 4. ***Upon a motion by Councilman Janes, seconded by Vice Mayor Madison, the resolution appointing Jack Primm to Seat No. 1, Scott Ashby to Seat No. 2, Glenn Ristine to Seat No. 3 and Gene Stuart to Seat No. 4 was approved by unanimous vote.***

Thomas M. & Lorena Frady
P.O. Box 34
Sanibel, FL 33957

Jacqueline Fraser
918 Main Street
Sanibel, FL 33957

Robert W. Walter
Chelle Koster
936 Main Street
Sanibel, FL 33957

Graydon W. Scott
P.O. Box 1041
Captiva, FL 33924

Luella C. Larrabee
58 N Main Street
Cortland, NY 13045

Joseph De George
966 Main Street
Sanibel, FL 33957

Java Management Co. LLC.
16970 San Carlos Blvd. #3-233
Fort Myers, FL 33908

Vallee Haverley
1817 Serenity Lane
Sanibel, FL 33957

James H. & Shaunna Schneider
P.O. Box 148
Sanibel, FL 33957

Frank & Nancy Tumminello
982 Main Street
Sanibel, FL 33957

Lawrence H. Strange
Carol Martin Strange
905 Fitzhugh Street
Sanibel, FL 33957

Cynthia P. Ashby
James D. Hall, Sr.
13131 University Drive
Fort Myers, FL 33907

Bernard F. & Irene L. Guthrie
823 S Palmway
Lake Worth, FL 33460

Paula M. Ruocco
Lorraine Mazzucco
956 Fitzhugh Street
Sanibel, FL 33957

Mark McQuade
P.O. Box 2
Captiva, FL 33924

Craig R & Evelyn D. Stewart
464 Casa Ybel Road
Sanibel, FL 33957

Michael W. & Margaret M. Toomey
15219 Hooper Ridge Road
Millfield, OH 45761

Rae J. McClow
3977 Coquina Drive
Sanibel, FL 33957

Joseph & Lori Kinczel
P.O. Box 1754
Nederland, CO 80466

Maureen A. McGovern
3816 S. Lamar Blvd. Apt. 2101
Austin, TX 78704

Loretta R. Fields
975 Fitzhugh Street
Sanibel, FL 33957

Ronald E. Dade
Cynthia Stanitis-Dade
44 County Corners
Amherst, MA 01002

John Costanzo
1515 Centre Street
Sanibel, FL 33957

Mary Jeanne McAward
1520 Centre Street
Sanibel, FL 33957

Louise & Gerry Fitzgerald
398 Carlyle Road
Martinsburg, WV 25404

Donald H. & Doris A. Deel
3595 Beckwith Lane
Crete, IL 60417

Torreys Peak LLC
Regina Mira
8740 SW 149th Ter
Miami, FL 33176

Island Water Association, Inc.
3651 San-Cap Road
Sanibel, FL 33957

Leslie R & Diane P. Forney, Jr.
915 Palm Street
Sanibel, FL 33957

Warren A. & Joanne Schwab
Schwab Family Trust
916 Palm Street
Sanibel, FL 33957

Kenneth O. & Charlotta W. Carper
938 Palm Street
Sanibel, FL 33957

Neal A. & Angelia M. Deynzer
956 Palm Street
Sanibel, FL 33957

Olaf A. & Tamara J. Bjorkedal
3705 West Gulf Drive
Sanibel, FL 33957

John C. & Danette L. Salus
970 Palm Street
Sanibel, FL 33957

Walter L. & Jacqueline K. Fraser
1460 Court Pl.
Sanibel, FL 33957

Coast & Islands Community
Land Trust, Inc.
800 Dunlop Road
Sanibel, FL 33957

Jacqueline Kay Fraser
Rocky L. Smith
1460 Court Pl.
Sanibel, FL 33957

RESIDENT
1575 Centre Street
Sanibel, FL 33957

RESIDENT
1515 Centre Street
Sanibel, FL 33957

RESIDENT
1520 Centre Street
Sanibel, FL 33957

RESIDENT
1535 Centre Street
Sanibel, FL 33957

RESIDENT
1550 Centre Street
Sanibel, FL 33957

Pamela Smith

From: Judie A. Zimomra
Sent: Wednesday, May 13, 2009 9:28 PM
To: Pamela Smith
Subject: Fw: Opposition to Paving of Centre Street - Please Reply - Delivery Confirmation Reguested

Sent from my BlackBerry Smartphone provided by Alltel

From: "Vallee Arnett"
Date: Wed, 13 May 2009 17:46:53 -0400
To: <sancouncil@mysanibel.com>
Subject: Opposition to Paving of Centre Street - Please Reply - Delivery Confirmation Reguested

Re: Paving of Centre Street
From: Owner of Record, 978 Main Street, Sanibel, FL 33957

Dear Council,

As I will be unable to attend the hearing on 5/19/09 in which you will discuss the paving ofCentre Street, I wanted my opposition entered into record, and provide below my basis for this opposition.

1. Even Sanibel residents have been hit hard by the current economic recession; the Sanibel Center area probably feels it more than many others as it is one of the "working class" neighborhoods on the Island. The timing of this would be detrimental to many as it would further burden us with a portion of an assessment for a non-essential city-imposed expense against our will at the very point when many are struggling just to pay mortgages and property taxes and when there is little to no hope of selling your home at any reasonable price. I personally am attempting to fund the demolition of the 85-year-old home that sits on the two lots I own, and being unable to afford to do so at this time, the last thing I am willing to pay for is the paving of road that has existed just fine the way it is for decades.

2. Sanibel is supposed to be a low density sanctuary island and as such paving should be avoided for environmental and aesthetic reasons, unless there is no alternative. There have been no significant changes to the SanibelCenter area demographically to warrant such paving other than the proposed City of Sanibel below-market-rate housing project proposed at the dead-end of Center Street. If in fact that is what is creating this demand for paving, then it would seem that the City itself or the BMRH program pay 100% of the cost as they would be creating the increased density and usage of both Main and Centre Streets, or perhaps reduce the number of dwellings being proposed.

3. To pave Centre Street would encourage a higher rate of speed which could pose a peril to the many, many residents and pets in Sanibel Center when you consider that street intersects four roads (Dixie Beach BLVD, Palm ST, Fitzhugh ST, Main ST) all of which are densely vegetated and have therefore somewhat blind intersections. Additionally, Centre Street is extremely narrow, barely wide enough for

two cars to pass, and the homes along Centre Street are not set back very far. To increase speeds and potentially widen this road would be very, very intrusive on the property owners. Since I currently still own property on Main Street but live in Gumbo Limbo, I do drive on Centre Street often, and almost without exception I see people walking their dogs and kids riding their bikes on Centre Street so I always go very slowly. Yes the fact it is a sand/shell road further encourages a slower speed which is good; a paved road would likely produce injuries to children and pets as the homes and yards are so close to the road.

4. My family originally moved to the Sanibel Center area in 1972 and I spent my entire childhood and teen years walking then later biking on Centre Street as it connected the roads my friends lived on. Even if I did not still own land in that neighborhood and opposed this measure based on the financial burden, I would still oppose it as an Island resident. What made Sanibel magical to me as a child and still does as an adult is that we do not pave over everything, we do not have billboards and neon signs, and that we keep our vegetation lush and work to have natural spaces filled with wildlife. If we continue to erode that special quality by, among other decisions, paving all our shell/sand roads then we shall be no more special than any other place and that will ultimately have a negative effect on our property values and the laid-back, casual and natural lifestyle we long-time residents all cherish.

In closing, I propose that if any one or number of Sanibel Center or Centre Street residents have requested that this paving take place, or if it is due to the above-mentioned BMRH project, that they themselves specifically bear 100% of the burden of the initial expense rather than penalizing the remainder of residents who have lived quite happily for many decades with the quaint tree-lined sandy road the way it is. There is NO ESSENTIAL NEED to service the greater good of the MAJORITY of surrounding homeowners, so we should not therefore be assessed

Vallee (Haverley) Arnett
(239) 645-1903
varnett@comcast.net
1817 Serenity LN
Sanibel, FL 33957

Carol J. Reed

From: Vallee Arnett [varnett@comcast.net]
Sent: Wednesday, May 13, 2009 5:47 PM
To: sancouncil
Cc: Judie A. Zimomra
Subject: Opposition to Paving of Centre Street - Please Reply - Delivery Confirmation Reguested

Re: Paving of Centre Street
From: Owner of Record, 978 Main Street, Sanibel, FL 33957

Dear Council,

As I will be unable to attend the hearing on 5/19/09 in which you will discuss the paving of Centre Street, I wanted my opposition entered into record, and provide below my basis for this opposition.

1. Even Sanibel residents have been hit hard by the current economic recession; the Sanibel Center area probably feels it more than many others as it is one of the "working class" neighborhoods on the Island. The timing of this would be detrimental to many as it would further burden us with a portion of an assessment for a non-essential city-imposed expense against our will at the very point when many are struggling just to pay mortgages and property taxes and when there is little to no hope of selling your home at any reasonable price. I personally am attempting to fund the demolition of the 85-year-old home that sits on the two lots I own, and being unable to afford to do so at this time, the last thing I am willing to pay for is the paving of road that has existed just fine the way it is for decades.

2. Sanibel is supposed to be a low density sanctuary island and as such paving should be avoided for environmental and aesthetic reasons, unless there is no alternative. There have been no significant changes to the Sanibel Center area demographically to warrant such paving other than the proposed City of Sanibel below-market-rate housing project proposed at the dead-end of Center Street. If in fact that is what is creating this demand for paving, then it would seem that the City itself or the BMRH program pay 100% of the cost as they would be creating the increased density and usage of both Main and Centre Streets, or perhaps reduce the number of dwellings being proposed.

3. To pave Centre Street would encourage a higher rate of speed which could pose a peril to the many, many residents and pets in Sanibel Center when you consider that street intersects four roads (Dixie Beach BLVD, Palm ST, Fitzhugh ST, Main ST) all of which are densely vegetated and have therefore somewhat blind intersections. Additionally, Centre Street is extremely narrow, barely wide enough for two cars to pass, and the homes along Centre Street are not set back very far. To increase speeds and potentially

widen this road would be very, very intrusive on the property owners. Since I currently still own property on Main Street but live in Gumbo Limbo, I do drive on Centre Street often, and almost without exception I see people walking their dogs and kids riding their bikes on Centre Street so I always go very slowly. Yes the fact it is a sand/shell road further encourages a slower speed which is good; a paved road would likely produce injuries to children and pets as the homes and yards are so close to the road.

4. My family originally moved to the Sanibel Center area in 1972 and I spent my entire childhood and teen years walking then later biking on Centre Street as it connected the roads my friends lived on. Even if I did not still own land in that neighborhood and opposed this measure based on the financial burden, I would still oppose it as an Island resident. What made Sanibel magical to me as a child and still does as an adult is that we do not pave over everything, we do not have billboards and neon signs, and that we keep our vegetation lush and work to have natural spaces filled with wildlife. If we continue to erode that special quality by, among other decisions, paving all our shell/sand roads then we shall be no more special than any other place and that will ultimately have a negative effect on our property values and the laid-back, casual and natural lifestyle we long-time residents all cherish.

In closing, I propose that if any one or number of Sanibel Center or Centre Street residents have requested that this paving take place, or if it is due to the above-mentioned BMRH project, that they themselves specifically bear 100% of the burden of the initial expense rather than penalizing the remainder of residents who have lived quite happily for many decades with the quaint tree-lined sandy road the way it is. There is NO ESSENTIAL NEED to service the greater good of the MAJORITY of surrounding homeowners, so we should not therefore be assessed

Vallee (Haverley) Arnett
(239) 645-1903
varnett@comcast.net
1817 Serenity LN
Sanibel, FL 33957

Carol J. Reed

From: ChelleTrav@aol.com
Sent: Tuesday, May 12, 2009 4:56 PM
To: sancouncil
Cc: rwwalt@mindspring.com
Subject: paving Center St.

Dear Council,

We received a letter re: this matter, although we actually live on Main Street. I'm assuming this means we are "effected property owners." (Proper syntax would be "*affected* property owners.")

I was present at the first Planning Commission meeting where the CHR project was discussed with residents. We left that meeting with the understanding that the Planning Commission was going to recommend to the City Council that the City pave Center Street on its own volition, with its own funding. The reasons for this:

1. One Planning Commissioner reported that the City told him it was cheaper to pave the road than to maintain it as is, and that's evident because it is usually maintained in a very sad state of potholes and scrub-board.

2. Since the CHR project is dictated by the Sanibel Plan and threatens to double the amount of traffic on Center Street, it seems the City's responsibility. The small, quiet neighborhood is already being burdened by the construction of the sizeable project and influx of some 50 more people, 20-some cars, so should not be expected to bear additional responsibility and inconvenience.

In short, it seems a no-brainer that either the City, CHR, or prospective CHR residents foot the entire bill for paving Center Street.

I will most likely be unable to attend the meeting on May 19 due to job conflicts, but hope you will take my feelings and opinions into account. If it comes to an assessment to pave Center Street, we are against it.

Sincerely,
Chelle Koster Walton

Chelle Koster Walton
Independent Travel Writer & Wordsmith

Author of: *Sarasota, Sanibel Island & Naples Book*; *Adventure Guide to Tampa Bay & Florida's West Coast; Fun With the Family in Florida;* Fodor's Compass American Series *Florida; Caribbean Ways: A Cultural Guide*
Contributor to: *Miami Herald, National Geographic Traveler, Caribbean Travel & Life, FamilyFun,* Fodor's *Healthy Escapes* (spa guidebook), Fodor's Gold Guides: *Florida* and *Bahamas*
WGCU Public TV Writer & Producer
Times of the Islands **Travel & Cuisine Editor**
Naples Illustrated **Restaurant Reviewer**

PO Box 242
Sanibel Island, FL 33957

Carol J. Reed

From: Judie A. Zimomra

Sent: Sunday, May 10, 2009 1:22 PM

To: 'LorrMazz@aol.com'

Cc: sancouncil; 'mickdenham@aol.com'; 'kbrsr@comcast.net'; Jim L. Jennings; 'mharrity@aol.com'; Gates Castle; Ken Cuyler

Subject: RE: Centre Street question

Dear Paula – Thank you for your email. The final decision if Centre Street will be paved will be made by City Council. Inasmuch as residents often are concerned about their neighborhood in addition to just their street, Council did ask that your entire neighborhood be notified of their upcoming discussion on this matter in the event you wanted to provide input. You can provide input by attending the City Council meeting; sending City Council an email addressed to sancouncil@mysanibel.com (which is routed to all 5 council members) send Council a letter, or phone or meet with each Council member individually.

Please do not hesitate to call me at 472-3700 if you have any further questions, Again thank you, Judie Zimomra, Sanibel City Manager

---

From: LorrMazz@aol.com [mailto:LorrMazz@aol.com]
Sent: Sunday, May 10, 2009 12:39 PM
To: Judie A. Zimomra
Subject: Centre Street question

We just received notification about the consideration for paving Centre Street. We live on Fitzhugh Street. How are we, or are we involved in this decision and responsibility for the outcome? Paula Ruocco

---

Recession-proof vacation ideas. Find free things to do in the U.S.

Carol J. Reed

From: sppfbhg@aol.com
Sent: Sunday, May 10, 2009 2:41 PM
To: Judie A. Zimomra; sancouncil
Subject: Permeable macadam used on Ding Darling's Wildlife Drive

Sunday May 10 2009

Dear City Manager Zimomra, City Council members;

While I am fully against paving Centre Street, if at some point the road is paved, I'd like you all to consider using the permeable macadam the Feds used to pave Wildlife Drive at the Ding Darling refuge. According to island resident Marilyn Kloosterman, for decades active in the Wildlife Society at the refuge, it has held up well.

Many people want their "here" to have the look and feel of their former "there" whether the reason is property values, less wear and tear on vehicles, or a dislike of eating dust. These are lousy reasons to pave anything.

Some of the most upscale subdivisions off West Gulf Drive have, as part of their draw, shell roads. While the only shells I've seen on our road in recent years have been large fossils that come up out of the dirt that's graded into the road, perhaps using real shell would cut down on dust complaints and requests the city water the road.

Permeability is important to the Island; it figures into architectural and landscape plans. I prefer the "shell" Centre Street for that reason, as well as because drivers of cars and trucks must drive at moderate speed if they want to keep fillings in their teeth, the roadway doesn't steam with the fresh-baked smell of hot asphalt after a rain, and dogs and barefoot people with good calluses can walk the roadway comfortably even at high noon on a hot July day.

So if my position is overruled, I'd like you all to consider using the same material that was good enough for former Ding Darling Refuge Manager Lou Hinds. If he hasn't yet retired from his admirable service in the National Wildlife Refuge system, perhaps he is highly placed enough to get you a good price on the paving material good enough for the most visited refuge in the country.

Sincerely,

MJ McAward
1520 Centre Street
Sanibel, FL 33957-0157
239-472-2286
email:sppfbhg@aol.com

We found the real 'Hotel California' and the 'Seinfeld' diner. What will you find? Explore **WhereItsAt.com**.

Carol J. Reed

From: sppfbhg@aol.com
Sent: Friday, May 08, 2009 4:40 PM
To: Judie A. Zimomra; sancouncil
Subject: DON'T PAVE CENTRE STREET!!!

May 8, 2009

Dear City Manager Zimomra and Sanibel City Council members:

My name is MJ McAward, I have owned my home at 1520 Centre Street since 1997, resided in this neighborhood since 1993 and am going on record as against the proposed paving of Centre (Center) Street.

Thank you.
MJ (MaryJeanne) McAward
1520 Centre Street
Sanibel, FL 33957
(239) 472-2286
email sppfbhg@aol.com

Shopping for Mom? Save yourself a little time and money on AOL Shopping.

Carol J. Reed

From: Judie A. Zimomra
Sent: Friday, May 08, 2009 5:15 PM
To: 'sppfbhg@aol.com'
Cc: sancouncil; 'mickdenham@aol.com'; 'kbrsr@comcast.net'; Jim L. Jennings; 'mharrity@aol.com'; Pamela Smith; Ken Cuyler; Bill E. Tomlinson; Gates Castle; 'Scott Marcelais'
Subject: RE: DON'T PAVE CENTRE STREET!!!

Dear MJ (Mary Jeanne) Mc Award – thank you very much for your email below regarding paving Centre (Center) Street – a copy has been forwarded to each member of City Council. Additionally your email will be placed in the Council Agenda packet for the record by the City Clerk. Thank you very much for sharing your input on this matter,

Sincerely yours, Judie Zimomra, Sanibel City Manager

From: sppfbhg@aol.com [mailto:sppfbhg@aol.com]
Sent: Friday, May 08, 2009 4:40 PM
To: Judie A. Zimomra; sancouncil
Subject: DON'T PAVE CENTRE STREET!!!

May 8, 2009

Dear City Manager Zimomra and Sanibel City Council members:

My name is MJ McAward, I have owned my home at 1520 Centre Street since 1997, resided in this neighborhood since 1993 and am going on record as against the proposed paving of Centre (Center) Street.

Thank you.
MJ (MaryJeanne) McAward
1520 Centre Street
Sanibel, FL 33957
(239) 472-2286
email sppfbhg@aol.com

Shopping for Mom? Save yourself a little time and money on AOL Shopping.

RESOLUTION NO. 09-05

CITY OF SANIBEL
PLANNING COMMISSION

IN THE MATTER OF:	A Conditional Use application submitted to increase density for Below Market Rate Housing and a Development Permit to construct a 14-unit Unified Residential Housing Cluster Development
APPLICANT:	Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust, Inc.
APPLICATION NO.:	09-5007CUP and 09-5008DP
CONCLUSION OF HEARING:	March 10, 2009
ADOPTION OF RESOLUTION:	March 10, 2009

WHEREAS, the Planning Commission heard Application Nos. 09-5007CUP and 09-5008DP submitted by Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust, Inc. to consider a conditional use application for increased-density below market rate housing filed pursuant to Land Development Code Section 126-85 Increased-density Below Market Rate Housing, to permit development of 14 dwelling units, which is a density increase of 13 dwelling units, on a 2.37 acre parcel of land located at 1466 Court Place (Tax Parcel No. 19-46-23-T4-00006.0020), as submitted by Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust Inc. No. 09-5007 CUP; and to consider a development permit application for a 14 unit Unified Residential Housing Cluster Development filed pursuant to Land Development Code Chapter 86, Division 3., Subdivision II Unified Residential Housing (Cluster Housing) to permit development of a 14 unit increased density below market rate work force housing cluster development, consisting of 7 duplex units and associated site improvements, on a 2.37 acre parcel of land located at 1466 Court Place (Tax Parcel No. 19-46-23-T4-00006.0020), as submitted by Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust Inc. No. 09-5008 DP.

WHEREAS, the Sanibel Planning Commission, after full and complete consideration of the evidence presented at the hearing of February 24, 2009 and March 10, 2009 when written minutes were taken, makes the finding that the Record (without exhibits) is substantially as follows:

1. At the Planning Commission hearing of February 24, 2009 Chairperson Michael Valiquette called the meeting to order. In addition to Chairperson Valiquette, the following Commission Members were present: Vice Chair Phillip Marks, Commissioner Les Forney, Commissioner Tom Krekel, Commissioner Paul Reynolds, Commissioner Holly Smith and Commissioner Patricia Sprankle. Staff present: City Attorney, Ken Cuyler, Planning Director, Robert Duffy and Administrative Assistant, Susan Beck.

2. The following persons were duly sworn: Mike Cuscaden, President of the CHR Board; Scott Marcelais, Executive Director of Community Housing and Resources; Robert Pritt, Roetzel & Andress Law Firm, Attorney for CHR; Ray Pavelka, Board Member of CHR; Edgar Burton, Architect for CHR; Rick Kennedy, Construction Management for CHR; Frank Marro, Area Manager for Nationwide Custom Homes; Shelly Walton, Main Street

resident; Lynn Russell, Main Street resident; Joe Lutz, Bean, Whitaker, Lutz & Kareh; Stan York, Bean, Whitaker, Lutz & Kareh; Richard Johnson, CHR Board member, CICLT Board member and Sanibel resident; Tom Rothman, Board member of the Community Land Trust and resident of Sanibel; Ric Base, CHR Board, President of the Sanibel Captiva Islands Chamber of Commerce; Robert Duffy, Planning Department Director and Marie Ogden, Sanibel resident.

3. Site Visits and Ex-Parte Communications:

Commissioner Krekel disclosed that he was on a committee for the CLT to write the lease agreement but he was not a member of the CLT or CHR boards. Commissioner Krekel stated that he spoke with Attorney Cuyler and that Attorney Cuyler advised him that he could participate in the discussions and that he could also vote on the item.

Vice Chair Marks disclosed that he is on the CHR Board and, upon the recommendation of the City Attorney, would recuse himself from voting; however, he would participate in the discussion. Attorney Cuyler stated that he did give advice to both Planning Commissioners; there is no financial interest on Commissioner Krekel's part. Attorney Cuyler did advise Vice Chair Marks against voting, although he has no financial interest he is a CHR Board member and should abstain.

Commissioner Forney disclosed that he is a resident of this area. Attorney Cuyler advised Commissioner Forney that he could legally participate in the discussions and also vote on the item. Attorney Cuyler stated that unless Commissioner Forney would have some gain or loss to his property as a result of the approval there would not be any legal significance.

Mr. Duffy read the title and introduced the item.

Chair Valiquette stated the process the meeting would follow.

Mr. Duffy reported the following:

1. There are two applications before the Planning Commission (1) for increased density for Below Market Rate Housing (BMRH) at 1466 Court Place and (2) a Development Permit application for a cluster development.
2. The February 24, 2009 staff report was summarized as follows:
   a. The staff report is divided into several parts.
   b. It provides an overview of the proposal and background information that is pertinent to the application.
   c. A detailed analysis on a wide range of issues.
   d. Defines the policies related to BMRH associated with the Sanibel Plan.
   e. A number of findings, recommendations and conditions associated with the two permit applications.
3. There are four issues:
   - Does the proposed 14-unit Below Market Rate Housing Development (an increased-density Below Market Rate Housing conditional use) conform to general requirements for conditional uses (LDC 126-82)?

- Does the proposed 14-unit Below Market Rate Housing Development conform to specific requirements for increased-density Below Market Rate Housing (LDC 126-85)?
- Do the proposed site plan, site preparation (natural resources protection), structures, and final grading and planting comply with the development standards and requirements of the Land Development Code?
- Does the proposed 14-unit increased-density Below Market Rate Workforce Housing development comply with the goals and policies of the Sanibel Plan?

4. The proposal relies on the objective and policy of the Sanibel Plan (Section 3.6.1. Housing):
   Objective 3 - Increase the total number of housing (dwelling) units that are available to persons of very low, low and moderate income in addition to providing essential services workforce housing.
   - Policy 3.4 – Maintain the provision of the Land Development Code (LDC) allowing conditional use increased density (additional unit bonus) for BMRH units.
5. This application is to increase the supply of workforce housing, a goal of the Sanibel Plan.
6. The goal for BMRH as set forth in the Sanibel Plan is 3% of resident households.
7. This proposal covers a 14 unit cluster development consisting of seven duplex units.
8. Four of the duplex structures will have 3-bedroom dwellings.
9. Three of the duplex structures will have 2-bedroom dwellings.
10. CHR representatives will describe the details of the structures.
11. Drainage and other infrastructure plans have been submitted.
12. There will be an improved single driveway access to Center Street and to a portion of Center Street to Main Street.
13. A portion of Center Street will be paved as part of this project.
14. Attachments A through N were reviewed.
15. A map of BMRH housing locations, a revised landscaping plan and an e-mail from Scott Marcelais were provided to the Commissioners during the meeting.
16. The subject property, if under standard residential development, would be allowed 1 dwelling unit.
17. This parcel, in many ways, is recognized as a transitional parcel between the neighborhood and the Commercial District and Utility property.
18. The subject property is conveniently located to Periwinkle Way.
19. Attachment B is important because it presents the proposed site plan and subject parcel.
20. The northern boundary is primarily single family dwellings.
21. There is a duplex dwelling at the southeast corner of Center Street.
22. The Sanibel Center subdivision which was platted in 1976 has conforming and nonconforming residential development.
23. There are 29 single family homes and five duplexes in this subdivision.
24. There are several vacant properties owned by IWA and privately owned.
25. An analysis is provided in the Staff Report on Page 4 as follows:
    - Unified Residential Cluster Development – The various criteria that the Planning Commission's decision will be subject to.
    - Conditional Use General Requirements
    - Traffic Analysis – It should be noted that the application proposes to pave the section of Center Street that connects with Main Street.
    - Adequate access will be provided for the Fire and Rescue District
    - The peak hour daily trips will utilize the 200' connection to the Periwinkle minor arterial along Center Street.
    - There will be trips along the unpaved shell road toward Dixie Beach Boulevard but staff believes the impact will not be significant to the surrounding neighborhood.
    - The Applicant shows a 15' wide buffer along the entire perimeter.

- This buffer is particularly important along the southern property line because of the location of commercial uses.
- This buffer also provides additional screening on both the northern and western property lines of the residential area.
- Correspondence was received from IWA. There is a 15' wide easement that runs along the entire southern property line of the subject property and a 14" water main that provides water service to the surrounding properties and connects to the IWA property on the east.
- IWA recommends that no vegetation plan occur within the 15' wide buffer but they have no objection to the various swales and berms that are proposed as part of the Stormwater Retention Plan prepared by Bean, Whitaker, Lutz and Kareh.
- An alternate vegetation plan prepared by R. S. Walsh addresses this. The Planning Department staff requested that they have time to review this alternate plan with the Natural Resources Department prior to the Commission taking final action on this application.
- The Planning Department staff will also review how the applicant will relocate various existing landscaping features on this site identified by the existing survey.
- Reports were received from IWA, Lee County Electric Co-Op, and the Public Works/Sewer Department stating that infrastructure is in place to support these 14 units.
- Specific policies in the Sanibel Plan support this development.
- Background information regarding the Woodhaven project was included in the staff report.

26. The procedure of the Planning Commission is to consider approval of increased density for BMRH.
27. The Planning Commission will consider approval of the application and make a recommendation to City Council.
28. City Council requires a 4/5 approval vote for the project to move forward.
29. There are six conditions that the applicant but must follow if the Planning Commission finds that Conditional Use Application 09-5007 meets conditional use general requirements and the three specific conditional use requirements for increased-density below market rate housing.
30. There are 16 conditions that the applicant must follow if the Planning Commission finds that the conditional use application for increased-density Below Market Rate Housing complies with the general and specific requirements for that conditional use.

Chair Valiquette asked if neighborhood notification was done. Mr. Duffy replied that it was. Notification was sent to neighbors within the 300' area. Chair Valiquette asked if there were any letters or e-mails from neighbors. Mr. Duffy stated that the Planning Department had not received any correspondence.

There were no questions from the Commissioners to the Director.

Applicant

Mike Cuscaden, President of CHR

1. Thanked the Commission for the opportunity to present this proposal.
2. Introduced Scot Marcelais, Executive Director of CHR; Edgar Burton, the Architect for the property; Joe Lutz and Stan York, representatives from Bean, Whitaker, Lutz and Kareh; Frank Marro, Executive in charge of Nationwide Custom Homes; Bob Pritt, Attorney for CHR and Rick Kennedy, Staff Construction Superintendent.
3. The development of Court Place is part of CHR's 5-year plan.
4. This was approved by the Below Market Rate Housing Review Committee of the Planning Commission, the Planning Commission and City Council.

Scot Marcelais

1. Reviewed grant requirements for the project as follows:
   - 80% of the Grant requirements are in place
   - The balance of financing is place. This financing is from the Sanibel Captiva Community Bank, Florida Community Loan Fund for the "Green" aspects of the development, Lee County SHIP program, Lee County Home program, grant from the Luzerne Foundation, grant from ZONTA, and own land equity.
   - The land was purchased in 1991 for $110,000 (CHR contributed $10,000; City of Sanibel loaned $100,000).
   - The $100,000 was paid back to the City of Sanibel within two years by a Federal Community Development Block Grant.
   - There are a few other grant opportunities available.
   - This project is an equitable or limited equity ownership hybrid project.
   - The goal is to sell these units to first time home buyers on the Island with a ground lease and limited equity.
   - Homes have to be sold back to CHR and CHR has to buy them.
   - The index rate is up to 3% a year for 10 years.
   - The balance of the units will be rental units.
   - If market conditions don't initially allow all of the 8 equitable ownership units to occur, they will be rented on a lease to purchase basis.
   - Everything will be done to get people into these homes.

Commissioner Krekel

1. Is there a waiting list? Mr. Marcelais said there are 65 people on the current waiting list. At present, they are not advancing the concept of limited equity ownership until resolution of this application is received.
2. Are there enough people who are interested in participating in limited equity ownership? Mr. Marcelais reported that there are 4 people who have responded that they are interested.
3. Applications have been taken and the Sanibel Captiva bank is reviewing the applications.
4. Are these City employees? Mr. Marcelais said some are.
5. City Council intended for this housing to be for workforce employees. Mr. Marcelais said this is correct; 100% workforce housing of which 50% are to be for essential employees as defined by the State as educators, government employees, fire and safety employees and health care employees.
6. Do you intend to have 8 units being in the limited equity program? Why don't you want the other four? Mr. Marcelais said there is always a need for rental units. This would be a balanced opportunity. Historically we have only had rental properties.
7. The 65 number is actually people who want to rent. Mr. Marcelais said the only products they have now are rentals. This is the introduction of a new opportunity for people who would not be put out of a rental unit because of success in their employment. You only have to financially be eligible at the time of application and closing. There is no financial limitation after this. Since the equity is indexed the purchaser might make a decision to sell and move.
8. What is the present percentage goal for the City of Sanibel? Mr. Marcelais stated that presently the goal is 3% which equates to 104 units. Presently there are 79 units. 73 of these units are owned by CHR and the others are master leased by CHR.
9. Is the project self sufficient or will the return be enough to keep it going without additional input at this time? Mr. Marcelais said it is.

To clarify the participation of a Planning Commissioner who is abstaining from the vote, Attorney Cuyler stated that you can, as an appointed public official, if you feel you have a conflict and you abstain from voting, participate in the hearing as long as at the beginning of the hearing you state that you will abstain from voting.

Vice Chair Marks

1. The reason there aren't more than 4 people who have applied for limited equity housing is because CHR doesn't want to advertise prior to approval of the application.
2. After approval CHR will meet with groups on the Island that employ potential buyers, i.e., The Sanibel School has approximately 12 teachers who might be interested and the Sanibel Police Department has approximately 6 interested employees.
3. The process is more complicated when you purchase than when you rent.
4. To rent you apply for the rental and if you have the required number of points you can rent.
5. To be an owner you have to pass through more hoops.
6. We don't want to put staff in this position until this is approved.
7. When we can we will publicize the program and meet with many of the service organizations and small business owners.
8. We will probably have 30 to 40 applicants.

Commissioner Forney

1. We got burned when we approved the temporary medical center as Commissioner Sprankle stated.
2. The artist's rendition didn't look anything like the actual structure.
3. Beautiful artist's renditions of these manufactured homes have been submitted for this project.
4. Wants to see photographs of actual buildings that have been constructed. Mr. Marro stated that these are not manufactured homes. They are homes that are built under the Florida Building Code. Manufactured housing is built according to HUD regulations which are less strict. They have just finished their fifth building in Lee County which is an EMT center. They have had a contract with Lee County for the past five or six years to build structures for them; will supply the addresses of these structures. The renderings presented to the Planning Commission are from the architect's drawings. The units will look exactly like the pictures. There is a web site that also shows the homes. Commissioner Forney said he would like to have the addresses of the structures and the web site address.

Commissioner Reynolds

1. With the capped equity on the property, he assumes that the benefit to purchasing is the tax benefit for the mortgage interest. Mr. Marcelais stated this is correct and also emerging out of the latest stimulus package is an $8,000 initial homebuyer credit. Another benefit is that the purchase program does not prohibit people from having a second job or the wife or husband working full time or part time; you don't have to be concerned if your lease will be renewed. Your mortgage payment is fixed. You could pay more for rent than you would pay on a mortgage.
2. If someone defaults on a mortgage and the property is foreclosed what happens? Mr. Marcelais said CHR guarantees to buy it back; CHR is the co-signer on the note.

Commissioner Smith

1. Is this a Precision Home and not a manufactured home? Mr. Morro said this is correct.
2. Precision Homes have to meet or exceed all local and federal codes.
3. The term manufactured homes is not applicable to what is being proposed in this application.
4. Precision Homes are a more financially feasible way of getting homes built.
5. Asked Mr. Marcelais to expand on background information they gathered regarding other areas in the State where they have limited equity purchasing. Mr. Marcelais stated this was a significant focus of the ad-hoc group. Other places in other localities have done market appreciation. Mr. Marcelais said he heard of areas where people would get a habitat home and the materials are donated by Home Depot or other stores and the labor was voluntary. Before restrictions were put in place, people were getting these homes at zero percent interest, $50,000 mortgages and they were selling these homes and making

a huge profit. This is why CHR indexed the rate. The homeowner is guaranteed up to 3% a year depending on the condition of the house when CHR buys it back. This is capped at 10 years; the highest return is 30% on your investment, not on grants or money that CHR brings in.

6. You are proposing 8 units for equitable ownership, will this be staged proportionally? Mr. Marcelais said if the units don't sell they can be rented.
7. Is there a certain percentage of BMRH that has to be ADA compliant? Mr. Marcelais said the State of Florida requires 5%. BMRH on Sanibel that is ADA compliant is above this percentage.
8. Will the paving of Center Street cause an increase in traffic or cause this street to be used as a through street? Mr. Duffy stated there hasn't been a full blown traffic study. When you look at the site plan you will see there is a central driveway that will be paved and will extend to Main Street. The section of Center Street out to Main Street will be paved; this is 200 feet from Periwinkle Way. If you did a traffic study the staff would project that on any given day during the peak period 70 to 80% of the traffic would turn left onto Periwinkle Way. There will be trips that seek the unpaved portion of Center Street and additional trips going toward Dixie Beach or trips looking for secondary routes to escape some peak flow.

Public Comments

Lynn Russell, Main Street resident, stated that she would like to make some comments on the actual traffic use of the area. Billy Kirkland owns the property on the corner of Periwinkle Way and Main Street and operates Billy's Bikes from this location. This is high traffic volume from 8 AM to 5 PM everyday with bicycles and the transportation of heavy equipment. During peak hours you have bicycles coming down Main Street and the bicycles, motorcycles and various trailers that transport tractors and bikes go to Dixie Beach Boulevard. People who live in this area don't take the turn to go from Main Street to Periwinkle. They go down Center Street to avoid the traffic from Billy's Bikes. If there is only one road that accesses into this development at Center Street there will be heavy traffic constantly going down Center Street into this development from Dixie Beach. There is only one exit and entrance on Center Street. Even two cars going down the dirt road have to go to the side to let the other car pass because the road is very narrow. Center Street is nothing but pot holes during the rainy season. The correct address for this project is not 1466 Court Place. The actual address is the east end of Center Street. 1466 Court Place is owned by Walt and Jackie Frasier and they were told several years ago that they could not buy this property because the City said it was zoned for only one unit for environmental reasons. When it was decided that the property was going to be purchased for low income housing, Mr. Frasier was promised that there would be a 40' buffer between their property and any development. He was also told that there would be no more than 8 dwellings; now 14 dwelling are being proposed. On Main Street there is a four-plex that is adjacent to Billy's Bikes. All the traffic from these units enters onto Center Street. It seems that Center Street should be paved all the way to Dixie Beach.

Mr. Duffy reported in regard to the address, the City's and County's records were examined and the address for the project is correct, however, the City has requested that the address be changed to a Center Street address, if this project is approved. There is no buffer requirement for this parcel; however, the applicant is providing a 15' buffer. In terms of traffic, there are volumes of traffic. Residents have options to seek the Dixie Beach access during high traffic volumes or during the off-season. The proposed project proposes to pave a very narrow section of Center Street that terminates at Main Street. These are public roads and they provide for both local and non-local traffic trips. The issue of paving the balance of Center Street is interesting because there has never been a petition from the neighborhood to pave this road. If there was a petition, and this project goes forward, CHR could be part of this formula.

Chelle Walton, resident, stated that the traffic is already a problem. Making a left hand turn in the morning is impossible. This will also impact the Dunes. Seven Eleven is across the street and Schnapper's is down the street. There are a lot of cars, surreys, and people learning to ride mopeds on this street. Believe paving Center Street is a good solution. Hopes the yards for this project won't be sodded. Gopher tortoises, rabbits and other wildlife live in this area. Mr. Duffy stated that the Brazilian Pepper and exotics were removed. Existing mature native vegetation will be retained or relocated as part of the revised landscape plan. The Planning Department would like to have the opportunity to review the revised plan. There is no question that traffic will increase. It would be prudent for all the abutters on Center Street to decide what would be equitable in the long term for everyone and the best plan to proceed with this. The bulk of the traffic will seek out the Main Street and Periwinkle intersection. The map of existing BMRH projects shows that much of this development is along Periwinkle and traffic has not been impacted in a significant way and it is believed that this project will perform in a very similar manner.

Marie Ogden, Sanibel resident, said she is looking forward to owner equity on the Island. Ms. Ogden said she has been a resident of Sanibel since 1991. This housing is the only way that she will be able to stay on Sanibel. Believes this area will be a lovely area for this housing.

Lynn Russell, Sanibel resident, stated that regarding the comments and conclusion that traffic will seek out the Periwinkle Way/Main street entrance, because there is a bike rental there are mopes that are driven up and down the street. Anyone doing construction work for this development will cause a major inconvenience to residents.

Tom Rothman, Board Member of the Community Land Trust, the decision made on indexing was not made lightly. We looked at ground leases in several other areas where it was heavily a tourist area like ours. We visited the Land Trust in the Keys and had detailed discussions. They use indexing. The problem is to try to keep housing affordable for the long term. Believes the City will be proud of these buildings.

Commissioner Sprankle

1. Concerned about the traffic.
2. It is not realistic to think that Center Street will not be heavily used.
3. Could there be a scenario where we could tie in paving Center Street so it is neat and clean. What would this process be? Mr. Duffy stated there would have to be a petition to initiate a process and to define a special assessment district. The residents of this subdivision, particularly those who front on Center Street and if this application is approved, CHR, could meet and begin this process. Is not sure that this would be a condition that would be associated with this resolution.
4. How long does this process take for citizens to come together and make a petition? Attorney Cuyler stated that it is the coming together part that takes the most time. 80% of the residents of the proposed area have to agree. They go to Public Works and Public Works goes to City Council. The City usually pays 33% of the costs and 100% of the residents are assessed for their fair share.
5. How would this work out as an assessment for the 14 units of the BMRH housing? Attorney Cuyler stated it would be the individual properties through CHR. The mechanism would have to be discussed. We would try to determine a fair and proportionate amount for the residents.
6. Would it be the people who actually feed onto Center Street? Attorney Cuyler stated that the proportion would be determined by benefit, some areas could pay more than others.
7. Is there a time projection for a completion date for this project? Mr. Marcelais stated it should be finished by the end of this calendar year.
8. It would be difficult to make the paving of Center a condition of this permit.
9. It seems that the neighborhood has time to get together and work this out.

Commissioner Reynolds

1. Agreed with Commissioner Sprankle's comments.
2. Turning left onto Periwinkle from Bailey to "California" is impossible.
3. This area is particularly challenging.
4. Turning left off of Dixie Beach is not easy either.
5. Hopes we take a better look at the traffic flow and consider paving all the way to Center Street.

Commissioner Smith

1. Property owners have a job to do regarding the paving.
2. This is not a condition of this application.

Commissioner Forney

1. The impact of traffic on Center Street has been grossly underestimated.
2. Center Street is not a residential street.
3. It is used as a bypass for Periwinkle and is used by 18 wheelers everyday and people coming from the Dunes.
4. The vast majority of the traffic is not residents.
5. The benefit for paving this road is to the City.
6. If we were managing things properly, you would think the City would be paving the unpaved roads that exist in the City.
7. A couple years ago the Public Works Director said it costs twice as much to maintain shell roads compared to surfaced roads.
8. To have the residents of Center Street pay for the paving, you don't understand the economy in this area.
9. The previous Police Chief characterized Sanibel Center as run down but affordable.
10. It is not one of the more prosperous subdivisions.
11. There are five houses that face Center Street in a three block area.
12. The City is not able to maintain this road now.
13. There are about six gigantic pots holes now and this is the dry season.
14. It is the City's responsibility to maintain the road and it is the City's responsibility to fix it, not the residents, because residents don't use the road that much.
15. The roads within the proposed project are going to be shell roads. Doesn't understand why the City would agree to this. These roads should be paved.

Vice Chair Marks

1. This project is a result of 2 years of intense planning.
2. There has been great cooperation and many conversations with the Planning Department, Natural Resources, the Building Department and the Department of Public Works.
3. Advice has also been received from the Regional and State level of the Florida Housing Commission.
4. This is a standalone project. The land is owned with no debt by the Community Housing Resources and the newly formed Land Trust.
5. Construction loans have been approved and have been in place for several months and the budget pro-forma passed the scrutiny of everyone who has given advice.
6. The applicants for BMRH rentals far exceed the amount of housing that will be built on this Island.
7. The reason there are no applicants for the limited equity is because this has not been advertised.
8. All the people we are looking at are workers.
9. These workers have served our City for years and they commute daily to Sanibel. They are not eligible to vote in Sanibel so they have very little input to matters than concern all the citizens; however, they work hard to be a part of Sanibel.
10. These workers don't have time to enjoy the benefits of the Island that they work hard to be a part of.

11. These workers have jobs that are essential to the safety, health and welfare of the Island; police officers, school teachers, firemen, EMS, health care professionals, etc.
12. If someone rents BMRH and they get a raise and exceed the prescribed income they can no longer rent.
13. People who buy these units do not have an income level requirement after they purchase the unit.
14. This will provide housing for people who work on Sanibel who would never be able to buy a market rate home.
15. The Board has worked for over 30 years without compensation to promote affordable housing to the individuals and families of those who work on Sanibel.
16. This is not focused on the elderly or retirees, it is for the workers. Casa Mariposa is primarily for the elderly and partially disabled.
17. This could help deter the high turnover of employees on the Island.
18. The City is more diverse when you have people of all walks of life.
19. This project is very special and unique because we are designing and building the first green building project on this Island. This will be certified as a lead project.
20. This will save renters and owners on utility costs.
21. This project will be built to the highest storm standards.
22. Builders and subcontractors will be local.
23. Impressed that the Board is composed of people who are very compassionate.

Commissioner Krekel

1. The houses that will be built for this project will be very well built and are very nice inside.
2. A lot of time was spent on the leasing agreement.
3. Wondered if this would work, if it would draw people in.
4. Was very pleased to hear Marie Ogden say she is looking forward to this type housing.
5. The reason why this will work is because of the structure of the leasing agreement.
6. The buyers will make some money but they won't make a windfall.
7. We have done this for workers who do not have the means to purchase other properties on the Island.
8. The traffic on Center Street needs more consideration.
9. Lives on a shell street and the residents asked him to go to City Council but 80% of the community won't agree to have the road paved.
10. The 80% requirement almost insures that Center Street will not be paved.
11. If you change the address of the 14 units in this project, would these people still pay for the paving? Attorney Cuyler said they would be included if they benefit from the paving and to the extent that they benefit. Attorney Cuyler also stated that the residents can always approach the City and ask that the City be responsible for the paving costs.
12. We do have to take into consideration the people who live in the neighborhood.
13. The residents of this area are not concerned that low income housing is being proposed in their neighborhood, they are concerned with traffic problems and road condition problems.
14. This needs to be worked out.

Chair Valiquette

1. The traffic problem is fairly easy to work out.
2. We can pass this to City Council and have them address these concerns.
3. City Council decides what roads get paved. Mr. Duffy said there are two actions, (1) it is City Council who ultimately would approve the BMRH density increase to enable this project to proceed and (2) contingent on action by Council the Development Permit would be issued. There are traffic issues. Staff does not disagree with this. This is an existing condition and the applicant can't assume the responsibility of existing conditions. The application has proposed to make improvements to the portion of Center Street that will connect to Main Street which is 200' away from the arterial road that serves the Island. The City Attorney and Planning Director have described the procedures for the neighborhood and CHR to petition City Council for larger capital improvements.

4. Is happy to know that Mr. Kennedy stepped forward and agreed to build these houses at cost.
5. Asked Mr. Kennedy if he could consider blocking off Center Street to truck traffic while construction is being done. Mr. Duffy stated that a condition of approval could be that the City approves a construction management and development plan before any construction would proceed. Staff has heard the concerns from residents and the Commission regarding traffic and the Commission can advise Council to consider whether the existing conditions should be addressed. The Applicant is proposing mitigation that the Planning Department deems to be appropriate on this portion of Center Street.

MOTION: Chair Valiquette moved to approve Application Nos. 09-5007CUP with the 6 conditions recommended by the Planning Department and 09-5008DP with the 16 conditions recommended by the Planning Department and an additional condition 17 requiring that, prior to approval of the necessary building permits, an on and off-site construction management and access plan will be submitted for review and approval by the Planning Director that would, in part, restrict access to the site by construction related vehicles to Main Street and the portion of Center Street east of Main Street. The increase in density to enable the construction of Below Market Rate Housing at the subject property is consistent with the goals and policies of the Sanibel Plan and the relevant provisions of the City Charter and Land Development Code.

The Chair also moved that the City of Sanibel should proceed with the preparation of construction plans and estimates necessary to pave Center Street between Main Street and Dixie Beach Boulevard at the City's expense. This is a recommendation on the part of the Planning Commission and is not a condition of approval of the Applications.

The Public Hearing will remain open until March 10, 2009 to enable the Planning and Natural Resources Departments to complete a review and report on the revised vegetation and site plans submitted by the applicant.

The City Attorney and Planning Department will prepare the necessary resolution for consideration by the Planning Commission on March 10, 2009 and for submission to City Council for consideration on March 17, 2009 if possible.

Commissioner Smith seconded the motion.

Commissioner Forney
1. Is in favor of BMRH but sees tremendous problems with the traffic.
2. Would like to see the Commission unanimously go on record that the City should bear the costs of paving Center Street all the way to Dixie Beach to avoid future problems. Mr. Duffy said that what would be done, since the motion states the hearing remains open, a parallel Resolution could be drafted that would address the traffic and paving issues. The City Attorney and Planning Director will work to develop this and it would be presented to Council at the same time as the other Resolution.

Commissioner Reynolds
1, Asked that this be made as an amendment to the Resolution and that the Commission would vote on the amendment. Chair Valiquette said it would be a condition of the Resolution. Mr. Duffy reported that the City Attorney has no problem with joining this with the Resolution to Council. This will be merged with the Resolution.

Commissioner Sprankle
1. We should make it clear that we are dealing with two separate things.
2. One is the increased density and the other is the development permit.
3. At this time we could make a motion to approve the increased density for the BMRH project. Mr. Duffy said the Commission could do both. The staff report contains specific

conditions for each of those actions. The second action, the development permit, doesn't proceed unless Council votes by 4/5 majority to approve the Conditional Use.

4. It is very important when this is written that the public understand that we are allowing increased density for a specific project which benefits the City and that this will not set a precedent anywhere else. This is what the EAR and LDC specify we need to do for BMRH. It will not be done anywhere else. Mr. Duffy stated that the Resolution should make that very clear and should reference the City Charter that makes that very clear and the LDC amplifies the provision in the Charter that City Council only has the ability to improve the density for BMRH. Attorney Cuyler said he understands that, (1) we will prepare the documentation, (2) verbiage will be included that indicates a recommendation from the Planning Commission to pave that street at the City's cost, which would not be a condition of approval but would be recommendation of the Planning Commission. This would be included in the documentation.

Chair Valiquette asked that this wording be added to the motion.

Commissioner Krekel asked Commissioner Forney what his thoughts were about the inclusion of this wording. Commissioner Forney stated that he believes it is the best we are going to get and he would go along with the wording. Vice Chair Marks stated that he agrees the traffic has been a big part of the discussion today. Most will have to admit that the traffic problem is an existing problem. Perhaps the development will make it a little worse. The 14 new families will get up and go to work they will not be going back and forth. It would be great if the paving could be done but this won't change the traffic. It will change the dust and pothole problems. If anything, once it is paved traffic could increase.

Commissioner Reynolds stated that Commissioner Forney had another important issue: the amount of shell road that still exists. Believes the road should be paved initially. Mr. Marcelais said there are certain impervious conditions that control the amount of development.

The motion being made and Commissioner discussions concluded, the Planning Commission voted to approve the motion by a 6 to 0 vote. Vice Chair Marks recused himself from voting.

WHEREAS, the Sanibel Planning Commission, having commenced the continued public hearing on this matter, and after full and complete consideration of the evidence presented at the hearing of March 10, 2009 when written minutes were taken, makes the finding that the Record (without exhibits) is substantially as follows:

1. Chairperson Michael Valiquette called the meeting to order. In addition to Chairperson Valiquette, the following Commission Members were present: Vice Chair Phillip Marks, Commissioner Les Forney, Commissioner Tom Krekel, Commissioner Paul Reynolds, Commissioner Holly Smith and Commissioner Patricia Sprankle. Staff present: City Attorney, Ken Cuyler, Planning Director, Robert Duffy and Administrative Assistant, Susan Beck.

2. Commissioner Forney stated that he made a site visit. There were no other site visits nor were there any ex-parte communications disclosed.

3. Mr. Duffy stated that the format of Resolution 09-05 is very similar to other Resolutions. The motion is included on Page 11 of this Resolution. Mr. Duffy read the Resolution and stated that all requirements of the motion had been met by the applicant. Mr. Duffy further stated that if the Commission acts on this Resolution today, the secretary will include public testimony and comments from the Commission that reflect the March 10, 2009 hearing. Mr. Duffy noted that he recommended that the Commission continue the hearing because there was a revised landscape plan and site plan to be submitted. These plans and a report from the Department of Natural Resources were included in the meeting

materials. Mr. Duffy stated that the Planning Department staff recommends favorable action on the Resolution.

Commissioner Krekel

1. Reported that he called Mr. Duffy on Monday, March 9, 2009 with questions regarding the motion and recommendations. Mr. Duffy was able to answer the questions.

Mike Cuscaden and Scott Marcelais were present at the meeting but had no comments.

Public Comments

Herb Rubin, Sanibel resident, stated that his concerns had been addressed; however, he requested to reinforce them. After making a site visit and talking with one of the neighbors, Mr. Rubin believes the paving is essential to minimize dust and debris in the neighborhood. The properties in this neighborhood are well below the value of other Island properties and it would be wrong to assess these owners for the paving. Mr. Rubin said the City should pay the costs of the paving.

MOTION: Commissioner Reynolds moved to close the hearing and to approve Resolution 09-05 as drafted. Commissioner Smith seconded the motion. The motion passed by a 6 to 0 vote; Vice Chair Marks recused himself from the vote.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Sanibel that the Development Permit Application complies with the requirements of Land Development Code and Sanibel Plan and that Application Nos. 09-5007CUP and 09-5008DP are hereby approved subject to the following conditions:

Conditional Use 09-5007 Increased-Density Below Market Rate Housing

1. The 14-unit increased-density below market rate housing development is the use authorized by this conditional use approval. The 14 below-market rate units shall be made specifically available for Island work force housing.

2. The development of the parcel shall be in compliance with the site plan approved by issuance of the development permit, as authorized by the Planning Commission's development order.

3. The seven duplex structures that contain the 14 below market rate dwelling units shall be in substantial compliance with the proposed construction plans and shall comply with the current Florida Building Code.

4. The development and operation of the conditional use shall be in compliance with conditions of the Planning Commission's development order for the issuance of the development permit.

5. The development and operation of the conditional use shall be in compliance with general requirements and specific requirements of the conditional use, as set forth in Chapter 126, Articles II and IV and in Section 126-85 of the Land Development Code.

6. If Community Housing and Resources pursues equitable ownership for eight of the units, a subdivision permit application is required pursuant to Land Development Code Chapter 114 Subdivisions, Article II, Division II. Land Development Code Section 114-47 Creation of cooperative or condominium units, states that if the subdivision is for an existing structure, the permit may be processed administratively and it is a short-form permit. However, this section also states that if the subdivision is for an area of land or

portion of a structure not yet constructed, the application shall be submitted to the Planning Commission for approval. In any event, the application must demonstrate that the equitable ownership dwellings shall remain a part of the City's Below Market Rate Housing Program in perpetuity.

Development Permit 09-5008 14-Unit Unified Residential Duplex Housing BMRH Project

1. Prior to issuance of the development permit, the increased-density below market rate housing conditional use (application 09-5007 CUP) must be approved by Sanibel City Council pursuant to LDC Section 82-32(b).

2. Prior to commencement of site work, warnings regarding protection of gopher tortoises and feeding alligators shall be posted on the site in a clearly visible location.

3. Prior to issuance of a building permit, obtain water service from the Island Water Association.

4. The Approved Use Shall Connect to the Sanibel Sewer System:

   Prior to issuance of a development permit, the utility plan prepared by Bean, Whitaker, Lutz and Kareh shall be revised as per 2/10/09 memo from Assistant City Engineer Sandy Larsen. The revised plan must be reviewed and approved by the City Engineer prior to issuance of the development permit.

   Prior to issuance of a building permit, obtain a service availability agreement from the Sanibel Sewer System, including payment of all required connection fees.

   Prior to issuance of a Certificate of Occupancy, the applicant's engineer shall submit a signed and sealed certification that all approved uses on the subject parcel have been connected to the Sanibel Sewer System.

   Prior to issuance of a Certificate of Occupancy, the Sanibel Sewer System shall provide certification and approval of the sewer connection.

5. Comply With Height Restrictions:

   The predevelopment grade for this site is 4.7 feet above Mean Sea Level. The height of the structure, or any portions of the structure permitted herein, shall not exceed 39.7 feet above Mean Sea Level.

6. Comply With Approved Site Plan:

   The site plan approves a 14-unit below-market rate residential housing cluster development, consisting of 7 duplex structures and associated site improvements.

   Comply with City of Sanibel Standards for Parking and Loading Areas and Driveways. Provide a turnaround for the driveway.

   The driveway and parking areas shall be constructed of shell, gravel or other approved permeable material. Only that portion of the driveway between the property line and road pavement shall be paved. Specifications for this will be provided by the Building Official.

   The unimproved Centre Street public right-of-way shall be paved in accordance with standards acceptable to the Public Works Director. Only that portion of Centre Street that is east of the intersection of Centre Street and Main Street shall be paved.

Access from the improved Centre Street right-of-way shall be only for properties that legally abut the public right-of-way.

Prior to issuance of a Certificate of Occupancy, submit an as-built certified survey with calculations by the surveyor demonstrating compliance with limitations on coverage with impermeable surfaces (29,864 SF maximum) and amount of developed area (35,016 SF maximum), and height of structure (39.7 FT NGVD), as well as minimum required setbacks.

Area under the first habitable floor shall be screened from view of the road and neighborhood. Another method, such as lattice work, etc., may be chosen by the applicant, but must be approved by the City.

7. Comply With Flood and Stormproofing Requirements:

The subject parcel is located in FIRM zone AE with a required base flood elevation of 9' NAVD. Elevation of the lowest floor must be a minimum of 9' NAVD (i.e., 10.2' NGVD above Mean Sea Level).

The interior of any enclosed area below the base flood elevation shall be UNFINISHED.

All construction materials and all interior wall, floor and ceiling materials used or installed below the base flood elevation shall be resistant to flood damage.

The Federal Emergency Management Agency (FEMA) defines "Flood Resistant Material" as:

> Any building material capable of withstanding direct or prolonged contact with floodwaters without sustaining significant damage. The term "prolonged contact" means at least 72 hours, and the term "significant damage" means any damage requiring more than a low-cost cosmetic repair (such as painting).

FEMA'S approved flood resistant materials for areas below the base flood elevation consist of Class 4 and 5 materials described in FEMA Technical Bulletin No. 2-93 "Flood Resistant Materials Requirements". These materials are summarized on the City of Sanibel Information Sheet entitled "Approved Flood Resistant Materials". Additional materials, which do not appear on this list, may be approved by the Building Official. NOTE: Sheetrock and drywall are not acceptable. Refer to FEMA Technical Bulletin No. 2-93 "Flood Resistant Materials Requirements" for a further explanation.

Air conditioning or other temperature control of any enclosed area below the base flood elevation is prohibited.

Enclosed areas below the base flood elevation shall be non-partitioned (except as necessary to provide secure, limited storage area and building access) and void of utilities (except for essential lighting consisting of incandescent keyless or fluorescent fixtures). Only electrical outlets required by the building code or dedicated outlets for garage door openers are allowed. All electrical outlets shall be located above the base flood elevation.

The space below the base flood elevation shall not be used for, nor provide facilities for human habitation, but shall be designed to be useable only for parking of vehicles, building access or passive storage. Storage area use shall be restricted to the storage of incidental items which can withstand exposure to the elements and that have low flood damage potential. These items would include lawn mowers, garden equipment, bicycles

and other low damage items for which, under most circumstances, flood insurance coverage is not provided.

New construction or substantial improvements of elevated buildings in Zones A1-30 (as by the national Flood Insurance Rate Maps), including "A" Zones within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass or the Gulf of Mexico, that include fully enclosed areas formed by foundation and other exterior walls (including breakaway walls) below the base flood elevation, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. The design must meet or exceed the following minimum criteria:

- Provide a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot subject to flooding.
- The bottom of all openings shall be no higher than 1 foot above grade.
- Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Non-supporting breakaway walls, open lattice work, decorative screening, insect screening, or mesh screening are permitted below the base flood elevation in all zones (ZONES "A1-30", ZONES "V1-30" and "A" Zones within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass or the Gulf of Mexico) provided they are not part of the structural support of the building and are designed so as to breakaway or collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For purposes of this development permit, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.

8. Comply With Road and Drainage Requirements:

Prior to issuance of a development permit, the proposed road and drainage construction drawings shall be revised to reflect any changes required by the City Engineer. This includes the requirement to obtain an easement from Island Water Association to discharge stormwater runoff to the pond on their adjoining property (as the requirement to identify the existing 15' wide IWA utility easement that runs parallel to the southern boundary of the parcel on ALL site plan/construction drawings.

Prior to issuance of a development permit, the revised road and drainage plans, including the IWA easement for stormwater discharge, shall be reviewed and approved by the City Engineer.

Prior to issuance of a certificate of occupancy, the applicant's engineer shall provide and as-built survey and certification that the road and drainage improvements are installed in accordance with the approved plans.

Provide gradual and dispersed drainage of surface runoff such that runoff within boundaries of the parcel will approximate natural rates, volumes and direction of flow; and contain on-site (unless otherwise provided in common with other site), runoff from a 5-year storm.

The roadside drainage must be maintained to City specifications. A culvert to achieve this may be required by the City.

9. Comply With Pollution Discharge Elimination requirements:

The approved plan for pollution discharge elimination shall be installed to the standards acceptable to the Public Works Department. A Florida DEP Notice of Intent to use Generic Permit for Stormwater Discharge from Large and Small Construction Activities is required.

Inspection and approval of the installed pollution discharge elimination system is required, prior to the issuance of a Building Permit.

Maintenance of the installed system, to the satisfaction of the Public Works Department, is required throughout the course of construction (during de-watering activities and while any excavated materials or unstable grades are present).

Removal of the pollution discharge elimination system is required prior to the issuance of a completion certificate.

10. Comply With Vegetation Requirements:

Comply with the approved vegetation relocation plan and the approved vegetation landscape/buffer plan for this development, as indicated on the Vegetation Permit, which shall be posted on the site throughout the construction period

Prior to issuance of a development permit, a revised vegetation landscape/buffer plan that addresses the conflict with the 15' wide IWA easement along the southerly property line shall be submitted to the Natural Resources Department for review and approval. The revised vegetation landscape/buffer plan shall utilize 100% native vegetation.

Prior to issuance of a building permit, the Natural Resources Department shall conduct a site inspection to verify compliance with the approved vegetation relocation plan.

Prior to issuance of a Certificate of Occupancy, the Natural Resources Department shall conduct a site inspection to verify compliance with the approved vegetation relocation plan, the approved vegetation landscape/buffer plan and other vegetation requirements identified as part of this development permit condition no. 10.

Revegetate any area of the lot, particularly the front yard that may have been cleared due to construction activity in excess of the maximum area permitted.

Exotic species of plants which outcompete or otherwise displace native plants, including Brazilian Pepper, Melaleuca, Earleaf Acacia, Lead Tree, Java Plum, Air Potato, Exotic Inkberry and Mother-in-Law's Tongue (Bowstring Hemp) shall be removed from with the boundaries of the parcel proposed for development or site alteration. The parcel shall be kept permanently free of such exotics. Mahoe shall also be removed from the site.

All in-ground shrubs, trees, and ground cover plants used for landscaping and the vegetation buffer required by this development permit shall involve only the use of native species. Refer to the *"City of Sanibel's Horticulturally Available Native Plant List"* for acceptable vegetation to meet this requirement.

The use of St. Augustine, Bahia, Bermuda, or Zoysia sod or grasses is limited to no more than 20,600 sf of the subject parcel. Sod and grasses used to stabilize berms and swales necessary for installation of approved drainage plans are not included in this limitation. (*Ref LDC 126-724*)

Landscaping of the parcel, even landscaping after the issuance of a Certificate of Occupancy or a Completion Certificate for the approved development, shall be in accordance with the vegetation requirements and standards of Land Development Code Chapter 126, Article XIII, Divisions 2 through 7, as applicable.

11. Comply With Outdoor Lighting Requirements:

All exterior lighting shall be designed and installed to prevent glare and light trespass. Light shall not be allowed to cause glare affecting motorists, bicyclists, or other users of roads, driveways, and bicycle paths.

Full cutoff fixtures must be used. Uplighting is prohibited. All outdoor lighting, including building, parking and aesthetic lighting, must use full cutoff fixtures. Lights that are properly installed in architectural spaces (such as under a porch roof or roof overhang), which provides the functional equivalent of a full cutoff fixture, need not use full cutoff fixtures.

Full cutoff fixtures are luminaries that do not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest part of the fixture.

Mercury vapor lighting is prohibited. High-pressure sodium lighting is permitted and encouraged.

Motion detector security lighting is permitted and encouraged in order to maximize safety, minimize overall illumination and conserve energy, but such lighting shall comply with the same requirements applicable to all other outdoor lighting.

12. Comply With Other Agency Permit Requirements:

This permit shall not relieve the applicant from the requirement of obtaining permits from and complying with lawful requirements imposed by the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, the South Florida Water Management District and any applicable local, state and federal law.

13. Prior to issuance of a certificate of occupancy, a declaration of density shall be provided to the Planning Department as per Land Development Code Section 86-113. The document shall be reviewed and approved by the City Attorney. Following approval of the document by the City Attorney, the applicant shall record the document in the public records, and provide a copy of the recorded document to the Planning Department.

14. This permit shall not relieve the applicant from compliance with lawful subdivision deed restrictions/covenants which may affect development of the subject property. The owner is encouraged to contact the appropriate developer/association, as applicable.

15. This permit will expire 60 days from the date of issuance if the development authorized herein is not commenced.

16. As a part of this development permit, the CHR Work Force Housing development will be assigned a new street address to reflect the property's frontage on Centre Street.

17. Prior to approval of the necessary building permits, an on and off-site construction management and access plan will be submitted for review and approval by the Planning Director that would, in part, restrict access to the site by construction related vehicles to Main Street and the portion of Center Street east of Main Street.

EFFECTIVE DATE OF PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-97, all actions of the Planning Commission, including those which constitute final decisions, shall be effective upon the date of filing of the adopted resolution with the City Manager, or at a later date if provided in the resolution. However, permits authorized by final decisions shall not be issued until the expiration of the time-period for filing an appeal to City Council, if applicable, has elapsed; or if an appeal has been timely filed, until the City Council has finally disposed of the matter.

EXPIRATION OF PLANNING COMMISSION ACTION: In accordance with the Land Development Code Section 82-116, approvals of Conditional uses shall expire if any necessary development permit to implement such approval is not obtained within a period of twelve (12) months after Planning Commission approval. CONDITIONAL USE NO. 09-5007 SHALL EXPIRE ON MARCH 9, 2010 IF THE DEVELOPMENT PERMIT NECESSARY TO IMPLEMENT PLANNING COMMISSION APPROVAL GRANTED HEREIN IS NOT OBTAINED BY THAT DATE.

EXPIRATION OF PLANNING COMMISSION DEVELOPMENT ORDER:
In accordance with Land Development Code Section 82-424. Action on Application when a development permit is approved by the Planning Commission with conditions imposed thereon, such conditions shall be satisfied within the time limit specified in the resolution issued by the Planning Commission. When such conditions specify requirements to be completed before a development permit is issued, and no particular time limit is specified for satisfaction of the conditions, such conditions must be satisfied within six (6) months after issuance of the development order. September 9, 2009 IS THE DEADLINE FOR SATISFACTION OF CONDITIONS SET FORTH IN THIS RESOLUTION WHICH MUST BE MET PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT NO. 09-5008. Failure to satisfy conditions imposed upon the approval of a Development Permit, within the time limit specified therefore, or such extended time period as the Planning Commission may approve upon timely application of the permittee, shall cause the resolution approving the development permit to be null and void and of no further force or effect.

RIGHT TO APPEAL PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-98, the applicant is hereby advised that the following persons have the right to appeal a final decision of the Planning Commission adverse to their interests: 1) The applicant; 2) The owner of the property proposed for development; 3) The developer of the property proposed for development; 4) Any other person residing upon, or owning property within the City, or owning or operating a business within the City, who participated by written comment before or at the Planning Commission hearing or who participated in person or through an authorized agent at the Planning Commission hearing.

FIFTEEN DAY TIME LIMIT FOR FILING APPEALS OF PLANNING COMMISSION ACITON: In accordance with Land Development Code Section 82-98, the appeal shall be filed in writing with the City Manager within fifteen (15) days after the date that the Planning Commission decision was filed; and the appeal filing fee shall be paid as a prerequisite to filing.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Commissioner Paul Reynolds and seconded by Commissioner Holly Smith and the vote was as follows:

Les Forney	Yes	Holly Smith	Yes
Tom Krekel	Yes	Patricia Sprankle	Yes
Phillip Marks	Recused	Michael Valiquette	Yes
Paul Reynolds	Yes		

DULY PASSED AND ADOPTED this 10th day of March 2009.

SANIBEL PLANNING COMMISSION

Signed: Michael A. Valiquette — 3/12/09
Chair Person — Date Signed

Approved As To Form: Kenneth B. Cuff — 3/12/09
City Attorney — Date Signed

Date Filed With City Manager: 3/16/09

City of Sanibel

Planning Commission

STAFF REPORT

Planning Commission Meeting:	**February 24, 2009**
Planning Commission Agenda Item:	**No. 5**
Application Numbers:	**09-5007CUP and 09-5008DP**
Applicant:	**Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust Inc.**

RE: Consideration of a conditional use application for increased-density below market rate housing filed pursuant to Land Development Code Section 126-85 *Increased-density below market rate housing,* to permit development of 14 dwelling units, which is a density increase of 13 dwelling units, on a 2.37 acre parcel of land located at 1466 Court Place (Tax Parcel No. 19-46-23-T4-00006.0020), as submitted by Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust Inc. No. 09-5007 CUP; and

Consideration of a development permit application for a 14 unit Unified Residential Housing Cluster Development filed pursuant to Land Development Code Chapter 86, Division 3., Subdivision II *Unified Residential Housing (Cluster Housing)* to permit development of a 14 unit increased density below market rate work force housing cluster development, consisting of 7 duplex units and associated site improvements, on a 2.37 acre parcel of land located at 1466 Court Place (Tax Parcel No. 19-46-23-T4-00006.0020), as submitted by Scott Marcelais, Director of Community Housing and Resources for Coast and Islands Community Land Trust Inc. No. 09-5008 DP

ISSUES

In consideration of both the increased-density below market rate housing conditional use application and the development permit application for a 14-unit unified residential housing cluster development (consisting of 7 duplex structures), the following issues should be addressed:

- Does the proposed 14-unit Below Market Rate Housing Development (an increased-density Below Market Rate Housing conditional use) conform with general requirements for conditional uses (LDC 126-82)? (See **Attachment H**)

- Does the proposed 14-unit Below Market Rate Housing Development conform with specific requirements for increased-density Below Market Rate Housing (LDC 126-85)? (See **Attachment M**)

CITY OF SANIBEL

CENTER STREET PAVING

COST ESTIMATE

Item No.	Quantity	Unit	Description	Unit Price $ (Figures)	Extended Price $ (Figures)
104	1680	LF	Staked Silt Fence	$2.00	$3,360.00
110	8	Ea	Clearing and Grubbing (Tree re-locate)	$275.00	$2,200.00
120	1	LS	Excavation and Embankment (Grading road/aprons for asphalt)	$11,000.00	$11,000.00
331	230	TN	S-III Asphaltic Concrete (1.5"surface course)	$120.00	$27,600.00
575	850	SY	Bahia Sod	$2.50	$2,125.00
711-1	100	LF	Thermoplastic 6" striping	$3.00	$300.00
711-2	120	LF	Thermoplastic 24" stop bars	$12.00	$1,440.00
913A	100	CY	Shell Base (4' widening)	$75.00	$7,500.00
				TOTAL ESTIMATED CONSTRUCTION COST=	$55,525.00

Pamela Smith

From: Gates Castle

Sent: Wednesday, May 13, 2009 11:29 AM

To: Judie A. Zimomra

Cc: Pamela Smith

Subject: Maintenance of Paved vs Shellrock Roadways

Judie

The following information is offered regarding the subject matter:

- Cost to maintain a shell rock road is twice the cost to maintain a paved road
- It takes approximately 12 years to recover the additional initial cost of an asphalt surface compared to a shell rock surface

This information is offered for Council's discussion on the paving of Center Street.