

CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 26-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, DETERMINING CONDITIONAL USE PETITION APPLICATION NOS. PL20260016 AND PL20260020, PURSUANT TO SECTIONS 82-201, AUTHORIZATION, 82-202, REQUIREMENTS, 82-204, APPLICATION AND HEARING, SECTION 126-91, SPECIFIC REQUIREMENTS, AND 126-1031, BONUS OUTDOOR SEATS FOR DINING, OF THE CODE OF ORDINANCES, TO ALLOW A FAST-FOOD RESTAURANT WITH INDOOR SEATING AND BONUS OUTDOOR SEATS FOR DINING, LOCATED WITHIN THE GC – GENERAL COMMERCIAL DISTRICT, ON PROPERTY OWNED BY NORRIS FURNITURE OF SANIBEL LLC, AND LOCATED AT 1025 PERIWINKLE WAY, TAX PARCEL NO. 19-46-23-T3-00700.0010; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 82-201, 82-202, and 82-204 of the Land Development Code details the application, requirements, and hearing process for a conditional use and Section 126-1031 provides for regulation of bonus outdoor seating for dining; and

WHEREAS, Norris Furniture of Sanibel, LLC, is the owner of the property located at 1025 Periwinkle Way; and

WHEREAS, the owner of the property has authorized Zachary Markham to act as applicant and file this petition; and

WHEREAS, the applicant has requested approval of the application to allow a fast-food restaurant with indoor seating and bonus outdoor seats for dining, located within the GC – General Commercial District on property located at 1025 Periwinkle Way; and

WHEREAS, a duly noticed public hearing of the application was held on May 12, 2026; and

WHEREAS, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, the Planning Commission finds that the requirements for conditional uses, set forth in Section 82-202, requirements, Section 126-82, general requirements, Section 126-91, specific requirements, and Section 126-1031, bonus outdoor seating for dining, of the Code of Ordinances, **have / have not** been met and that the application should therefore be **approved / denied**.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA finds that Conditional Use Petition Applications PL20260016 and PL20260020 to allow a fast-food restaurant with indoor seating and bonus outdoor seats for dining, located within the GC – General Commercial District, on property located at 1025 Periwinkle Way, tax parcel No. 19-46-23-T3-00700.0010, is hereby **approved / denied**.

Any approval of the Conditional Use Petition Applications is pursuant to the application and attachments included with these items, and subject to the following condition(s) contained in the May 12, 2026, staff report,

1. Approval of a conditional use for a fast-food restaurant (not a formula restaurant) with 20 indoor seats and 16 bonus outdoor seats at 1025 Periwinkle Way.

2. A change of use (occupancy) permit shall be obtained prior to operation to implement the approved conditional use and associated conditions:
 - a. The permit application shall include a site plan identifying additional bicycle parking racks sufficient to accommodate a minimum of 10 bicycles.
 - b. The permit application shall include a floor plan demonstrating compliance with ADA requirements.
 - c. The unit shall receive approval from the Sanibel Fire Marshal prior to issuance of the certificate of occupancy.
3. A grease interceptor plan that conforms with the City's Grease Management Ordinance must be submitted for review and approval as part of an interior remodel building permit application.
4. A Business Tax Receipt shall be obtained prior to commencement of operations.
5. A permit shall be obtained for any proposed signage.

Conditions contained herein are in addition to the requirements of the Sanibel Code. The applicant is required to comply with all regulations of the City of Sanibel. Some conditions stated herein reflect the current code requirements applicable at the time of approval of this permit. After the issuance of the completion certificate for this development or upon expiration of the development permit, any subsequent development or change of use for the parcel must comply with the regulations in effect at that time.

EXPIRATION OF PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-424(f) Action on Application. When a development order is approved with conditions imposed thereon, such conditions shall be satisfied within the time limit specified in the development order 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 months after issuance of the development order. Failure to satisfy a condition imposed upon the approval of a development permit, within the time limit specified therefor, or such extended time period as the Planning Commission may approve upon timely application of the permittee, shall cause the development order approving the development permit to be null and void and of no further force or effect.

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 one of the following has occurred: 1) The time for filing an appeal to City Council has elapsed; 2) The applicant and all other persons having appeal rights have filed a written waiver of appeal rights; or 3) If an appeal has been timely filed, the City Council has finally disposed of the matter.

RIGHT TO APPEAL PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-98. Appeals. 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; and 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. The appeal shall be filed within 15 days after the date that the Planning Commission decision was filed. The appeal shall

be filed with the City manager, and the filing fee shall be paid as a prerequisite to filing.

DISCLAIMER & PERMIT CONDITION (APPLICABLE ONLY IF FEDERAL OR STATE PERMITS ARE REQUIRED): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 12TH DAY OF MAY 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Paul Nichols, Chair

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Commission Members:

Nichols	_____
Steiner	_____
Burns	_____
Colter	_____
Schopp	_____
Sergeant	_____
Welch	_____