

**Compliance with Specific Criteria of Sec. 126-91 – Eating Places, Restaurants, etc.**

The proposed Piña Pop qualifies as a conditional use under **Sec. 126-91** because it is a fast-food style refreshment concept involving on-site food preparation with limited seating. The project meets each of the specific conditions set forth in this section as follows:

**(1) Adequate wastewater disposal facilities** The project will connect to the existing centralized wastewater system serving the Priscilla Murphy Center (Island Water Association or equivalent public system. No on-site septic system is proposed or required, and no modifications to the existing system are anticipated. The Planning Commission can be assured that the approved wastewater infrastructure will adequately serve the use without need for replacement security or additional improvements.

**(2) Connection to city sewer system for restaurants with more than 50 seats** This criterion is not applicable. Piña Pop proposes only **36 total seats** (20 indoor + 16 outdoor), well below the 50-seat threshold. The use therefore does not trigger the mandatory connection requirement beyond the existing centralized system already serving the property.

**(3) Location at least 100 feet from any existing dwelling unit (except dwellings in a commercial district) and soundproofing as necessary** The subject property is located entirely within the Priscilla Murphy Center, a multi-tenant commercial development in the General Commercial (GC) district. There are no existing dwelling units within 100 feet of the building; the nearest residential uses are separated by commercial zoning, Periwinkle Way, and significant distance. This criterion is satisfied. Should any minor noise from normal refreshment operations occur, the interior build-out and existing building construction will provide reasonable soundproofing consistent with City noise ordinances. No amplified music or high-noise activities are proposed.

**(4) Prohibition on formula restaurants** Piña Pop is an independent, locally conceived concept inspired by other dirty soda concepts. It is not a formula restaurant as defined or restricted by the Land Development Code. The business will feature unique tropical theming, Sanibel-specific merchandise, and a menu tailored to the island lifestyle, ensuring it contributes to local character rather than standardized corporate branding.

In addition to the above, the proposal complies with the general conditional use requirements of Sec. 126-82 and all other applicable provisions of the Land Development Code and Sanibel Plan.