

CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 26-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, RELATING TO PERMIT APPLICATION NO. SPLT-2022-000074 FILED PURSUANT TO SECTIONS 82-421(1), 82-422, AND 114-106 OF THE LAND DEVELOPMENT CODE FOR REVISION OF AN APPROVED PRELIMINARY PLAT, TO AMEND ALLOCATED IMPERMEABLE COVERAGE FOR LOTS 1 THROUGH 6 AT A UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) DEVELOPMENT KNOWN AS "COASTAL CREEK" SUBDIVISION, ON PROPERTY OWNED BY BUCKINGHAM 225 DEVELOPMENT, INC. (DANIEL W. DODRILL), AND LOCATED AT 5325 AND 5301 SANIBEL CAPTIVA ROAD, PARCEL NOS. 13-46-21-T2-00002.4000 AND 13-46-21-T2-00002.2000, RESPECTIVELY, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 82-421 and 82-422 of the Land Development Code detail the application and notice requirements for development permit consideration by the Planning Commission; and Section 114-106 of the Land Development Code provides for requirements and procedures for preliminary plats; and

WHEREAS, Buckingham 225 Development, Inc. (Daniel W. Dodrill), owner of the property located at 5325 and 5301 Sanibel Captiva Road has authorized Brain Smith, Ensite, Inc., to submit Subdivision Plat Application No. SPLT-2022-000074 to amend allocated impermeable coverage for lots 1 through 6 at a unified residential housing (cluster housing) development known as "Coastal Creek" Subdivision; and

WHEREAS, the application seeks to amend the preliminary plat of the Coastal Creek Subdivision, previously approved by the Planning Commission Resolution 23-24, so that the preliminary plat accurately reflects the maximum allowable impermeable coverage on lots 1 through 6 within the subdivision; and

WHEREAS, a duly noticed public hearing of the subject applications, seeking revision of the previously-approved preliminary plat, was held before the Planning Commission on March 24, 2026; and

WHEREAS, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, and having reviewed the record, and all applicable sections of the Land Development Code, the Planning Commission finds that the criteria for granting the application have been / have not been met and that the application should therefore be approved/denied.

NOW, THEREFORE, BE IT RESOLVED, THE PLANNING COMMISSION OF THE CITY OF SANIBEL finds that Subdivision Plat Application No. SPLT-2022-000074 to amend allocated impermeable coverage for lots 1 through 6 at a unified residential housing (cluster housing) development known as "Coastal Creek" Subdivision, on property owned by Buckingham 225 Development, Inc. (Daniel W. Dodrill), and located at 5325 and 5301 Sanibel Captiva Road, and more fully identified as Parcel Nos. 13-46-21-T2-00002.4000 and 13-46-21-T2-00002.2000, respectively, is hereby approved/denied.

Any approval of this Permit Application is pursuant to the application and attachments included with these items, and subject to the following condition(s) contained in the March 24, 2026, staff report:

All 24 conditions of the preliminary plat approval found in Planning Commission Resolution 23-24 (attached hereto as Exhibit A) and upheld by City Council Resolution 23-049 (attached hereto as

Exhibit B) remain in full force and effect, with the exception that the originally approved preliminary plat is hereby replaced with the amended preliminary plat attached hereto as Exhibit C.

EXPIRATION OF PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-424(f), 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; 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 24TH DAY OF MARCH 2026.

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 _____

EXHIBIT A OF RESOLUTION

To be attached following Planning Commission action.

EXHIBIT B OF RESOLUTION

To be attached following Planning Commission action.