

CITY OF SANIBEL
DRAFT RESOLUTION 26-013

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 26-03, REGARDING CONDITIONAL USE PERMIT APPLICATION NOS. PL20250011 AND PL20260006 DATED FEBRUARY 24, 2026, TO ALLOW BICYCLE RENTALS AND A FORMULA RETAIL STORE (UNLIMITED BIKING) TO OPERATE IN UNIT 3 OF THE ISLANDER CENTER LOCATED WITHIN THE TCG - TOWN CENTER GENERAL COMMERCIAL DISTRICT, ON PROPERTY OWNED BY 2407 PERIWINKLE SANIBEL, LLC, AND LOCATED AT 2407 PERIWINKLE WAY, TAX PARCEL NO. 26-46-22-T2-00004.0070; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 24, 2026, the Sanibel Planning Commission conducted a quasi-judicial hearing for consideration of Conditional Use Permit Application Nos. PL20250011 and PL20260006 (the "Applications"); and

WHEREAS, the Applications, filed by Blake Bartholomew who was authorized by 2407 Periwinkle Sanibel, LLC, owner (the "Applicant"), to act as applicant and file the petitions to seek approval to allow bicycle rentals and a formula retail store (Unlimited Biking) to operate in Unit 3 of The Islander Center located within the TCG - Town Center General Commercial District, and located at 2407 Periwinkle Way, Tax Parcel No. 26-46-22-t2-00004. 0070; and

WHEREAS, Land Development Code Sections 82-201, 82-202, and 82-204 detail the application, requirements, and hearing process for a conditional use; and

WHEREAS, at the conclusion of its February 24, 2026, hearing, the Planning Commission, by a 6-0 vote (with Commissioner Sergeant recused), closed the public hearing, approved the Applications together with 10 conditions, and approved Planning Commission Resolution 26-03, with authorization for the Chair to execute the Resolution; and

WHEREAS, a Notice of Appeal of Planning Commission Resolution 26-03 was timely filed on March 11, 2026, by Stephen Brown, Jr. (the "Appellant"), opposing the approval of the Applications with the 10 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 Applications and evidence presented to the Planning Commission; and

WHEREAS, the City Council conducted a duly noticed hearing on appeal on March 31, 2026, for which the City Council reviewed and considered the record before the Planning Commission, the approved Planning Commission Resolution 26-03, 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 31st DAY OF MARCH 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

| | |
|---------|-------|
| Miller | _____ |
| Smith | _____ |
| DeBruce | _____ |
| Henshaw | _____ |
| Johnson | _____ |