



City of Sanibel

Sanibel Plan Update Steering Committee

Planning Department Agenda Memorandum

Steering Committee Meeting Date: July 15, 2026

To: Sanibel Plan Update Steering Committee

From: Paula McMichael, AICP, Planning Director

Date: July 7, 2026

Subject: Letter from Peter Pappas dated April 30, 2026

At the last steering committee meeting of June 17, 2026, Committee Member Evans asked that information be provided to the committee concerning the letter received from resident Peter Pappas. The letter is included as an attachment to this item and was also distributed to the committee via email on May 7, 2026.

Mr. Pappas states concerns with protection of private property rights and vested rights going back to the incorporation of the city. He states that "Documentation exists of commitments we made to the State of Florida at the time of Home Rule." The documentation of commitments that exist and are legally enforceable are those of the city charter, plan, and code.

Property Rights and Vested Rights in the Sanibel Plan

The Property Rights Element of the Sanibel Plan states that the city will consider in its decision-making the rights of a property owner, subject to state law and local ordinances, which is consistent with Florida Statutes 163.3177 (6)(i)1.

The Sanibel Plan contains one reference to vested rights, and allows for adjustments from the development intensity map in order to recognize vested rights of lands "individually owned prior to the adoption of the initial" plan per Section 3.6.2:

3. Through implementing ordinances, to be incorporated into the Land Development Code, the City Council may also permit development of lands in excess of the residential densities shown on the Development Intensity Map in order to recognize vested rights and constitutional limitations with respect to lands individually owned prior to adoption of the initial Sanibel Comprehensive Land Use Plan.

Property Rights and the adoption of the original Comprehensive Land Use Plan

Regarding the history of how development rights were preserved immediately following incorporation, the following information is provided from *Ten Years of Sanibel City Government*, dated November 1985, which includes background on “Developing a Comprehensive Land Use Plan” on pages 12-13:

The City was presented with options that allowed alternative levels of commitment of public funds to provide for alternative levels of future population.

Options of 6,000, 8,000, 16,000, and 24,000 dwelling units were tested. On the basis of projected impacts, it was recommended that a plan be developed based on 6,000 dwellings - 2,000 more than the 4,000 units existing in 1975. (The Sanibel Report) ...

At this point a formula was developed to equitably distribute the 2,000 dwelling units to be allowed beyond the existing 4,000 units.

This formula took into account the relative suitability of each ecological zone to accommodate dwellings, and the proximity to human support systems such as existing sewer and water lines, fire stations, and egress routes in the event of evacuation. Also, the level of private investment in terms of development improvements was considered, as was the level of 'build out' in established subdivisions where homes already had been built. ... (Sanibel Report, pg. 88)

With the basic parameters of the plan established, the next several months saw hundreds of hours of public hearings that specifically addressed density problems. “Individual lots, established subdivisions, partially completed condominium projects, and open parcels of land were reviewed to determine the feasibility of recommended densities and to make adjustments that seemed fair.” (Sanibel Report, pg. 90) ...

While painstakingly considering ways to protect Sanibel's fragile environment, the planners did not forget the problems faced by property owners and builders. Many public meetings were held to consider alternative means of achieving environmental goals without unnecessary hardship. “The social cost of depriving landowners of their expectation to build according to previous zoning was considered very seriously.” (Sanibel Report, pg. 92)

As described by the report, hundreds of hours were spent in public meetings following the adoption of the initial land use plan to ensure property rights were appropriately respected.

Amendment to the Sanibel Plan specific to Mr. Pappas' property

Mr. Pappas states that “A property owner in a modern platted subdivision was reportedly advised that development may not be permitted because the parcel was considered “pristine.” Mr. Pappas does not provide the property owner or the property address for staff to be able to comment on the alleged statement.

During the previous evaluation of the Sanibel Plan, Mr. Pappas' property on White Ibis was removed from the Interior Wetlands Conservation District (Ordinance 12-010) at his request. The supplemental staff report dated May 7, 2013, from the Sanibel Planning Department related to Mr. Pappas' request is included as an attachment to this item. The staff report states that removing the parcel located at 1151 White Ibis Drive from the Interior Wetlands Conservation District would subject the parcel to the permitted uses and development regulations provided through the underlying Ecological Zone of Lowland Wetlands with an allowable development intensity of 0.05 units per acre, permitting 1 dwelling unit on the subject parcel. Mr. Pappas' property is not within a "modern platted subdivision." City records show that the creation of the subject parcel, by subdivision, was approved by the Planning Commission (no. 82-2022DP) in 1982. A copy of the staff report and planning commission minutes are included with this item which show the ecological zone of the subject property as "Wetland Lowland" and a development intensity of 0.05 dwelling units per acre, permitting one unit on the site.