

CITY OF SANIBEL  
**DRAFT** PLANNING COMMISSION RESOLUTION 26-14

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL; RELATING TO A VARIANCE (APPLICATION NO. PL20260019) RELATIVE TO SECTION 82-144, BELOW MARKET RATE HOUSING AND SECTION 86-164, LIMITATIONS ON PRINCIPAL BUILDINGS, TO ALLOW FOR A MULTIFAMILY BUILDING TO BE CONSTRUCTED SO THAT THERE ARE MORE THAN TWO DWELLING UNITS, VERTICALLY, IN THE BUILDING, FOR THE REDEVELOPMENT OF MULTIFAMILY HOUSING (15 UNITS) DEDICATED TO THE BELOW MARKET RATE HOUSING RENTAL PROGRAM, ON PROPERTY OWNED BY COMMUNITY HOUSING & RESOURCES, INC., AND LOCATED AT 1517 PERIWINKLE WAY, TAX PARCEL NO. 30-46-23-T1-00004.0080 , FILED PURSUANT TO SECTION 82-138 OF THE LAND DEVELOPMENT CODE; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Community Housing & Resources, Inc., (CHR) owner of the property at 1517 Periwinkle Way (the "Subject Property"), previously applied to the City to construct a multifamily building, dedicated to the below market rate housing rental program, to be constructed on the Subject Property and such application was approved by Planning Commission Resolution 25-09 and City Council Ordinance 25-008; and

**WHEREAS**, CHR is nearing completion of construction of the exterior of the building at the Subject Property, and it came to the attention of City staff that, by inadvertence or mistake, both CHR and City staff failed to recognize a certain variance is required for construction to allow more than two dwelling units, vertically, in the building; and

**WHEREAS**, CHR has authorized Rachel Bielert, RLBCM, LLC, to submit Application No. PL20260019 for a variance to allow for a multifamily building to be constructed so that there are more than two dwelling units, vertically, in the building, for the redevelopment of multifamily housing (15 units) dedicated to the Below Market Rate Housing Rental Program; and

**WHEREAS**, Section 82-138 provides for the application for a variance; and Sections 82-144 of the Land Development Code provides that the Planning Commission may grant variances necessary to accommodate below market rate housing developments; and Section 86-164 provides for limitations on principal buildings in multifamily developments; and

**WHEREAS**, the applicant has requested approval of Application No. PL20260019 for the property located at 1517 Periwinkle Way; and

**WHEREAS**, a duly noticed public hearing of the application was held on May 12, 2026; and

**WHEREAS**, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, and having reviewed the record, the Planning Commission finds that the variance application **does / does not** meet the criteria required by LDC Section 82-144.

**NOW, THEREFORE, BE IT RESOLVED, THE PLANNING COMMISSION OF THE CITY OF SANIBEL** hereby recommends **approval / denial** by City Council of Application No. 20260019 to approve a variance, retroactive to April 22, 2025, to allow for the completion of construction of a multifamily building with more than two dwelling units, vertically, in the building, for the redevelopment of multifamily housing (15 units) dedicated to the Below Market Rate Housing

Rental Program at property located at 1517 Periwinkle Way (tax parcel No. 30-46-23-T1-00004.0080) and owned by Community Housing & Resources, Inc.

Approval of this Variance Petition is pursuant to the application and attachments included with the item, and subject to the following condition(s) contained in Planning Commission Resolution 25-09 and the May 12, 2026, staff report:

1. The proposed scope of work is contingent upon City Council approval of an application to increase density for below market rate housing (CUP-2025-000255).
2. An as-built survey is required to verify conformance with the approved site plan.
3. Pursuant to Section 126-651. – Preservation and enhancement of resources, development shall not take place within the Interior Wetlands Conservation District. The portion of the property within the Interior Wetlands Conservation District shall be preserved by means of a conservation easement or through dedication of such land areas to the city or to a nonprofit conservation entity to manage, or other means, to provide the continued maintenance of conservation lands. Any easement shall be recorded in the official records of the Lee County Clerk of Courts.
4. A signed agreement for the use of shared trash and recycling facilities located on the subject property to the property owner of 1521 Periwinkle Way (Southland Corporation) shall be recorded in the official records of the Lee County Clerk of Courts prior to issuance of a Certificate of Occupancy. The City of Sanibel shall be notified no less than sixty (60) days prior to termination of this agreement.
5. Bike parking facilities for no less than 15 bikes shall be installed and maintained in conformance with all applicable development standards (i.e. setbacks, developed area, coverage).
6. Obtain all necessary building, development, and vegetation permits prior to commencement and within twelve (12) months from the effective date of this resolution.

Conditions contained herein are in addition to the requirements of the Sanibel 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.

This resolution will take effect immediately upon adoption.

**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 12TH DAY OF MAY 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 \_\_\_\_\_

