

MATTHEW D. UHLE
1617 HENDRY STREET, SUITE 411
FORT MYERS, FLORIDA 33901
(239) 226-4500
MATTHEWUHLE@AOL.COM



March 28, 2011

Mr. Matt Noble
Lee County Division of Planning
P.O. Box 398
Fort Myers, FL 33901

Re: County Review of Captiva Height Policy

Dear Matt:

My client, the Captiva Civic Association, opposes any amendments to the Captiva height policy, for the following reasons:

1. There is no community consensus supporting the amendment. Even assuming, for purposes of argument, that the survey methodology employed by the panel was appropriate (which it was not, as one panel member reportedly voted nine times, and another six times), the results indicated that roughly half of the respondents supported maintaining the status quo.
2. The current version of the height policy was included in the Captiva Plan in 2003 in response to overwhelming support from the community, as shown in the data and analysis supporting that amendment. Nothing has happened in the interim that would justify such a dramatic revision to the policy.
3. The panel's ostensible rationale for the amendment is the need for owners with houses built prior to the current height restriction to build back at that height after a natural disaster. It should be noted that there were no known problems with buildback after Hurricane Charley, and that waivers to setback requirements are available under the Post-Disaster Ordinance to permit buildback to the existing square footage. However, to the extent this issue is perceived to be legitimate, it can be addressed through an amendment to the Post-Disaster Ordinance to authorize exceptions to the height restrictions in the event that setback relief does not guarantee buildback to the existing square footage.
4. The panel is currently exploring the possibility of exempting the Village area, whose precise geographic boundaries have not yet been defined, from the new standard. Given the small size of Captiva Island, the CCA does not believe it is necessary or appropriate to create multiple height requirements in the Lee Plan.

5. The current version of the height policy is consistent with the method of limiting heights on other County islands, including Pine Island. The proposed language is less so, and will permit significantly taller buildings on some parts of Captiva, which is inconsistent with the character of the community.

Sincerely,



Matthew D. Uhle

Cc: Paul Garvey