

**CITY OF SANIBEL**  
**DRAFT PLANNING COMMISSION RESOLUTION 24-23**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL DETERMINING CONDITIONAL USE PERMIT APPLICATION CUP-2024-000251, PURSUANT TO SECTIONS 82-204, 126-82, AND 126-94 OF THE CODE OF ORDINANCES, TO ALLOW VEHICLE RENTAL IN THE GENERAL COMMERCIAL DISTRICT, ON PROPERTY OWNED BY TIMOTHY MCGOWAN, AND LOCATED AT 975 RABBIT ROAD, UNIT 6, TAX PARCEL NO. 21-46-22-T3-0002.0020; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 82-204 of the Land Development Code details the application and hearing process for a conditional use, Section 126-82 of the Land Development Code provides general requirements for conditional uses, and Section 126-94 provides specific requirements for vehicle rental and leasing (including bicycles); and

**WHEREAS**, Timothy McGowan is the owner of the property located at 975 Rabbit Road, Unit 2; and

**WHEREAS**, OnIslande Bikes, LLC, is the applicant; and

**WHEREAS**, the owner of the property has authorized Attorney Laura DeBruce on behalf of OnIsland eBikes, LLC, to act as applicant and file this petition; and

**WHEREAS**, the property received approval of a conditional use application to allow the rental of vehicles via Planning Commission Resolution 21-25; and

**WHEREAS**, the applicant has requested approval of this application to add the rental of bicycles to the existing vehicle rental use in the General Commercial District; and

**WHEREAS**, staff finds the application to comply with all applicable standards of the Land Development Code intended towards successful implementation of goals, objectives and policies of Section 3.6.2. Future Land Use Element of the Sanibel Plan;

**WHEREAS**, the Planning Commission concurs with findings in the staff report that the subject use will not cause undue adverse impacts to the physical and environmental characteristics of the site and surrounding lands;

**WHEREAS**, a duly noticed public hearing of the application was held on December 10, 2024; 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 conditional uses set forth in Section 126-82, and the specific requirements of Section 126-94 of the Code of Ordinances, have been / not been met and that the application should therefore be approved / denied.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA**, finds that Conditional Use Petition Application CUP-2024-000251 to allow vehicle rental in the General Commercial District, on property located at 975 Rabbit Road, Unit 6, tax parcel No. 21-46-22-T3-0002.0020, owned by Timothy McGowan, is hereby recommended for approval / denial.

Any approval of this Conditional Use Permit Application is pursuant to the application and attachments included with these items, and subject to the following condition(s) contained in the December 10, 2024, staff report:

1. The total number of motorized vehicles associated with vehicle rental use, including taxis, motorized rental vehicles, and employee vehicles, is ten (10) with five motorized vehicles associated with Suite 1-1A and five motorized vehicles associated with Suite 6.
2. The motorized vehicles may only park in the locations shown on the approved site plan.
3. Business Tax Receipts for Vehicle Rental and Leasing must be obtained from the City of Sanibel Finance Department prior to commencement of renting or leasing vehicles.
4. File a permit application to obtain a development permit (change of use) as needed to implement approved plans that are substantially compliant with all the conditions of this resolution.
5. Vehicle rental of bikes or class 1 e-bikes is permitted with an inventory of up to twenty (20) bikes stored indoors. Class 2 and Class 3 e-bikes are expressly prohibited from use on City of Sanibel Shared Use Paths and therefore are not permitted for vehicle rental by this resolution.
6. Maintain an improved interconnectivity path from that provides access from Unit 6 of the Rabbit Road Center to the Shared Use Path (west) to accommodate bicyclists and pedestrians, as adopted by Planning Commission Resolution 24-14.
7. Maintain vegetation and landscape buffers in compliance with the approved landscape plan, as adopted by Planning Commission Resolution 21-26.
8. Exotic species of plants which out compete or otherwise displace native plants, including Brazilian pepper *Schinus terebinthifolius*, the Cajeput or Punk tree *Melaleuca quinquenervia*, Earleaf Acacia *Acacia auriculiformis*, Lead tree *Leucaena leucocephala*, Java Plum *Syzygium cumini*, Air Potato *Dioscorea bulbifera*, Exotic Inkberry *Scaevola frutescens*, *Scaevola sericea* and Mother-in-law's Tongue/Bowstring Hemp *Sansevieria hyacinthoides* shall be removed from within the boundaries of the subject parcel. The parcel shall be kept permanently free of such exotics.
9. This permit shall not relieve the applicant from the requirement of obtaining permits from and complying with lawful requirements imposed by the US Army Corps of Engineers, the Florida Department of Environmental Protection and any applicable, local, state and federal law.
10. Many of the conditions contained herein are for information purposes to assist the applicant and are requirements of the Land Development 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.

**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 10TH DAY OF DECEMBER 2024.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
Roger Grogman, Chair

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Commission Members:

- Grogman \_\_\_\_\_
- Pfeifer \_\_\_\_\_
- Sergeant \_\_\_\_\_
- Colter \_\_\_\_\_
- Nichols \_\_\_\_\_
- Welch \_\_\_\_\_
- Steiner \_\_\_\_\_