

**CITY OF SANIBEL  
DRAFT PLANNING COMMISSION RESOLUTION 26-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL; RELATING TO APPLICATION NO. PL20260024 FILED PURSUANT TO LAND DEVELOPMENT CODE CHAPTER 98, HISTORIC PRESERVATION, ARTICLE II, REGISTRATION, PROVIDING A RECOMMENDATION TO THE CITY COUNCIL FOR PLACEMENT OF THE WULFERT CEMETERY ON THE SANIBEL REGISTER OF HISTORIC LANDMARKS LOCATED ADJACENT TO BALTUSROL COURT WITHIN THE SANCTUARY (TAX PARCEL NO. 12-46-21-T1-00005.0000) WITH FEE TITLE OWNERSHIP BY THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the nomination of a structure known as the Wulfert Cemetery to the City Register of Historic Landmarks was initiated by the Historical Preservation Committee and considered at its May 7, 2026 meeting; and

**WHEREAS**, the Sanibel Comprehensive Land Use Plan, Section 3.2.4, Historic Preservation, pursuant to Chapter 163, Florida Statutes, establishes policies toward preservation of historic resources; and

**WHEREAS**, the Land Development Code, Section 98-33.-Procedure for placement on the local register, sets for a procedure for historic register nomination and hearings by the Historical Preservation Committee, Planning Commission, and City Council; and

**WHEREAS**, pursuant to the Land Development Code, Section 98-33, subsection (a)(3), the Historical Preservation Committee is obliged to review the nomination and write a recommendation thereon within 90 days from May 7, 2026; and

**WHEREAS**, the matter was considered by the Historical Preservation Committee pursuant to procedure criteria established by the Land Development Code, Section 98-34, Criteria for listing on the local register, and Section 98-35, Criteria for evaluation of historically significant structures as historic landmark; and

**WHEREAS**, the Planning Commission concurred with the finding by the Historical Preservation Committee that the structure meets the following criteria set forth by the Land Development Code, Section 98-34:

- (1) *Historical Importance.* The Wulfert Cemetery has character, interest, and value as a part of the heritage and cultural characteristics of the community; and it represents the cultural, economic, social, and historic heritage of the settlement of Wulfert in the early 1900s; and
- (3) *Geographic Importance.* The Wulfert Cemetery is in its original location; and

**WHEREAS**, the Planning Commission concurred with the finding by the Historical Preservation Committee that the Wulfert Cemetery meets the following criteria set forth by the Land Development Code, Section 98-35:

- (1) The Wulfert Cemetery has retained its integrity in original setting;
- (2) The Wulfert Cemetery is more than 50 years old, established in the early 1900s;
- (3) The Wulfert Cemetery has outstanding historical significance to the community representing the Wulfert settlement; and
- (4) The Wulfert Cemetery exemplifies the broad cultural, economic, and social history of southwest Florida, representing the Wulfert settlement farming community; and

**NOW, THEREFORE, BE IT RESOLVED BY THE SANIBEL PLANNING COMMISSION** that it hereby recommends the Wulfert Cemetery located adjacent to Baltusrol Court within The Sanctuary should be included on the Local Register of Historic Landmarks because it is historically significant and meets the criteria of Land Development Code Section 98-34 and Section 98-35.

**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: Development Permit:** 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 9<sup>TH</sup> DAY OF JUNE 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	_____