

June 8, 2023

Dear Lee County Board of County Commissioners,

RE: Proposed changes, Land Development Code (Attached)

We are officially writing on behalf of the following Condominium and Homeowner Associations that represent the private homeowners located within the South Seas Island Resort. Please understand that the Associations listed below represent the majority of the units and acreage within the Resort. There are also a large number of interval ownership units not accounted in the number below with no affiliation to the owners of South Seas Island Resort.

Bayside Villas	Beach Cottages	Beach Homes
Beach Villas III	Gulf Beach Villas	Beach Homesites
Lands End	Seabreeze	Sandrift
Sunset Beach Villas	Tennis Villas	Marina Villas

Furthermore, the Board should clearly understand that South Seas Island Resort is not defined simply by the business entity recently purchased by the Timbers Company, Wheelock Street Capital, and The Ronto Group, but instead constitutes a diverse community of property owners in addition to the Resort. Indeed, the private homeowners number over 527, own over 80 percent of the land in the Resort grounds, and reflect full-time as well as part-time residents, many of whom have owned their homes for decades and have no relationship with the Resort other than being situated within its boundaries.

We understand that the Board of County Commissioners will soon be considering proposed changes to the ordinances setting density and height regulations in South Seas (as well as the height regulations on Captiva outside the gate of South Seas) that will directly and substantially impact the homeowners we represent. Although we have been meeting regularly with representatives of Timbers and resort management, they chose not to advise us of any of the proposed changes, or that they were meeting with the County, it's staff and you about these proposals over the course of many months. We only heard about them after the BoCC meeting on June 6.

We now know that the proposed changes being considered by the Board would facilitate making changes to the longstanding density and height regulations that govern the Resort – regulations that protected the Resort (and the numerous owners of condominiums and homes located within its boundaries) for decades and that were well known when the new owners chose to purchase the Resort. The changes being proposed would allow Timbers to create a plan for a new and larger development with buildings significantly higher than currently permitted, to alter the landscape of our community, and to potentially impact adversely the investment-backed property expectations that our private homeowners have.

It should be remembered that the administrative interpretation the Resort would like to see repealed here was actually intended by its 2002 authors not to be subject to future amendments absent new negotiations between the same parties (or their successors), and was instead intended to be the definitive and final statement of allowed heights and densities in South Seas until and unless a new set of terms is agreed to by the same parties/successors. It was the product of extensive negotiations at that time with ALL stakeholders included and resulted from give and take by all parties then involved.

To illustrate this, the unit owners in Bayside Condominium Association gave up valuable rights (lockout rentals, for example), in exchange for a guarantee that they would endure beach and traffic congestion, share amenities with, and face competition for South Seas rentals only from a maximum of 912 other unit accommodations permitted to exist within South Seas. Unit owners in other Associations made other concessions in exchange for other considerations. What eliminating the administrative interpretation does is eliminate the concessions made by South Seas in those earlier negotiations, but it does not eliminate the concessions made by South Seas unit owners in those same negotiations. **This is supremely unfair, and not what the Lee County BOCC should be doing.** If the idea is to make changes to height restrictions that enhance resiliency, and it is necessary to renegotiate the administrative interpretation in order to do this, then ALL parties to the previous negotiation should be at the table discussing what a new administrative interpretation should look like, and engaging in the process of mutual give and take to come up with something that takes care of all parties' affected interests. Unit owners should not first be unilaterally disarmed of negotiating leverage before the South Seas "asks" are considered.

For these reasons, we ask that the Board vote to reject the proposed changes to the Captiva and South Seas-related land development provisions. When Timbers develops and presents its plan for the Resort to the community and our Associations, we will readily review the proposals, meet with our members, consult with our attorneys, and work with Timbers to determine what is in the best interests of our South Seas community. But approving the proposals on June 20 would only guarantee that the voices of all the stakeholders on the South Seas Island Resort could not be heard at the most meaningful time in any negotiation – at the outset of the process.

Sincerely,



Ken Suarez, Chairmen, Presidents Council of Associations
President, Tennis Villas Condominium Association, Inc.

On behalf:

Thomas Sadlowski, Bayside Villas Condominium Association, Inc.

Les Stewart, Beach Villas III Villas Condominium Association, Inc.

Richard Foster, Sunset Villas Condominium Association, Inc.

Robert Locker, Gulf Beach Villas Condominium Association, Inc.

Jeff Hogenmiller, Beach Cottages Condominium Association, Inc.

Buck Blessing, Beach Homes Condominium Association, Inc.

Susan Cellmer, Beach Homesites Homeowners Association, Inc.

Lawrence Sung, Sandrift Property Owners Association, Inc.

Bill Finley, Marina Villas Condominium Association, Inc.

Jonathan Appelbaum, Seabreeze Condominium Association, Inc.

Edwin Jorden, Lands End Condominium Association, Inc.