

CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 25-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL DETERMINING APPROVAL OF APPLICATION NO. DPLF 2025-000267, PURSUANT TO SECTION 82-421(1) AND SECTION 82-422 - SCHEDULING AND NOTICE, TO ALLOW DREDGING OF A HUMAN-MADE BODY OF WATER FOR MOTORIZED BOAT ACCESS ADJACENT TO THE SUBJECT PROPERTY LOCATED AT 634 NORTH YACHTSMAN DRIVE (TAX PARCEL STRAP NO. 20-46-23-T2-01500.0420), AND OWNED BY ACME SANIBEL FL, LLC; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 82-421(1) and Section 82-422 provides for scheduling and notice relating to development permits filed long form, however, there are no Land Development Code requirements specific to maintenance dredging of a canal and permits are issued on the basis of compliance with the requirements of other governmental agencies; and

WHEREAS, Acme Sanibel FL, LLC, is the owner of the property located at 634 Yachtsman Drive and has authorized Kevin Davis, Bayside Dredging, LLC, to submit the application; and

WHEREAS, the applicant has requested approval of DPLF-2025-0000267, to allow dredging of a human-made body of water for motorized boat access adjacent to the subject property; and

WHEREAS, a duly noticed public hearing of the application was held on July 22, 2025; 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 approval of DPLF-2025-0000267, pursuant to Section 82-421(1) and Section 82-422 of the Code of Ordinances, have been met and that the application should therefore be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA hereby approves DPLF-2025-0000267 to allow dredging of a human-made body of water for motorized boat access adjacent to the subject property located at 634 Yachtsman Drive (Tax Parcel STRAP No. 20-46-23-T2-01500.0420) and owned by Acme Sanibel FL, LLC.

Approval of this Petition is pursuant to the application and attachments included with the item, and subject to the following condition(s) contained in staff report dated July 22, 2025:

1. Dredge materials shall be removed and hauled to an off-island location. Dredged materials may not be retained anywhere on the subject property except for temporary storage prior to permanent removal.
2. A sediment control plan, including turbidity monitoring, shall be installed and maintained through construction.
3. A final inspection is required to verify compliance with limitations on the number and size of vessels prior to issuance of a Certificate of Completion. All advertisements for services on the Sanibel Marina website shall be consistent with the required conditions of the Special Use District or otherwise be removed promptly.

4. The applicant shall obtain any approvals required from other governmental agencies, including the Florida Department of Environmental Protection and United States Army Corp of Engineers, prior to commencement.
5. No mangrove trimming/alterations shall be authorized under the Development Permit without approval from Natural Resources. Any future trimming to maintain dock access or views of the water requires a separate annual mangrove trimming permit. If unanticipated impacts occur as a result of the project, mitigation may be assessed during the final inspection.
6. All Brazilian pepper, melaleuca, earleaf acacia, air potato, java plum, exotic inkberry, lead tree, and mother-in-law's tongue shall be removed from the lot, and the site is to be kept permanently free of these exotics.
7. 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 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 22ND DAY OF JULY 2025.

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	_____