

COMMITTEE OF THE ISLANDS  
P.O. Box 88  
Sanibel, Florida 33957

Chair Hamman and Commissioners Ruane, Pendergrass, Sandelli and Greenwell:

These comments are submitted in behalf of Committee of the Islands (COTI), a Florida not-for-profit corporation whose mission for nearly fifty years has been to protect the local environment and small-town character of our barrier island communities. We appreciate the opportunity to share our thoughts on the proposed amendments to the Lee County Land Development Code, and in particular their application to South Seas Island Resort (hereinafter “South Seas”).

By way of background, in January of 2023, this Board directed county staff to review and prepare amendments to the Land Development Code to eliminate restrictions that could hamper post-disaster redevelopment in the County — including South Seas — in a manner that reduced potential flood threats, a timely and appropriate undertaking.

What troubles us is that as to South Seas, the proposed amendments go too far. Building height and hotel density at South Seas are currently limited by the terms of the 2002 Administrative Interpretation to two stories above base flood and 3 dwelling units per acre respectively. Staff’s June 6 memorandum to this Board says that the proposed code modifications will “simplify administration for staff, provide clarity and consistency for property owners and design professionals, and reduce the need for periodic modifications to building height regulations that may result from periodic changes to Florida Building Code and National Flood Insurance Requirements.”

However, at least as to South Seas, the proposed amendments go well beyond what would be needed and would open the door to significant increases in building height and residential density at the resort. We believe those amendments should be rejected, not only because they go beyond your directive to staff — they would be at odds with the Lee County plan.

Captiva Island is situated in the Coastal High Hazard Area where development is limited in order to protect public safety. Policy 5.1.2 of the Lee County Plan prohibits development “where physical constraints or hazards exist or require that density and design be adjusted accordingly. Such hazards include... flood, storm or hurricane hazards....” Any significant increase in the permitted number

of habitable stories or residential density at South Seas would be inconsistent with Policy 5.1.2 of the Plan.

The City of Sanibel, which is also situated in the Coastal High Hazard Area, is well along in amending its Land Development Code to facilitate resilient post-disaster build back and rehabilitation consistent with FEMA requirements. But that has not required changes to the basic regulatory framework — nor should it. The same should be true at South Seas. We hope you will agree that amendment of the Land Development Code should be targeted to accommodate FEMA regulations and other resiliency priorities at South Seas, not changes in basic land use policy.

There are also several quality of life reasons for maintaining the current residential density at South Seas, not the least of which is traffic on both islands. Upon arrival or departure or simply taking off-island excursions, every South Seas guest must pass through Sanibel, which is notoriously choked by traffic especially during high season. Taller buildings and more guests at South Seas will only make that very bad situation worse. More than that is the risk of changing the unique small-town character and charm that draw people to both islands. Finally, significantly increased residential density at South Seas could jeopardize long awaited plans to have Captiva sanitary waste collected and treated at the Sanibel waste water treatment facility due to limitations on the quantity of waste that facility can accommodate.

The current owners of South Seas knew or should have known of the limitations on expansion in the 2002 Administrative Interpretation when they made their decision to buy the resort. Any arguments they might put forth about interference with reasonable business expectations would be misplaced.

For all of the above reasons, we ask that you direct staff to reevaluate their proposed code changes, at least as to South Seas, and develop a set of amendments that are more consistent with your original direction to them in January and retain the basic framework of the 2002 Administrative Interpretation.

Respectfully submitted,  
Committee of the Islands  
Larry Schopp, President