



Captiva Community Panel

September 8, 2026

To: Amy Thibaut, Chair – Land Development Code Advisory Committee
Randy Krise, Vice Chair
Allie Beecher
Stephen Coleman
Jay Johnson
Veronica Martin
Jack Morris
Jarod Prentice
Al Quatronne
Jennifer Sopen
Christopher Scott
Patrick Vanasse
cc: Janet Miller

On behalf of the Captiva Community Panel, I wish to comment on the LDCAC's September 11, 2026 agenda item – Amend Chapters 2, 10, 14, 30, 33 and 34 of the LDC to increase efficiency, reduce unnecessary regulations, while maintaining the protection of public health, safety, and welfare and meeting State requirements.

The Captiva Community Panel and the Captiva Civic Association were responsible for recommending and drafting the Goal, Objectives and Policies of the Captiva Community Plan (Chapter 23 of the Lee Plan) in conjunction with the provisions of Chapter 33, Article IX of the Land Development Code (Captiva Community Plan Area) and portions of Chapter 34 of the LDC over a period of decades with deep involvement of the Captiva community and in close collaboration with County Staff and the Board of County Commissioners.

The substantive provisions of the LDC that govern Captiva have been amended periodically to meet the unique environment, needs and challenges faced by a fragile barrier island, with a single, constrained roadway on and off the island, and damaged by three recent hurricanes.

With deep respect for the Staff of the Department of Community Development who work at the direction of County Commissioners (and the County Attorney), it is simply unacceptable to propose the entire deletion of Chapter 33, Article IX of the LDC along with amendments to Chapter 34 on an expedited basis without notice or consultation with anyone from the Captiva community, and without providing the time and opportunity for the community to engage in a full review the proposed changes. We all now know that the other communities affected by the Plan and Code amendments have similar objections to this truncated process. The 143 pages of proposed Code amendments were made public for the first time on August 25, 2026, and constitute a wholesale elimination of Community Planning and a major reworking of development standards and processes in Lee County with a “one size fits all” approach. It is folly to suggest that members of the LPA, EROC or the LDCAC could in this short amount of

time determine the impact on the many diverse Lee County communities of removing and rewriting major sections of the Land Development Code. It is just not possible.

It is also incorrect for County Staff to claim that the proposed amendments to the Plan and the LDC simply increase efficiency, reduce unnecessary regulations and “will not change allowable densities and intensities within Lee County.” On Captiva alone, the proposed amendments eliminate the strict three-units-per-acre limit on hotel and motels that has governed and protected Captiva outside of South Seas since 1982, and permit building heights in planned developments to exceed Captiva’s 35-foot limit. Taken together, the Plan and LDC amendments unequivocally change allowable intensities on Captiva. Increasing hotel development and building heights on all of Captiva is not in the public interest, undermines public health and safety on a barrier island, and is certainly not required by any State or Federal law.

There are no doubt many more examples of substantive changes throughout these proposed revisions that delete or amend language that Captiva and other communities have spent years considering and drafting. Many of these proposed changes will have wide-ranging impacts that deserve to be explored and explained.

With this proposal, the members of the LDCAC have been confronted with the very opposite of sound planning and good governance. Serious public input and fair review is absent here. Moreover, the LDCAC, like EROC and the LPA, has been unknowingly injected into disputes between the County and the Captiva community over density and intensity of development.

Currently, there are two pending lawsuits where, in one or the other, plaintiffs including the Captiva Civic Association, 20 South Seas homeowner associations, the City of Sanibel, RLR and Royal Shell claim that a County-approved development violates the density, building height and intensity provisions of the Captiva Community Plan and LDC that the proposed revisions seek to eliminate. Also, the proposed revisions in LDC Section 34-1805 (hotel units) and Section 34-2175(a)(2) (building heights) could have a direct and major impact on a controversial development now pending on Captiva. Please understand that these amendments are not “housekeeping, streamlining, obsolete or overlapping regulations” that members of the LDCAC are considering here.

For the reasons stated above, we urge the members of the LDCAC to reject or defer the proposed amendments at this time, in order to provide County Staff with the time and opportunity to return to the affected communities to review the proposed changes, to solicit meaningful public input and to engage in comprehensive planning review.

Respectfully submitted,

David A. Mintz, President
Captiva Community Panel
dmintz@weissmanmintz.com
(917) 747-4251