

**CITY OF SANIBEL**  
**DRAFT PLANNING COMMISSION RESOLUTION 25-20**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL DETERMINING APPROVAL OF APPLICATION NO. DP 2025-020806, PURSUANT TO SECTION 82-421(1) AND SECTION 82-422, SCHEDULING AND NOTICE, TO ALLOW A MAINTENANCE DREDGE OF THE SANIBEL RIVER FROM JUNONIA STREET EAST TO THE BEACH ROAD WEIR; THE PROPOSED DREDGE ACTIVITIES ARE LOCATED WITHIN THE SANIBEL RIVER AND ADJACENT LOTS BETWEEN BEACH RD. AND PROCEEDING WEST TO MAIN ST., TAX PARCEL ID (STRAP) NUMBER(S) 30-46-23-T2-U9622.2518, 19-46-23-T3-00013.0000, 30-46-23-T2-00016.0080, 30-46-23-T2-00016.0090, 30-46-23-T2-00500.0050, 30-46-23-T2-00018.0040, 30-46-23-T2-00018.0000, 30-46-23-T2-00018.0010, SANIBEL, FLORIDA 33957, IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 23 EAST, IN LEE COUNTY ; 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 and permits are issued on the basis of compliance with the requirements of other governmental agencies; and

**WHEREAS**, Dana Dettmar, Department of Natural Resources, on behalf of the City of Sanibel, is the applicant; and

**WHEREAS**, the applicant has requested approval of DP-2025-020806, to allow a maintenance dredge of the Sanibel River from Junonia Street east to the Beach Road weir; 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 DPLF-2025-020806, allowed pursuant to Section 82-421(1) and Section 82-422 of the Code of Ordinances 2025-0000267 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 DP-2025-020806 to allow a maintenance dredge of the Sanibel River from Junonia Street east to the Beach Road weir. The proposed dredge activities are located within the Sanibel River and adjacent lots between Beach Road and proceeding west to Main Street, Tax Parcel (Strap) No(s) 30-46-23-T2-U9622.2518, 19-46-23-T3-00013.0000, 30-46-23-T2-00016.0080, 30-46-23-T2-00016.0090, 30-46-23-T2-00500.0050, 30-46-23-T2-00018.0040, 30-46-23-T2-00018.0000, 30-46-23-T2-00018.0010, Sanibel, Florida 33957, In Section 30, Township 46 South, Range 23 East, In Lee County.

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

1. A copy of the ACOE permit must be submitted to the city prior to commencement of the dredging project.

2. The project must be conducted in a manner that maintains compliance with all conditions of the FDEP Environmental Resources Permit and ACOE permit.
3. If any unanticipated impacts occur to the shoreline and/or vegetation, the impacts will be mitigated in accordance with FDEP grant agreement deliverable requirements: The Slough banks will be restored through contouring/grading and native vegetation installation as needed.
4. Dredge activities shall not cause disturbance to active waterbird nests.

This resolution will become effective immediately.

**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	_____