

Captiva Community Panel
MINUTES
Dec. 8, 2009

Attending: Jim Boyle, Ron Gibson, Rick Hayduk, Gordon Hullar, Mike Kelly, Rene Miville, Nathalie Pyle

Audience: 15

The meeting convened at 9:05 a.m. Minutes from the Nov. 11, 2009, meeting were approved unanimously by consent.

CEPD: Chair Mike Mullins discussed his upcoming presentation to the Lee County Legislative Delegation on Dec. 15 to express opposition to proposed expansion of offshore drilling into the eastern Gulf waters. He offered a discussion with background on issue. Discussion included the federal return on investment for its funding of beach restoration, and that maintenance of Captiva's beaches is essential because better beaches bring better business. He noted that the 1985 property values on Captiva totaled \$221,000 (before beach restoration was undertaken, while three projects later the 2009 property value of the island was \$1.5 billion. He also said the county contribution toward beach maintenance has dropped over time. Discussion ensued of the funding mix for the last renourishment. Mullins said groups were seeking resolutions opposing offshore drilling from coastal communities, and he encouraged Captivans who could attend to come to the delegation meeting as a show of support.

ANTI-DRILLING RESOLUTION: Hullar read the draft resolution to the audience, and motioned (Miville second) to approve it with a roll-call vote. The seven panel members in attendance favored the motion, with three (Jensen, Silverglide and Stilwell) absent.

LCD: Kelly offered an explanation with background on the Land Development Code effort and a summary of work to date. He said the next public workshop would possibly be held on Jan. 7. Max Forgey with Morris-Depew Associates was introduced, and he handed out and explained the RSC-2 option grid he had prepared, showing a summary of possible options with benefits and negatives. He said an aerial survey of the RSC-2 areas showed 52 properties that have two buildings, two that have three buildings, and two that appear to have four buildings on the property. He added that the panel needed to regulate to the possibility, not the current situation.

Gibson asked about a conflict with homesteading a property, that so doing meant you can't rent it ever. Miville said the property appraiser says a main structure can receive a homestead exemption but a second structure that is rented is no longer protected by the exemption/Save Our Homes based on its footprint as a percentage of the total property. Gibson said he was under the impression that if

the property is under one STRAP number you cannot rent. Paul Garvey noted that a few years ago the property appraiser assumed you were renting if you had two structures and charged according. How can you have a rental on part of a homesteaded property and not on the rest of it? Mullins said this indicated that not everyone knows what the rules are for RSC-2 rentals. Garvey responded that there are rules and you can ask the county to enforce them, that with single-unit estates you can either rent all of the estate out or none of it.

Miville asked whether this was a "taking" issue if the ordinance takes away a rental right an owner got when they moved here 25 years ago. Henry Kaiser said the county does assume you rent, and you have to go downtown to counter that. Mullins said there are three separate county entities at work here, so it's not a black-and-white issue — which is why the wording needs to be clearer. Miville asked what was the upside to enforcing a rule that turns neighbor against neighbor? Sharon Michie noted there was a 7-day rental minimum here but that some owners are taking advantage of that. Hullar said it was important to have a law that's enforceable and fair to everyone. Garvey asked how many lots in the RSC-2 area have just one home on them; Forgey said he would look into that.

Michie said compliance was required for homesteaded properties. Garvey said he thought 11% of Captiva's properties are homesteaded, and 1% of them have a registered voter. Hullar urged people to attend the public workshop to have input on this issue. Kelly said the RSC-2 workshop would be held on Jan. 7 at 9 a.m., and that it would include a discussion on height restrictions as well. Mullins asked Forgey to find out if there were any buildings with more than one STRAP in the same building. Boyle asked Forgey to get someone from the county to tell us what the rules are in writing, vs. working from anecdotal stories. Mullins asked if we could get someone out here to explain and answer questions. He offered a discussion of the Mobed property (which was split by Captiva Road) and how possible rules would affect Mullins' property. He suggested that perhaps the island needs to have another zoning for the southern five parcels, that he would fight changes tooth and nail since not all RSC-2 properties meet these qualities.

HEIGHT: Forgey offered an explanation of the options matrix he handed on the various things that had been discussed so far. Hullar asked if the panel would have to revise the Captiva Plan with most of these. Forgey said they probably would which moves it from a "just us" decision to involve the state. Boyle asked if we kept the current language and added option #5, would we need to amend the comp plan? Pyle said that right now #5 is allowed. Bob Brace said he believed that was true, and once it's understood everyone may decide no change is needed. Pyle said #1 does not include the current allowances for 20% of non-habitable space. Miville said it still doesn't address the people who have to build at the highest elevations. Kelly said the panel should not be deterred by the need to change the Captiva Plan if it's the language that we want. Miville said the Village floodplain level is lower now, does that mean this could allow a lower

house than you build currently. Garvey said you can have lower space than you used to have.

Mullins asked for a comparison with how Sanibel addressed this issue. Hullar asked if we should include existing language about 20% allowance in our portion of the code? Kim Herres said the line-of-sight rule would be difficult with smaller platted lots in the Village. Miville asked if anyone had not taken a boat ride to see Upper Captiva, and did they find that look objectionable? He said that's the original county ordinance, 28 feet over the base flood elevation measured from the median slope of the roof. Mullins asked if anyone objected to "higher" rather than "lower" of the two measures. Boyle said #5 works for him, based on putting values to X and Y, formalize and make it part of the current language.

Hullar said a height ordinance is far more critical in the Village than on the Gold Coast. There was a discussion of Village options...that it was more about keeping what we have and allow for elevations. Mullins suggested the panel look at different zones, not holistic but look at issues. Pyle said they need to address specific issues in various areas. Kelly said it should be limited to living floors, to allow two living floors. Forgey said he was hearing a consensus for possibly two floors of approx. 12 feet each, some level of slope on the roof, some level of articulation wherever you are on the island. Michie asked what about room for a septic field, parking, setbacks, etc.? Hullar said the next workshop on the issue would be Thursday, Jan. 7, beginning at 9 a.m. at South Seas, will let you know where it will be held. Forgey was asked to research the percentage of homesites in the VE zone.

HURRICANE PREPAREDNESS: Hullar said a sky warning training would be held Feb. 8, it was one requirement to be certified hurricane ready. He said it was very interesting, how to read the clouds.

OFFICERS: It was agreed to put off until Stilwell, Silverglide and Jensen were back. When polled all five panel members whose terms were expiring were interested in continuing on the panel for an additional two-year term. It was decided to elect officers and approve a 2010 budget in January.

FINANCIALS: Gooderham noted that a draft budget had been distributed to panel members for review, along with a current financial statement. The request for the next reimbursement for the water quality project was in county hands, while the agreement on community planning funds for the LDC work was undergoing another review before being finalized for a signature.

FUND-RAISING: Hayduk said the committee was looking for volunteers to help with the April 8 festival. They hoped the event would include both awareness and fund-raising combined, to highlight panel achievements.

The meeting adjourned at 10:40 a.m. — **Ken Gooderham, administrator**