
Urgent

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Urgent Community News

Critical Captiva Land Use Issue!

Some of you may have been receiving messages about "misinformation." Please read the detailed response below. Also, the link to the informational community Zoom webinar that the CCA is hosting on Monday (June 12 at 6pm) is included below as well as information about the events as they have unfolded this week. Thank you to the Captiva and Sanibel communities for your attention to this very urgent issue.

Important: An Explanation of the County's Claim of "Misinformation"

Some Commissioners are claiming that misinformation has been provided and are sending out a long memo. The County memo is misleading and either misses the point or misunderstands the basis of the Captiva community's objections. Below are the County "brief responses" in black font, and then the facts in red.

- The draft Ordinance does not approve any development changes for South Seas.

No - not yet. However, the draft Ordinance changes the Captiva Code to specifically exempt South Seas from the density and building height restrictions

on Captiva. When South Seas submits its redevelopment plan, it would not be bound by the current Captiva density rule of three units per acre or the building height rule of 28 feet above base flood elevation. Rather South Seas may lawfully request significant increases in density, and buildings may be as tall as 75 feet. The Captiva Code that applies to everyone else will not apply to South Seas.

- South Seas is currently exempt from Captiva Community regulations under existing LDC provisions, so long as it complies with its Administrative Interpretation.

Yes. So long as it complies with its Administrative Interpretation that has governed density and building heights on South Seas for decades. The Administrative Interpretation does not permit South Seas to have greater density or higher buildings than anyone else on Captiva. If their plans for development deviate from the Administrative Interpretation, they are then governed by the density and height restrictions of the Captiva Code – just like everyone else. The draft Ordinance would no longer limit any future development at South Seas to the density and building height restrictions of the Captiva Code. South Seas would be exempt.

- The draft Ordinance exempts South Seas from the hotel “density” limitation for Captiva but does not change existing density limitations for other hotels or residential units on Captiva.

That is correct and a big problem. The current Captiva Code treats South Seas the same way as all other hotels or motels on Captiva – three units per acre. The draft Ordinance exempts only South Seas from the Captiva density limitation of three units per acre and creates no limitation to replace it.

- The manner in which height is measured throughout the County is being standardized under one LDC section (See draft Ordinance section 34-2171, LDC).

That’s the problem. The Captiva Community Panel was approved by the County to recommend appropriate building heights for our fragile barrier island, and the Panel has done so since 2002 with the participation of the Captiva community. The new Ordinance sought no input from anyone in the Captiva community, and for no apparent reason other than countywide “standardization,” increases the permissible building heights from 28 to 35 feet above base flood elevation – raising the number of buildable stories above base flood elevation from two to three. And at South Seas, maximum building heights may reach 75 feet.

- Due to the standardization method of measurement, the starting point for measurement of building height on Captiva (as with other areas of the County) will be changed and the result may increase a new structure’s height depending upon certain factors specific to the property and building being constructed.

The problem with the draft Ordinance is not a measurement issue. Simply put, for most homes on Captiva outside of South Seas, the draft Ordinance permits the addition of a third story above base flood elevation without seeking any community input. For South Seas, 75 foot buildings may be permitted.

- Maximum height restrictions remain in place with one exception. (See draft Ordinance section 34-2175, LDC).

That is misleading. Maximum height restrictions do not remain in place. Most of the homes on Captiva have to construct their living space above base flood elevation – now three stories under the new Ordinance, rather than two under the current Code. And they certainly won't remain in place at South Seas.

- The draft Ordinance provides an exception to the maximum height restrictions for buildings within Vzones or Coastal A Zones. Those structures may increase the height of the lowest habitable floor up to a maximum of 4 feet for increased resiliency and protection from natural disasters. (See draft Ordinance section 34-2172, LDC).

This is the only provision that may have something to do with resiliency. If the County would have approached the Captiva community, raising the height of the lowest nonliveable floor higher than the official base flood elevation would have been certainly discussed with the community and considered.

A more detailed response to the full County memo will be drafted and circulated. However, nothing in the details of the County's document changes the fundamental facts.

The draft Ordinance raises the building heights on Captiva outside the gates of South Seas, and opens the door to future development at South Seas with greater density and higher buildings than currently permitted under the Captiva Code or the longstanding Administrative Interpretation governing development at South Seas.

Community Informational Zoom Meeting about Proposed Building Height & Density Changes

Monday, June 12, 6:00pm

Join us on Monday evening at 6pm for an informational Zoom webinar. Members from island organizations will be sharing important information about the proposed changes and the concern about the impacts this would have on the land and community, and there will be an opportunity for Q&A. To join the webinar, click on the link or call in on Monday at 6pm:

You are invited to a Zoom webinar.

When: Jun 12, 2023 06:00 PM Eastern Time (US and Canada)

Topic: CCA webinar

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81458571312?pwd=U0hPUnRyMVJFNzZpaGN0RWVkUmlFZz09>

Passcode: 645846

Or One tap mobile :

+13052241968,,81458571312#,,,,*645846# US

+16469313860,,81458571312#,,,,*645846# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

Brief Summary of the Proposed Changes:

At the behest of the new owners of South Seas Island Resort, Lee County has set a public hearing on June 20 to consider changes to the county's Land Development Code that would:

- Eliminate the three-units-per-acre density restrictions inside South Seas, with no new density restrictions cited to replace them.
- Exempt South Seas from Captiva's building height restrictions.
- Raise the permitted heights on Captiva by 11 feet -- allowing the construction of three-story buildings above base flood elevation.
- Create a path for South Seas to plan a new, larger development with buildings up to 75 feet high.

Under the guise of resiliency and conformity, the county is rushing to enact these sweeping changes without regard for the community's concerns, prudent planning principles or preservation of Captiva's unique and fragile environment. The county and South Seas are sacrificing our unique island ambiance for the sake of bigger buildings and more dwelling units.

Speak up! Send an email to *each* commissioner and make a call to oppose these building height and density changes:

District 1: Kevin Ruane – dist1@leegov.com or (239) 533-2224

District 2: Cecil Pendergrass – dist2@leegov.com or (239) 533-2227

District 3: Ray Sandelli – dist3@leegov.com or (239) 533-2223

District 4: Brian Hamman, Chairman – dist4@leegov.com or (239) 533-2226

District 5: Mike Greenwell, Vice Chairman – dist5@leegov.com or (239) 533-2225

Sample message:

I am a property owner/voter/business owner on Captiva and I oppose the proposed increases to Captiva's building heights and the elimination of the longstanding density and height limitations at South Seas Island Resort that will be presented at the upcoming June 20 public hearing.

These proposed changes run counter to Captiva's historic pattern of low-rise and low-density development and will allow more and higher buildings on a fragile barrier island. These changes do not increase storm safety and resilience, and do not protect the environment. They do the opposite.

These sweeping changes are also being pursued without the necessary public input, and with complete disregard for the residents, owners, and visitors on Captiva. We encourage you to serve the interests of the entire Captiva community, not just those who wish to change the rules in order to build more units with bigger buildings.

I urge you to reject these changes at the June 20 public hearing, and vote for protecting Captiva's future.

Proposed Changes to be Discussed at Captiva Community Panel's Meeting on Tuesday, June 13

Proposed changes to the rules governing building heights and density on Captiva will be on the agenda at the next meeting of the Captiva Community Panel, set for Tuesday, June 13, beginning at 9 a.m. on Zoom.

These changes have been moving forward at the county without any notification to or input from the Community Panel and the Captiva community.

These proposals came to a head last Tuesday when the Board of County Commissioners unanimously moved these new rules to a June 20 public hearing. The scope of these rule changes and the potential impact to Captiva will be the focus of panel discussion Tuesday.

The changes include:

- Eliminates the three-units-per-acre density restrictions inside South Seas, with no restrictions cited to replace them.
- Eliminates the current height restrictions on Captiva (and language in the Lee Plan that references those restrictions). It is replaced in general with restrictions of 35 feet above a distance 12 inches above the average elevation of the adjacent roadways. In areas where development is governed by base flood elevations, height is measured from “the lowest minimum habitable floor elevation for which a building permit may be issued.”
- In the Captiva-specific section, South Seas is exempted from building heights language, with no replacement restrictions stated.
- Structures in a coastal high hazard area V-zone may increase both the “lowest minimum habitable floor” and the overall structure by four feet without deviation or variance approval.
- South Seas may be seeking a de facto rezoning to Outlying Suburban, which with this new language would allow building heights up to 75 feet “when the applicant demonstrates through a zoning action that the additional height is required to preserve environmentally sensitive land, secure areas of native vegetation and wildlife habitat, or preserve historical, archaeological or scenic resources.”
- Removes reference to the 2002 Administrative Interpretation governing South Seas density and development, and exempts development inside South Seas from LDC Section 33 regulations.
- Eliminates the 75% requirement for condominiums to initiate rezoning, special exceptions or variance, replacing it with initiation allowed by the association’s president or manager when authorized by the association board.



Members of the Community Panel attended last Tuesday's commission meeting and have been in discussion with county commissioners and staff, as well as other island organizations concerned about these proposed changes. They will update the panel on their findings and plans.

Zoom information for Captiva Community Panel meeting:

When: Jun 13, 2023 09:00 AM Eastern Time (US and Canada)

Please click the link below to join the webinar:

[https://us02web.zoom.us/j/81193040028?
pwd=eUgvV1k1bmMwbU81YTc5MDFHR1pMUT09](https://us02web.zoom.us/j/81193040028?pwd=eUgvV1k1bmMwbU81YTc5MDFHR1pMUT09)

Passcode: 858257

Telephone:

+1 305 224 1968 US

Webinar ID: 811 9304 0028 / Passcode: 858257

A Collaborative Appeal Letter from a Coalition of Concerned Island Organizations

A version of an appeal letter is being sent out from several island organizations who are concerned about this issue. You can download a PDF of the CCA's letter here: [Appeal Letter from CCA](#)

CCA's Mission & Land Use Policy

The Captiva Civic Association's mission is "preserving the quality of life, ambiance, and environmental integrity of this unique barrier island community." The CCA has a very specific Land Use Policy in its Bylaws (Article XII).

CCA's Land Use Policy:

The CCA, in accordance with its mission, shall work with governmental authorities, property owners, and other associations to:

- 1. Preserve the Captiva environment including its mangrove wetlands and encourage the use of native vegetation.*
- 2. **Maintain the strict limits on density and height as currently stated in the Lee County Comprehensive Plan, and to oppose any exceptions sought through the variance process.***
- 3. Strictly enforce zoning and other regulations including those which have the effect of limiting traffic and excessive noise.*

The CCA respects the land use rights of all property owners within the scope of the existing Lee County planning and zoning regulations.

The CCA endorses a policy requiring a responsible island-wide tabulated poll of registered voters and property owners prior to any revisions being proposed or made to the Comprehensive Plan and prior to any action being taken by any party that could have a significant harmful effect of island-wide impact, such as municipal or public wastewater system.

A Lee County Board of Commissioners agenda item with proposed changes to density and height codes on Captiva was not presented to the community in an acceptable fashion, disregarding protocols that were established for such proposed changes. This happened covertly with very little time for public input.

Please feel free to share this email. People who wish to receive our email updates can subscribe here: <https://ccacaptiva.org/contact-us/>

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