

Planning Commission Meeting

May 12, 2026

- **PLANNING COMMISSION AGENDA ITEM : 7C**
- **APPLICATION NUMBER: PL20260016 AND PL20260020**
- **PROPERTY ADDRESS: 1025 PERIWINKLE WAY (PRISCILLA MURPHY CENTER)**

APPLICANT

**ZACHARY MARKHAM, ON BEHALF OF
NORRIS FURNITURE OF SANIBEL LLC (PROPERTY OWNER)**

Conditional Use Permit and Bonus Outdoor Dining Applications

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.

Fast-food restaurant means an eating place primarily engaged in the sale of preprepared or quickly prepared food and beverages usually in disposable containers and wrappers, selected by patrons from a limited line of specialized items such as hamburgers, chicken, pizza, tacos, hot dogs, ice cream or yogurt, for example, for consumption either on or off premises, in a facility in which a major portion of the sales to patrons is at a stand-up type counter.

Formula restaurant means an eating place, whether a principal use or accessory use, that is one of a chain or group of three or more establishments and which satisfies **at least two** of the following three descriptions:

(1) It has the same or similar name, tradename, or trademark as others in the chain or group; *No*

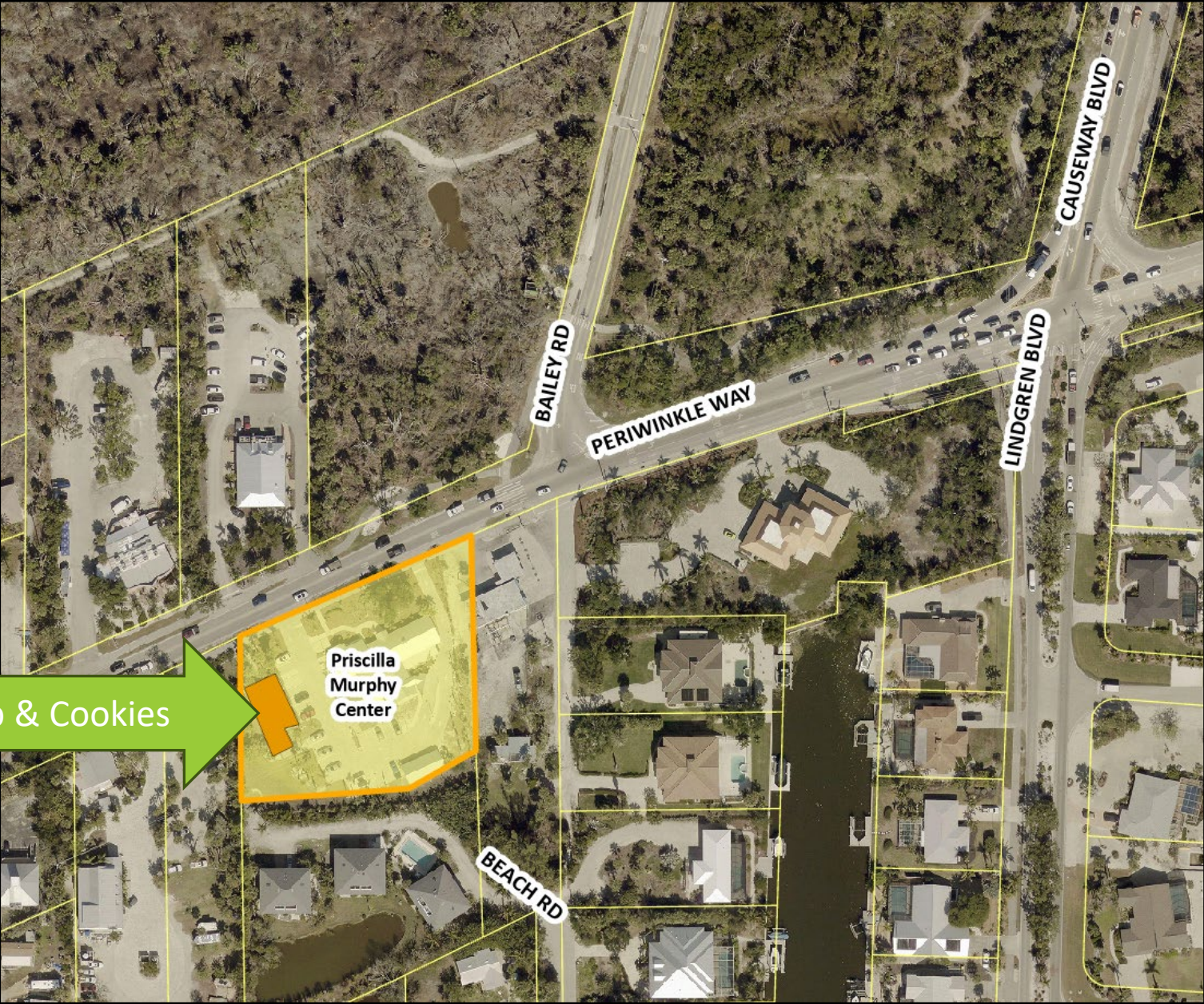
(2) It offers either of the following characteristics in a style which is distinctive to and standardized among the chain or group:

a. Exterior design or architecture; *No*

b. Uniforms, except that a personal identification or simple logo will not render the clothing a uniform; *No*

(3) It is a fast-food restaurant. *Yes*

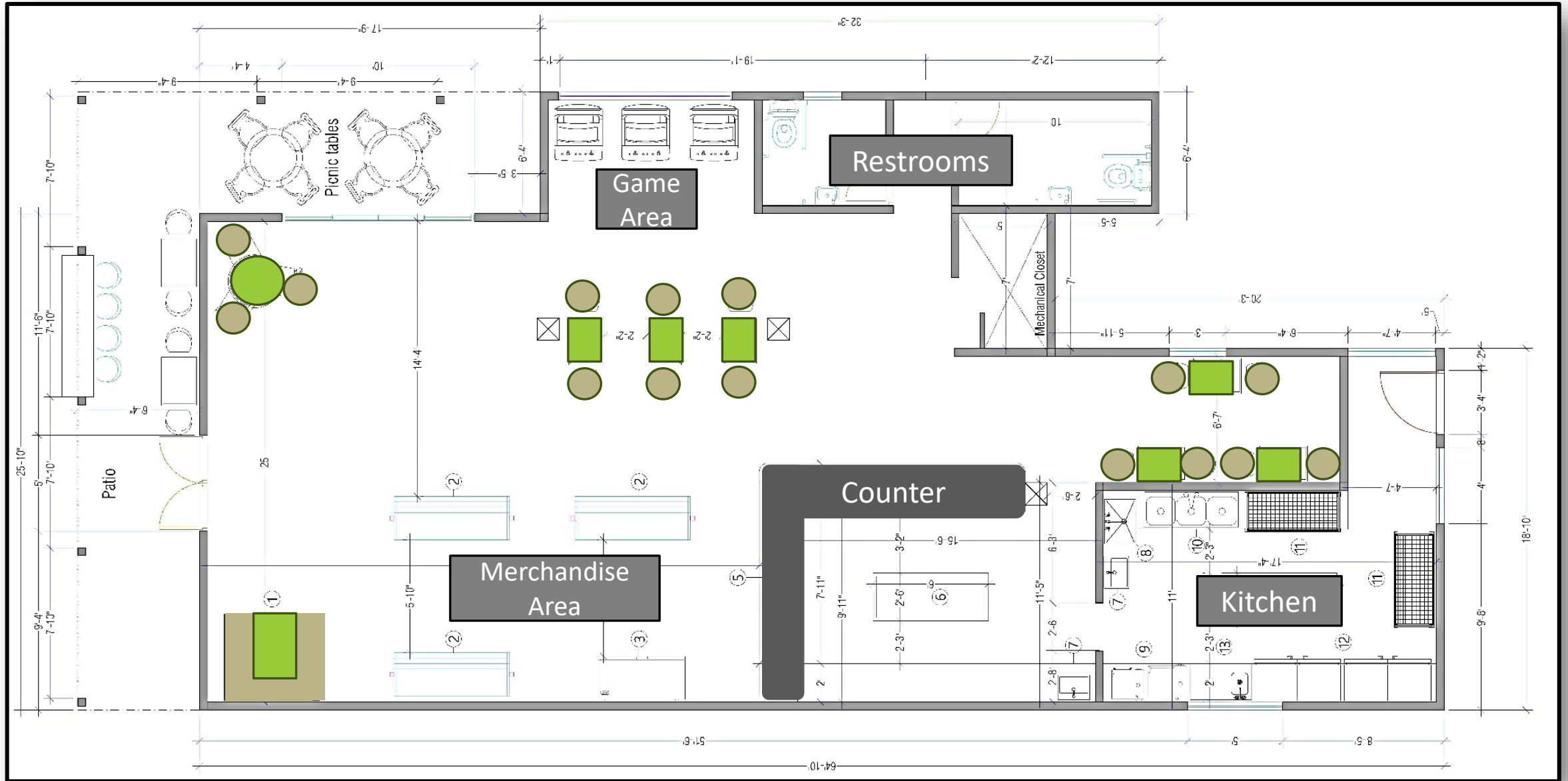
Property Location



Proposed Pina Soda Pop & Cookies

Priscilla
Murphy
Center

Proposed Floor Plan

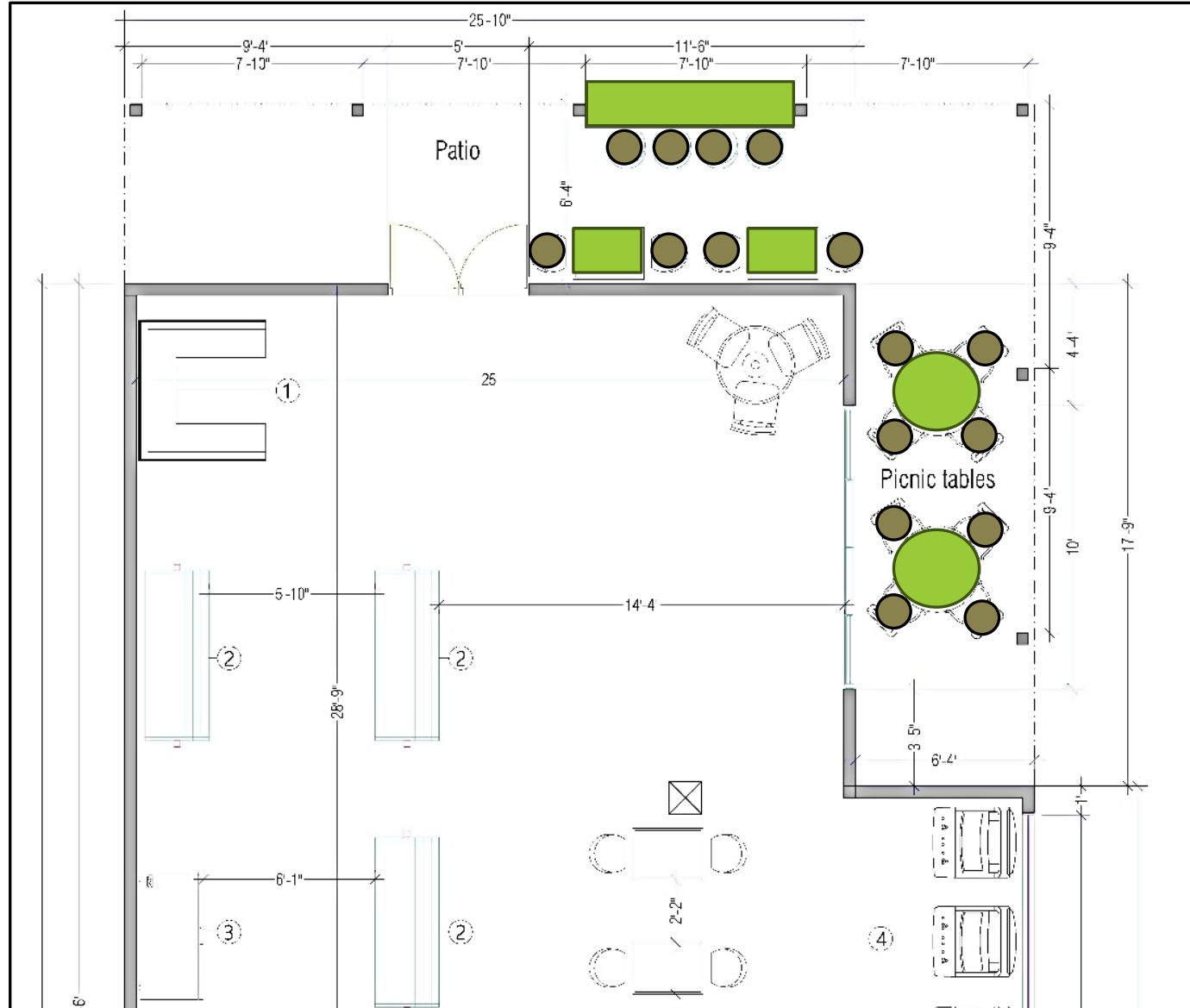


Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-82 – General Requirements for CUP		
(a) The proposed development shall not adversely affect compatibility with other uses, either on, adjacent to, or nearby the parcel; and shall not adversely affect the health, safety and welfare of the 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. 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 and proposed floor plan 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

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-82 – General Requirements for CUP (continued)		
<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.</p>	<p>Yes, with recommended conditions of approval</p>

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-91 – Specific Requirements for CUP		
(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.	Staff finds this requirement is met with the recommended condition of approval regarding a grease interceptor plan requirement.	Yes, with condition of approval
(2) All restaurants with more than 50 seats must be connected to the city sewer system.	N/A	N/A
(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.	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.	Yes
(4) Nothing in this article or any other provision of this Land Development Code shall be construed to allow formula restaurants.	Staff finds the proposed fast-food restaurant is not a formula restaurant.	Yes

Bonus Outdoor Seating Plan



Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 126-1031 – Bonus Outdoor Seats for Dining		
<p>The maximum number of bonus outdoor seats permitted at a carry-out food store is 16 seats.</p> <p>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>	<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.</p>	<p>Yes</p>
<p>The bonus outdoor seating and tables shall be under a roof, awning or portable umbrellas.</p>	<p>The proposed outdoor seating and tables are under the roof in an existing open air porch.</p>	<p>Yes</p>
<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>	<p>Staff finds the proposed seating plan to meet this requirement.</p>	<p>Yes</p>
<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. 	<p>Yes</p>
<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>	<p>Staff finds this requirement is met with the existing landscape buffer.</p>	

Conditions of Approval

- Fast-food restaurant (not a formula restaurant)
 - 20 indoor seats
 - 16 bonus outdoor seats
- Bicycle rack for a minimum 10 bikes
- Grease interceptor plan