

Captiva Community Panel

MINUTES

April 26, 2010

ATTENDING: Jim Boyle, Rick Hayduk, Mike Kelly, Paul McCarthy, Rene Miville, Mike Mullins, Sandy Stilwell, Susan Stuart

AUDIENCE: Approx. 20

The meeting convened at 9:05 a.m. with introductions

Kelly opened with a review of the background of LDC progress to this point. The panel hired Morris-Depew Associates to develop LDC language in the fall of 2009. It held numerous public workshops on Captiva to address the four main remaining issues: Building heights, RSC-2 zoning, mangroves and water quality. Those meetings were timed to be held during season. The panel had extensive public input and discussion of issues throughout this process, assisted by planner Max Forgey throughout with technical and planning issues. The impetus to look at height changes was based on third-party regulation of base flood elevations federally and at the state level. The panel had a desire to ensure people would be able to build two-story houses with decent ceiling space, an effort to anticipate what the island could be looking at in the future. This workshop was suggested by county staff to discuss issues with height and LDC.

Planner Max Forgey introduced county staff members present and made a presentation. History of heights...Basic standard has always been a two story house with some space below. The McHarris study was mentioned... old language allowed articulation, new restrictions flattened rooflines due to base flood elevation issues. The "Kelly Doctrine": Allow two stories, with sloped roofs, roofline articulation, respect the historic architecture of Captiva. Lee Plan amendment must be addressed now, LDC changes can be considered at any time. Coastal Construction Control Line concerns... Florida DEP forces higher elevation seaward of a certain jurisdictional line. Buildback: Height will not be the controlling factor when a homeowner is seeking a permit to build back his home, due to concerns about taking.

County building official Bob Stewart said that buildback guarantees density and intensity, one unit and square footage. Would allow current height limitations in order not to preclude buildback. Claire Sawyer (?) said she had trouble believing a majority of Villagers are in favor of additional height...parking, evacuation, fire protection concerns. A few people would like to increase the height; this was not an impartial survey. Property owners could vote for every piece of property they own, rather than one person/one vote. This poll was prejudiced, let's have an impartial poll.

Stewart: Here to review the language presented to us, came up with scenarios where we wanted to make sure there were no unintended consequences. LIDAR elevations and flood zones shown as exhibits. Bill Fenniman: How did FEMA change the maps from 10 years ago? Stewart: Not much, changed from NGVD to NAVD affected elevations 1-2 feet (but some of that was compensated for), some change in numbers but not in elevation. Zone discussions followed. Mullins: VE-16 question. At road elevation in the past, grade has been redefined as they raised the road. Why can't I build back what I have now in the event of a disaster?

Stewart: Exception guaranteed, I believe, in the event of buildback being impinged by current laws. Fenniman: Post-disaster ordinance would address this better than a change in the Lee Plan. Matt Noble: Post-disaster is in the Lee Plan which would require a change in the plan to be achieved. Audience: What's the logic to this... what is the practical effect of this proposed language? Why would this impact density? Is this a floating standard, does everything move up if FEMA changes its elevations? Stewart: Depends on where your lot is... BFE, grade, etc., when your house was built. No impact on density, zoning determines that. Yes, this is a floating standard.

Stewart: AE-12 elevations under proposed language would cut into the under-building elevation a little, would become more so as you progress along the flood zones. Discussion of impacts or need to cut down roofline. Disparity of building heights from proposed language, from 38 feet on the bay to 49.5 feet on the Gulf. Audience: Buildback requirements...if my house is 40% destroyed, can I build back at my current low elevation? Stewart: As long as you stay below reconstruction costs that are 50% or more of the current market value of the structure before damage. Over 50%, you have to bring it into compliance with all current codes. Stilwell: During damage assessment post hurricane, what recourse do we have to dispute? Stewart: Different from calculation at permitting...more about safety than loss of value.

Audience: Intent was 28 feet of living space? Explanation. Stewart: Usable ground floor is desired by most, this would impact that option. Audience: Making Gulf taller and AE zones shorter...this is inconsistent with what we've been hearing in the past few years. Stewart: Explanation of how this could be constructed. Discussion. This is the "sausage" part... each structure will be unique to recreate what you have now. Audience: This addresses beachfront structures, but you're going the other direction in the Village. Stewart: Current draft doesn't guarantee 35 feet above grade. Discussion.

Mullins: Have you discussed idea of guaranteeing a minimum of 35 feet above grade? Not compelled to build any lower than you can build today. Forgey: Discussed, wanted to have workshop before we composed language to that effect. We wanted one standard applicable islandwide, that treated everyone as equally as we possibly could. Start vertical rise from a given point regardless of zone. We discovered it did not work in every instance, there are things we can do to tweak...whatever is higher rather than lower, hold harmless standard, other options. Stewart: Can volunteer to be two feet higher in elevation if you want the additional height.

Mullins: Why not do an islandwide standard that allows 28 feet but says no one will get less than the current standard? Stewart: Whichever is least restrictive. McCarthy: Would proposed regulation lower building heights in the Village? Stewart: It can...depends on the grade and what you want to do with your roof. Boyle: As a panel are we saying either/or... whichever is less restrictive? Audience: What are the advantages to the Village to let this proposal go through? Kelly: nothing to do with density. Are we subject to a FEMA change that could force change in elevations? Stewart: No advantage to Village with changes just proposed, everyone is getting at least what they have now. Folks seaward of the coastal control line would be able to get a little more space or do a sloped roof. Forgey: More flexibility in roofline, certainty in what panel is saying. Audience: Protecting yourself from future FEMA changes.

Stilwell: Some in the Village wanted to be sure that they would be able to build back. If

someone owns 10 properties, they should have more voices. Forgey: Survey was not a vote, it was to gather information from the community. McCarthy: Thank the county for coming out and explaining this information. Some notion of intimidation or bias is wrong, we encourage people to come and voice their opinions. Objections from CCA members. Nathalie Pyle: Thoroughly confused at this point. Was concerned that the house next to me could be taller than it is now, now I'm confused about the impact of this proposed language.

Sawyer (?): In panel survey, dealing with 28-foot height given the results... does 2% majority warrant a mandate for change? Stewart: Staff does not have a position, this is a community planning effort. Just to make sure you get what you thought you were getting and that what we got was enforceable with no unintended consequences. We enforce it after the county commission votes... if they do approve it, does everyone understand it and can we enforce it? That's why we're here, to help you understand what you end up with. Noble: We do look toward consensus, close calls are a concern. We hope to foster more understanding and agreement on this. Equity for everybody, beachside and bayside. Miville: Those more affected by BFE issues were more supportive, those who did not see as much impact did not... not the commentary where many were concerned that they were losing architectural options. Bob Brace: Why did you not offer an option to stay as it is in this survey? How far will we Balkanize the island?

Mullins: Confirmed quality of surveys and count of the votes. Original change was done without consultation, description of process...no survey, no meetings, no articulation of impact of change. Panel efforts have been held over a period of time, tried to include CCA members into panel efforts. Lots of ads in newspaper, lots of public meetings, lots of opportunities for public involvement...always room for improvement, attempt to do this in a democratic manner. If there's something that can be tweaked, we're open to listening.

Mullins made a motion to amend the existing proposed Lee Plan height language to include a clause that says, in no event will anyone be compelled to build at a height more restrictive than the current language. (Miville second). Discussion. Sawyer (?): What about people who don't want it higher, nothing democratic about a select group preparing a survey they control. Vote called and approval was unanimous.

Fenniman: LDC rental language...can you rent for a single day? Forgey: County regs mandate a 7-day minimum, I think that's existing language.

The meeting adjourned 10:45 a.m.

-- Ken Gooderham, administrator