



City of Sanibel Planning Commission

Planning Department Staff Report

Planning Commission Meeting: May 12, 2026
Application Number: PL20260016
Applicant: Zachary Markham
Address: 1025 Periwinkle Way (Priscilla Murphy Center)

PUBLIC HEARING DESCRIPTION

Consideration of applications filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision V – Conditional Uses, Section 82-201 – Authorization, and Section 82-204 – Application and hearing, and Chapter 126, Article XIV, Division 5, Section 126-1031, for a Conditional Use Permit to allow a fast-food restaurant with indoor seating and bonus outdoor seats for dining to operate, located within the GC – General Commercial District, at 1025 Periwinkle Way – tax parcel (STRAP) no. 19-46-23-T3-00700.0010. The application is submitted by Zachary Markham (the applicant), on behalf of Norris Furniture of Sanibel LL (the property owner). **Application Nos. PL20260016 and PL20260020.**

ISSUES

Pursuant to Sanibel Code Section 82-202. – Requirements and Section 82-203 – Conditions, the subject application has been referred to the Planning Commission to address the following issues:

1. Does the proposed development comply with the general requirements of a conditional use provided in Sanibel Code Section 126-82 – general requirements?
2. Does the proposed development comply with the specific requirements provided in Sec. 126-91- Eating places, restaurants, grocery stores, etc., not listed as a permitted use?
3. Does the proposed development comply with the requirements provided in Sec. 126-1031 – Bonus outdoor seats for dining?
4. If the Planning Commission approves the application, what additional conditions should be required?

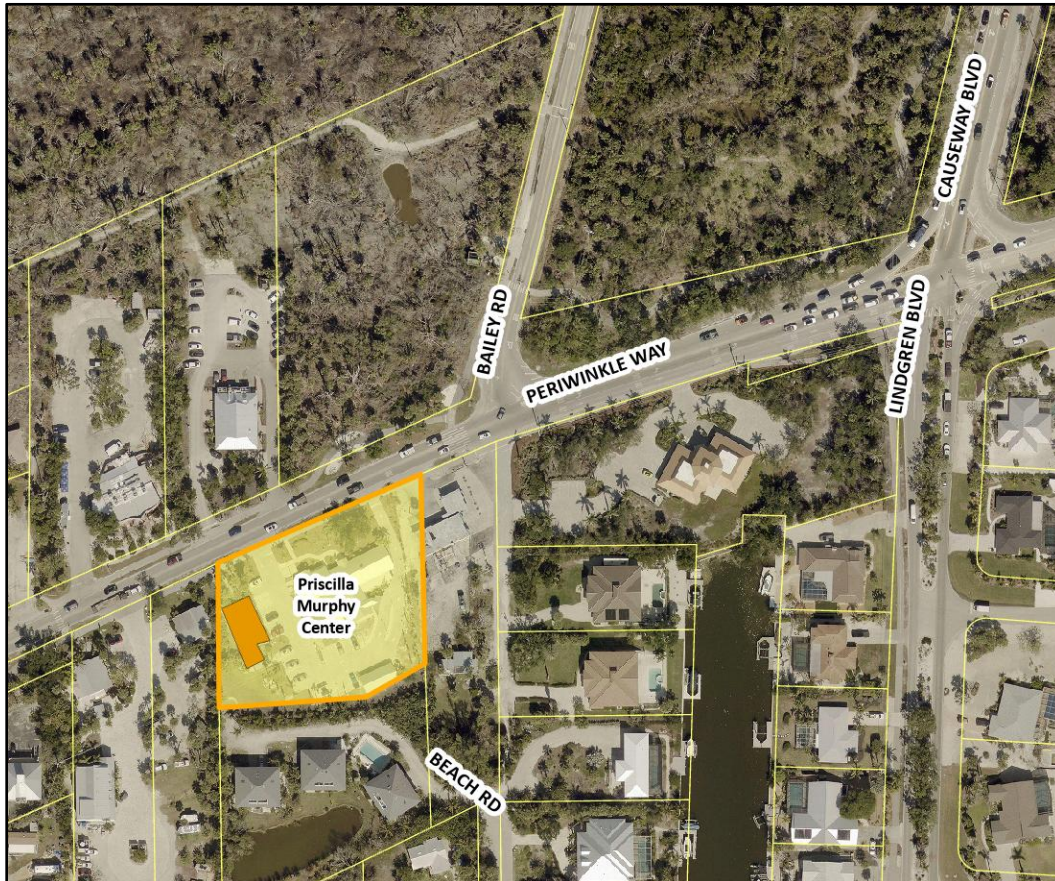
ATTACHMENTS

A	Project overview and applicant’s response to general requirements (Sec. 126-82)
B	Applicant’s response to specific requirements (Sec. 126-91)
C	Priscilla Murphy Center As-Built Survey
D	Proposed floor plan
E	Letters of support

BACKGROUND

A fast-food restaurant is proposed at 1025 Periwinkle Way within the Priscilla Murphy Center (Figure 1). This building was previously a retail furniture store. The property is within the General Commercial District. Adjacent uses include commercial uses to the east and west, multifamily to the south, and Periwinkle Road to the north. The shared use path crosses the property.

Figure 1 – Location of Proposed Pina Soda and Cookies (Fast-food restaurant)



The Priscilla Murphy Center was redeveloped by the Sanibel Captiva Community Bank with renovations to the site including landscape buffers, stormwater management, and parking lot completed following Hurricane Ian. The building proposed to be converted to a fast-food restaurant had flood water remediation work completed following Hurricane Ian but has not been fully repaired or remodeled. This project would renovate the hurricane damaged building into a flood-proofed commercial building.

PROPOSAL

This application is to request a conditional use approval for a fast-food restaurant with 20 indoor dining seats and 16 bonus outdoor dining seats.

A copy of the project overview and applicant's response to the general requirements for conditional uses is **Attachment A**. The applicant's responses to specific requirements for fast-food restaurant in Section 126-91 is **Attachment B**. A copy of the Priscilla Murphy Center as-built survey is included with this report as **Attachment C**. The proposed floor plan is **Attachment D**. Letters of support are **Attachment E**.

ANALYSIS

Consistency with the Sanibel Plan

Conditional Use Permits are required to be consistent with the Sanibel Plan. Staff finds the proposed commercial use consistent with the Sanibel Plan as detailed below:

1. The proposed commercial use is consistent with the Plan for Scenic Preservation (Section 3.2.5) as follows:
 - a. The proposed commercial use is within an established commercial node along Periwinkle Way.
 - b. The existing parking area consists of pervious pavers maintaining a casual retreat atmosphere.
 - c. The established vegetation buffers around the property enhance the compatibility of the building with the community, while also providing for bicycle and pedestrian circulation.
2. The transportation element (Section 3.3.3) encourages transportation alternatives to the automobile while also maintaining adequate onsite parking. The owner of the proposed fast-food restaurant believes a large portion of the people coming to the restaurant will be those walking and riding on the shared use path. Therefore, the CUP includes installing a bicycle rack for a minimum of 10-bicycles and maintaining the pedestrian pathway interconnecting to the shared use path. Also, the existing parking lot has adequate parking spaces to continue to provide parking for the established bank and offices, as well as the proposed use based upon the letters of support from these other tenants in combination with the 8 spaces that were previously allocated to the subject unit.
3. The change of use from retail sales to a restaurant requires a new wastewater service agreement which is consistent with the wastewater treatment element (Section 3.3.4).
4. The Priscilla Murphy Center has an established storm drainage plan consistent with the storm drainage element (Section 3.3.6).
5. The proposed use is located within the General Commercial District and will provide services to the residents consistent with the future land use element (Section 3.6.2),

Consistency with Conditional Use Permit Requirements

Staff reviewed the subject application relative to general requirements of a conditional use in Section 126-82, specific requirements in Section 126-91 for eating places, restaurants, grocery stores, etc., not listed as permitted use, and the requirements in Section 126-1031 for bonus outdoor seats for dining. The tables below include references of notable standards and staff review notes.

Table 1: Consistency with the Sanibel Code General Requirements of a Conditional Use		
Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-82. – General requirements. The planning commission shall authorize conditional uses in the zones in which they are permitted, after public hearing, only upon the following requirements being met:		
(a) The proposed development shall not adversely affect compatibility with other uses, either on, adjacent to, or nearby the parcel; and shall not adversely affect the health, safety and welfare of the community or its goals and objectives. The proposed development shall not adversely affect the traffic flow to a significantly greater extent than permitted uses; however, there shall be a rebuttable presumption of no such relative adverse effects, absent competent, substantial evidence presented to the contrary.	The proposed use will be located in an existing building within the Priscilla Murphy Center (Figure 1). The applicant has submitted a letter of support from the Sanibel Captiva Community Bank which operates within this center. Eight parking spaces were previously assigned to this unit. Staff finds the use is compatible with existing uses and furthers the community goals for the commercial district to serve the residents of Sanibel.	Yes
(b) A request for conditional use approval shall be accompanied by a site development plan prepared in accordance with the requirements of subsection <u>82-382(m)</u> .	Staff finds the submitted site plan (Attachment C) and proposed floor plan (Attachment D) meet this requirement.	Yes
(c) In reviewing requests for conditional uses, the planning commission may impose, as necessary, conditions to protect adjacent or nearby parcels and in furtherance of the public interests, with regard to location design intensity of use, architectural treatment, siting, landscaping, maintenance and operation of the uses.	Staff finds recommended conditions relating to bike parking and landscape buffers will protect public interests detailed by this standard.	Yes, with recommended conditions of approval
(d) The developer must demonstrate that the proposed use is coordinated, to the greatest extent possible, with adjoining developments. Where applicable, this coordination shall include examination of all opportunities to share or combine drives and entry points, parking areas, sewage treatment facilities, pedestrian walkways, and other service facilities.	Staff finds the existing commercial center with a shared access, shared parking lot, pedestrian interconnection to the shared use path, and connection to the city's sewer system meets this requirement.	Yes
(e) The planning commission shall consider the nature of the site, its size, and its configuration to determine whether the parcel is adequate to: (1) Accommodate the placement and arrangement of structures so as to promote the best possible vehicular and pedestrian access and internal circulation; (2) Maximize energy efficiency and compatibility with adjoining uses on and off the site; and (3) Minimize the need for additional off-site transportation improvements.	Staff finds the existing commercial center meets this requirement.	Yes

<p>(f) In considering a proposed conditional use for approval, the planning commission shall evaluate the proposal in consideration of the following factors:</p> <p>(1) <i>Conformance with Sanibel Plan.</i> No conditional use may be approved unless it is in accord with the Sanibel Plan.</p> <p>(2) <i>Internal compatibility.</i> Any proposed conditional use must be compatible with other existing or proposed uses on the same site; that is, no use may have any undue adverse impact on any neighboring use.</p> <p>(3) <i>External compatibility.</i> All proposed conditional uses must be compatible with existing and planned uses of surrounding properties; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use.</p> <p>(4) <i>Intensity of development.</i> The residential density and intensity of commercial use of a conditional use shall be compatible with (that is, shall have no undue adverse impact upon) the physical and environmental characteristics of the site and surrounding lands.</p> <p>(5) <i>Environmental constraints.</i> The site of the proposed conditional use shall be suitable for use in the manner proposed without hazards to persons, vegetation, or wildlife, either on or off the site, from the likelihood of increased flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of soil, water level, drainage, and topography shall all be appropriate to the pattern and intensity of development intended.</p> <p>(6) <i>Off-street parking.</i> Sufficient off-street parking, for bicycles and other vehicles as well as cars, shall be provided. The specific requirements of this Land Development Code shall be used as a guide only. Parking areas shall be constructed in accordance with such standards as are approved by the planning commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses.</p>	<p>Staff finds the existing commercial center meets this requirement with the recommended condition for additional bicycle parking. Figure 2 shows recommended locations for bicycle racks.</p>	<p>Yes, with recommended conditions of approval</p>
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Table 2: Consistency with the Sanibel Code Specific Requirements of a Conditional Use		
Sanibel Code Requirement	Staff Comments	Requirement met?
<p>Sec. 126-91. – Eating places, restaurants, grocery stores, etc., not listed as a permitted use. Eating places, such as restaurants, grocery stores, delicatessen stores, food markets, convenience stores, carry-out food stores not listed as a permitted use, including ice cream shops, and any permitted commercial use involving on-site food preparation or processing shall be permitted as conditional uses subject to the following conditions set forth in this section:</p>		
<p>(1) The planning commission shall require that the wastewater disposal facilities for any use approved pursuant to this section are adequate to serve the needs of the use as proposed, and may require such security as it deems necessary to ensure that the system installed is replaced if it proves to be inadequate or may condition the approval of such use upon such modifications and improvements to the system as are reasonably necessary after the use if developed.</p>	<p>Staff finds this requirement is met with the recommended condition of approval regarding a grease interceptor plan requirement.</p>	<p>Yes, with condition of approval</p>
<p>(2) All restaurants with more than 50 seats must be connected to the city sewer system.</p>	<p>N/A</p>	<p>N/A</p>
<p>(3) All restaurants must be located at least 100 feet from any existing dwelling unit, except for a dwelling unit located in a commercial district. Any such use shall be required to be soundproofed to the extent reasonably necessary to ensure compliance with all existing ordinances of the city relating to the creation of noise.</p>	<p>The nearest dwelling unit to the south is approximately 130-feet from the rear of the proposed fast-food restaurant. Staff finds this requirement has been met.</p>	<p>Yes</p>
<p>(4) Nothing in this article or any other provision of this Land Development Code shall be construed to allow formula restaurants.</p>	<p>Staff finds the proposed fast-food restaurant is not a formula restaurant.</p>	<p>Yes</p>

Figure 2 – Recommended Location for Bicycle Rack

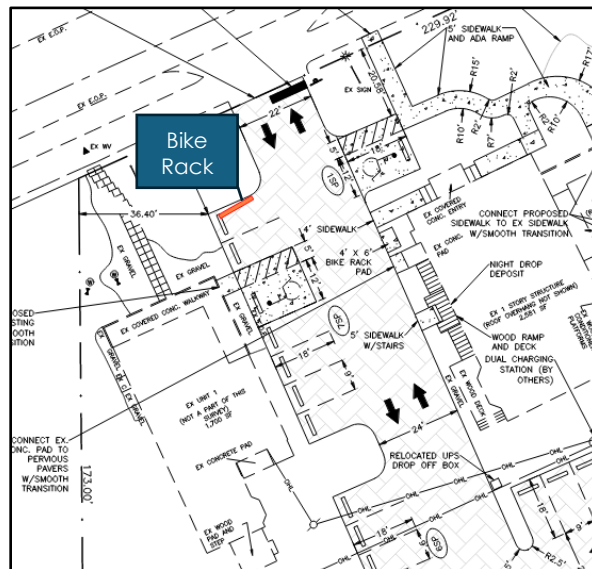


Table 3: Consistency with the Sanibel Code Requirements for Bonus Outdoor Seats for Dining		
Sanibel Code Requirement	Staff Comments	Requirement met?
<p>Sec. 126-1031. – Bonus outdoor seats for dining. The purpose of this section is to establish procedures and regulations that will enable restaurants and carry-out food stores to provide portable seating, tables, and other accommodations for bonus outdoor seats for dining in addition to the number of permitted indoor seats.</p>		
<p>Sec. 126-1031(4) Standards (for number and location)</p>		
<p>The maximum number of bonus outdoor seats permitted at a carry-out food store is 16 seats. The maximum number of bonus outdoor seats at a restaurant is 15 percent of the total permitted seats associated with the restaurant, not to exceed 32 seats, but not less than 16 seats.</p>	16 bonus outdoor seats are proposed. Two tables with 4 chairs, a 4-seat bar, and two tables with 2 chairs. Staff finds the proposed outdoor seating plan meets this requirement.	Yes
<p>The bonus outdoor seating and tables shall be under a roof, awning or portable umbrellas.</p>	The proposed outdoor seating and tables are under the roof in an existing open air porch.	Yes
<p>Seating and tables shall not be dispersed and shall be grouped in a defined area immediately accessible to the permitted restaurant or carry-out food service operation and located on the site of the permitted restaurant or carry-out food service use. Bonus outdoor dining shall not be located in areas that coincide with patron waiting areas or where bar service occurs.</p>	Staff finds the proposed seating plan to meet this requirement.	Yes
<p>Bonus outdoor dining seats and tables shall:</p> <ol style="list-style-type: none"> 1. Comply with special setback for outdoor dining (LDC § 126-961); 2. Not interfere with on-site vehicular and pedestrian circulation, parking and loading areas; and 3. Not block or restrict doors or other means of required egress for emergency purposes. 	<ol style="list-style-type: none"> 1. The location of the proposed outdoor seats is 40-feet from the front property line, exceeding the minimum 20-foot front yard setback. All proposed outdoor seats exceed the minimum 15-foot side yard setback per Sec. 126-961. Staff finds this requirement has been met. 2. Staff finds this requirement is met. 3. The Fire Marshal reviewed the plans to confirm required egress for emergency purposes. Staff finds this requirement is met. 	Yes
<p>Bonus outdoor seating shall be adequately buffered from off-street parking and traveled ways with use of landscaping, screen wall, fence, or other means.</p>	Staff finds this requirement is met with the existing landscape buffer.	Yes

PUBLIC COMMENT

Three letters of support were submitted (Attachment E).

RECOMMENDATIONS AND CONDITIONS

Staff has made the following findings in support of its recommendations:

- Staff finds the proposed use (with recommended conditions) complies with all general requirements for a conditional use (Sec. 126-82).

- Staff finds the proposed use complies with all specific requirements (Sec. 126-91).
- Staff finds the proposed bonus outdoor seating complies with all requirements (Sec. 126-91).
- Staff recommends conditions of approval related to bike parking facilities due to the location directly adjacent to the Shared Use Path, permits required for operation, and the required installation of a grease trap.

Staff, therefore, recommends approval of application PL20260016 subject to the following conditions:

1. Approval of a conditional use for a fast-food restaurant (not a formula restaurant) with 20 indoor seats and 16 bonus outdoor seats at 1025 Periwinkle Way.
2. A change of use (occupancy) permit shall be obtained prior to operation to implement the approved conditional use and associated conditions:
 - a. The permit application shall include a site plan identifying additional bicycle parking racks sufficient to accommodate a minimum of 10 bicycles.
 - b. The permit application shall include a floor plan demonstrating compliance with ADA requirements.
 - c. The unit shall receive approval from the Sanibel Fire Marshal prior to issuance of the certificate of occupancy.
3. A grease interceptor plan that conforms with the City's Grease Management Ordinance must be submitted for review and approval as part of an interior remodel building permit application.
4. A Business Tax Receipt shall be obtained prior to commencement of operations.
5. A permit shall be obtained for any proposed signage.

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 or change of use for the parcel must comply with the regulations in effect at that time.