

CITY OF SANIBEL  
RESOLUTION 26-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, **[UPHOLDING/REVERSING/MODIFYING/REMANDING]** THE PLANNING COMMISSION'S DECISION DETAILED IN SANIBEL PLANNING COMMISSION RESOLUTION 26-10, REGARDING PERMIT SUBDIVISION PLAT APPLICATION NO. SPLT-2022-000074 DATED MARCH 24, 2026, TO ALLOW REVISION OF AN APPROVED PRELIMINARY PLAT, TO AMEND ALLOCATED IMPERMEABLE COVERAGE FOR LOTS 1 THROUGH 6 AT A UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) DEVELOPMENT KNOWN AS "COASTAL CREEK" SUBDIVISION, ON PROPERTY OWNED BY BUCKINGHAM 225 DEVELOPMENT, INC. (DANIEL W. DODRILL), LOCATED AT 5325 AND 5301 SANIBEL CAPTIVA ROAD, PARCEL NOS. 13-46-21-T2-00002.4000 AND 13-46-21-T2-00002.2000, RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on March 24, 2026, the Sanibel Planning Commission conducted a quasi-judicial hearing for consideration of Permit Application No. (the "Application"); and

**WHEREAS**, the Application, filed by Brian Smith, Ensite, Inc., who was authorized by Buckingham 225 Development, Inc. (Daniel W. Dodrill), owner (the "Applicant"), to act as applicant and file the petition to seek approval to allow revision of an approved preliminary plat, to amend allocated impermeable coverage for lots 1 through 6 at a unified residential housing (cluster housing) development known as "Coastal Creek" subdivision; and

**WHEREAS**, Land Development Code Sections 82-2421(1) and 82-422 detail the application and notice requirements for development permit consideration by the Planning Commission; and Section 114-106 provides for requirements and procedures for preliminary plats; and

**WHEREAS**, at the conclusion of its March 24, 2026, hearing, the Planning Commission, by a 7-0 vote, closed the public hearing, approved the Application via Planning Commission Resolution 26-10 (attached hereto as Exhibit A), with authorization for the Chair to execute the Resolution; and

**WHEREAS**, a Notice of Appeal of Planning Commission Resolution 26-10 was timely filed on April 8, 2026, by Gayle Dendinger (the "Appellant"), opposing the approval of the Application with the 24 conditions, as approved; and

**WHEREAS**, pursuant to Land Development Code Section 82-98(d), the City Council's consideration on appeal is limited to whether the Planning Commission properly interpreted and applied the provisions of the Land Development Code, based upon the Application and evidence presented to the Planning Commission; and

**WHEREAS**, the City Council conducted a duly noticed hearing on appeal on April 21, 2026, for which the City Council reviewed and considered the record before the Planning Commission, the approved Planning Commission Resolution 26-10, minutes of the Planning Commission, and the written and oral arguments presented by or on behalf of the Appellant, the Applicant, and Planning Staff.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:**

**SECTION 1.** The above "whereas" recitals are hereby found correct and are incorporated herein as part of this Resolution.

**SECTION 2.** The City Council makes the following findings:

(a) The Appellant has standing to appeal and did timely file his appeal to City

Council; and

- (b) The Appellant, the Applicant, and City planning staff had notice and opportunity to be heard in the appeal; and
- (c) No objections were raised to form or procedure of the appeal; and
- (d) The Planning Commission **DID/DID NOT** properly interpret and apply the applicable provisions of the Land Development Code.

**SECTION 3.** The Planning Commission’s approval of the Applications is hereby **[UPHELD/REVERSED/MODIFIED/REMANDED]**.

**SECTION 4.** This resolution shall take effect immediately upon adoption.

**PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 21ST DAY OF APRIL 2026.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
, Mayor

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Council Members:

DeBruce	_____
Henshaw	_____
Johnson	_____
Miller	_____
Smith	_____