

## Notes from the Public Meeting on the Rum Road Collective Rezoning Application

Safety Harbor Clubhouse, October 7, 2023

An informational meeting was held on October 7, 2023, to review and discuss the application of the Rum Road Collective for a rezoning of three properties to MPD, located at Bartlett Parkway and Rum Road on North Captiva Island. The meeting was held at the clubhouse of the Safety Harbor Club and approximately 62 people were in attendance (please see the attached sign in sheet). Representing the applicants were Steve Ward, Michael Swinford, Tom Harner (owners), Mike Roeder and Gary Muller. Steve Ward opened the meeting shortly after 10:00 and explained that it was being held as required by Section 33-1702 of the Land Development Code, one of the many requirements of Lee County's zoning process.

Steve proceeded with a power point presentation that covered the details of the request. He first explained the steps involved in obtaining approval for a rezoning in Lee County. This application was submitted on July 31, 2023 and was now in "insufficiency jail." The staff had issued a sufficiency letter on September 7 with many questions that must be answered before the application can be found "sufficient." There could be more rounds of sufficiency review, but the current deadline for responding is December 7 (actually December 26). After the application is found to be sufficient, the case is forwarded to the Hearing Examiner (HEX) with a staff report and recommendation, for the purpose of scheduling a public hearing.

Once the HEX public hearing is scheduled, all property owners within 500' of the subject property will receive a written notice of the hearing, with the date, place and time. This public hearing is the most important time for anyone with an opinion on the request to make their views known, in person. The HEX will hear a presentation by the applicant, then the staff recommendations, and then testimony from interested citizens. After taking all of this information under consideration, the HEX prepares a report for the Board of County Commissioners with a recommendation of approval with conditions or denial. The Board of County Commissioners has the final say on the request, and normally their hearing will take place six to eight weeks after receiving the recommendation of the HEX. Only people who speak at the HEX hearing are allowed to address the Board of County Commissioners, and comments are limited to 3 minutes. This whole process can take from 9-12 months.

A slide was then shown which displayed the current zoning on the island and the breakdown of land uses. There are 368 single family homes on the island and 8 condos. There are also 297 vacant residential lots, and approximately 37 lots that are currently zoned commercial. Of those commercially zoned lots, many already have homes on them, and the remainder are either too small or poorly located. The property that is the subject of the current request is three lots totaling 1.15 acres, located immediately west of the North Captiva Island Club, and at the intersection of Bartlett Parkway and Rum Road.

In terms of the chronology, Steve Ward had presented the idea of constructing a Community Center on the property at 4471 Bartlett Parkway to the Upper Captiva Community Association (UCCA) in the fourth quarter of 2019, and he purchased the property from the North Captiva Island Club (NCIC) in April of 2020. Ed and Susan Brown bought the property at 516 Rum Road from NCIC in May of 2021 with the intention of constructing a live/work artist studio and gallery. Steve Ward began to work on the rezoning of his property in May of 2022, and Rum Road LLC (Michael Swinford) bought the property at 522 Rum Road in that same month. In June of 2022, the Wards, the Browns and Rum Road LLC agreed to cooperate on a joint planned development zoning application.

Unfortunately, in September of that year, the Browns suffered such an economic loss from Hurricane Ian that they could no longer afford to continue with the rezoning and construction of their live/work studio. In March of 2023, the Wards and Rum Road LLC purchased the Brown's property, but decided to continue with the request for a live/work unit on the lot. The application for MPD zoning was filed on July 31, 2023 for the three properties.

Steve explained that there were actually more commercial businesses on North Captiva in 2000 than there are today, with more restaurants and more shops (this is correct even pre-Ian). He said that the requested zoning was designed to provide some needed commercial and public space for the island. He mentioned that many of the single-family homes on the island were operated as rental businesses, with advertising for groups of ten or more occupants now common. While new homes are being built every year, there is no place on the island for public meetings, classes, religious services, or weddings and reunions. While his original intention was to operate the Community Center as a non-profit, that did not provide a business plan that would pay the costs of construction and operation. Hence the idea to provide space for offices, low intensity commercial uses and storage. He pointed out that the Upper Captiva Community Plan identified a need for such public spaces, while having many policies to protect the character of the Island with required buffers and height limits.

He then described the proposed uses for the building at 4471 Bartlett Parkway. It would be two stories over golf cart parking, with a total of 6,000 sq. ft. The main feature of this building would be a large public meeting space that would be available at no charge for music and theater performances, classes and religious services. It would also be available for rent to private parties for weddings, reunions, business meetings, etc. There would be office space to rent, and small commercial spaces for businesses such as a coffee shop, consignment shop, hair/nail salon, personal trainer. He said that he was not planning to run any of these businesses himself but rent space to interested parties. There would also be storage areas for rent. Finally, there would be a room for a public library and a hall to feature island history and recognition of island pioneers. There was a color rendering by Ed Brown showing the style of buildings anticipated.

Steve then briefly described the live/work unit at 516 Rum Road. Originally intended as an artist studio and gallery, it would consist of two levels of approximately 3600 sq. ft. over cart parking, with the business on the first floor and living quarters on the second floor. The eventual business owner could buy or lease the property, and that person could possibly be the manager for the whole complex.

Michael Swinford then described his plans for the building at 522 Rum Road, which would be 12,000 sq. ft. in three levels over parking. On the first level would be a variety of specialty retail and office space to be determined by market demand. The second level would also have office and retail space, including an office for the Sheriff's Department. The third level would be a ten unit "hotel" intended strictly for

people who were working on the island or had business on the island. There would be none of the normal amenities of a hotel, and the manager would have an office on the second floor, possibly with some laundry and kitchen facilities for the people staying in the hotel. There is no affordable place for workers and employees to stay on the island any longer, and this would eliminate the need for daily commuting.

Steve Ward then addressed the question of what would happen to the property if the zoning was not approved. He said that they would most likely sell the property, and new owners would either seek a different type of commercial zoning, or build three single family homes. He said that if it was denied it would not be the end of the world, and they intended to remain on the island and stay friends with all of their neighbors. He pointed out that in this location, someone would almost certainly build large houses for rent to large groups, with new homes of 6 or 7 bedrooms now very common on the island for short term rentals. He showed the floor plan from a house at Thunder Lake Lodge in Minnesota that he has stayed in that has 12 bedrooms and six bathrooms.

Steve then opened the floor for Q&A and asked that everyone limit their comments/questions to 3 minutes until everyone had a chance to speak once.

Approximately twenty-five people spoke with most expressing objections and/or concerns. The most prevalent concern was that the approval of this would set a precedent and generate other zoning requests on the island. A related question was why the owners did not use some property on the island that was already commercially zoned. It was responded that, as previously noted, all of the existing commercially zoned land either had homes built on them, were too small, or were located where it would make no sense to create a community center. The one exception to this was the North Captiva Island Club, and it was possible that some cooperative effort could be explored. On the other hand, a couple of people questioned the financial feasibility of the concept and said there was not enough business on the island to make the project financially feasible.

Some people suggested that the only purpose of the zoning was so that the owners could “flip” the property for a quick profit. They expressed the view that new owners with deep pockets could come in and easily do something much more intense. It was explained that the planned development zoning approval would be linked to this very specific site plan and would come with many conditions which could only be changed pursuant to a new zoning application with new public hearings. There would be size and height limits, conditions relating to hours of operation and capacity, and requirements for buffering and walls. The applicants were asked if there had been conversations about selling the property, and all responded that they have had no conversations with potential purchasers.

There was a rendering of the proposed buildings in the PowerPoint presentation, and some asked what assurance the island had that the buildings would look like that. It was explained that the rendering was not exact but was intended to give a sense of the style of architecture intended. The County does have design standards for commercial buildings, and they would be bound by those. A related question was how the various conditions and rules would be enforced. These would be part of the zoning approval and it would be a code violation if not followed. In addition, there was a sheriff's deputy in attendance, and he said they were always available, even at night and on weekends, if there was ever any disturbance (e.g. from a wedding reception.)

Someone questioned the fire implications of the request, and it was recounted that the building plans would be reviewed by the County and the Upper Captiva fire department. There was a complaint about the hotel renting rooms to contractors and the possible implications. There are a lot of temporary workers on the island after Hurricane Ian, but that trend has mostly declined. The hotel would be intended for locally based workers and employees. A few people just said they were opposed to any commercial zoning, and some said they like the island just the way it is. A member from the Safety Harbor said that a survey had been taken of their members and that 84% were opposed, 11% neutral and 5% in favor.

A few people expressed some support for the request and said that many people who were in favor were unlikely to go public given all the negative comments on Facebook. One said that he could be in favor depending on the final details, and another said it was better to have local island residents involved than people from outside like Safe Harbor Marina. Someone suggested that it could be more acceptable if there were deed restrictions that put conditions on the property. The applicants indicated they would be willing to consider this option (although deed restrictions are enforced in court as opposed to zoning conditions that the County would enforce.)

Steve Ward thanked everyone for coming and sharing their opinions and suggestions. He reminded them that when the HEX hearing was finally scheduled, everyone with property within 500' would receive a written notification from the County, and it was necessary to attend that hearing in person and speak if someone wanted to address the hearing before the Board of County Commissioners, who would make the final decision.



# Rum Road Collective Rezoning – Informational Meeting Attendees

October 7, 2023

Name	Island Address	Email or Phone
STEVE & MARNOI WARD	4580 Oro Pisos	414.659.2451
MICHAEL ROOPER	2929 BOWTIE ST FM	239-980-7513
GARY MULLER	1482 ARGYLE DR. FM	239-565-6712
Kerry Williams	4590S Smugglers Dr.	713-305-4897
Lee & Candi Highsmith	4620 Oro Pisos	817-521-8893
HOMER & JANET ZOOKS	4510 SEA GRAPES BEND LN.	636-448-2346
PEGGY & JON FLYTE	161 White Pelican	capngregg@icloud.com
Tim & Rachel Powell	4481 Bartlett	TimJPowell@yahoo.com
Alex Murphy	406 Gulf Bend Drive	aemurphy4@outlook.com
Erica Ulin	424 Gulf Bend Dr.	elm140@aol.com
David & Teresa Bolme	201 Hummingbird	615-653-6291 or 5240
ALICE WILLIAMS	4590 Smugglers	713 825 3933
DAVID & MARINA WILCOX	400 Gulf Bend Dr.	239-634-8600
Ray & Karen Wundman	4420 Harbor Bend Dr #49	239-395-2409
Ed Dittk	4521 Schooner Dr	239-241-3452
Jennifer Kules-Dittk	4531 Schooner	239-241-3453
JD & LESLEY PORTER	370 Townhouse Ln #54	404-422-1406
Linda McDonald	4611 Oro Pisos	203 570 5955
Vern Hammond	539 Longboat Ct.	303-817-0796
Sara West	201 White Pelican	239-910101
KATHLEEN DEZAFANT	4470 SEABOARD	954-232-2504
Matt Wykes	581 Rum	783 693 7098
H.A. Bricker	4471 Panama Shell	410-598-4444
Debbie Renner	57 Townhouse	508-332-9926
RICH & JOAN GROSS	4501 HARBOR BEND	201-658-1900
TOM MURPHY	466 GULFBEND DR	tomurphy@bellsouth.net
Eric Peterson	4481 Conch Shell	eric@thepetersonfamily.com
Susie Peterson	4481 Conch Shell	754-823-6790
MARY JO YAFCHAK	4511 Butterfly Shd	239-823-6790
Berry/Cindy Sutton	4540 Seagrape Bend Drive	615-948 7662



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**October 7, 2023**

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**October 7, 2023**

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If you want to provide input “for”, “against”, or “don’t care” for the meeting summary going to county staff....

Send an email to:

[mroeder@knott-law.com](mailto:mroeder@knott-law.com)

All feedback will be included to the county staff summary document as well as replies on how any concerns raised by citizens will be addressed. Anyone in attendance who is a property owner on North Captiva Island can provide input even if they did not voice a verbal opinion at the in-person informational meeting on October 7, 2023.

**Michael E. Roeder**

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**From:** Mel Balk <mwbaclam@gsinet.net>  
**Sent:** Saturday, November 11, 2023 1:03 PM  
**To:** Michael E. Roeder  
**Subject:** Upper Captiva Zoning

Dear Attorney Roeder. As a person who has had a home on upper Captiva for over 25 years, we strongly object to those that are trying to rezone residential property to commercial property.

We understand there are commercial parcels unused that are still available and to zone a residential lot for financial gain, is shortsighted, and would be detrimental to the future of the island and all of the people that live out there.

We emphatically do not endorse as change as residential zoning should stay residential, and commercial is what should be used for development purposes.

Thank you for your consideration.

Melvin Balk  
741 Rum Road  
North Captiva Island, FL

Mel Balk DVM DACLAM  
Executive Director- ACLAM

December 7, 2023

Subject: Proposed Re-Zoning on North Captiva aka "Rum Road Collective" Case #DCI2023-00028

To Whom It May Concern;

My name is Erica Maynard-Uliaz and my husband and I have owned a home in Safety Harbor on North Captiva for several years. I have lived in Fort Myers since 2005 and have visited and worked on the island since 2006. I have seen Fort Myers and North Captiva change dramatically over the 18 years I have lived here, more people, more development, busier roads, less trees and less animals. I have a Masters of Science in Biology and I am a Professional Wetland Scientist and have worked as a consultant in environmental biology and permitting for years.

***I am STRONGLY AGAINST the re-zoning of the three parcels on North Captiva.*** North Captiva is a fragile barrier island with limited resources, limited space and several threatened and endangered species that call North Captiva their home. Re-zoning these parcels to allow for an un-needed commercial development would not only bring more people to the island but bring more trouble, more crime, more drugs and more than likely raise our taxes due to the need for additional Lee County Sheriff services. It would stress our already busy and maxed out fire department and EMS staff. The fragile environment and species would be affected and the endangered species would slowly disappear and the fragile environment would continue to break.

North Captiva is one of the last few places in Southwest Florida that is still somewhat sleepy. People buy homes on the island to get away from the hustle and bustle of everyday life. We did not buy a home there so that we can go to a store to get a coffee, get a haircut or make copies in the proposed "computer/office space". We purchased a home on the island to get away. We don't need the proposed commercial services. The majority of the island homeowners are very upset with the fact that this re-zoning could happen. No one wants or needs these services and it feels like this commercial development is being pushed down our throats. The one owner that is part of the re-zoning group told us at the October 7, 2023 meeting he didn't care if we like the re-zoning or not. It's sad because the island is a small community of like-minded individuals that wants the island to remain as is, not become a resort island.

The proposed re-zoning should be denied for the following reasons:

- 1. Greed**-It appears the three owners are doing this for a quick buck and many islanders worry that once the re-zoning occurs, they will sell the three lots for millions of dollars to allow for some huge development or hotel to come to the island, destroying our peaceful way of life. We bought on North Captiva for a reason and it wasn't to be near development.
- 2. Precedent**-By allowing the re-zoning of the three residential lots, Lee County would be setting a dangerous precedent for the island. The Lee Plan (2023) Objective 1.4, Policy 1.4.2 states, "*The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers.....The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling*



unit per acre." The proposed re-zoning is not in harmony with this policy and would be a direct violation of the Lee Plan Objective for the Outer Islands as it would destroy our rural character and lifestyle, disrupt open space and quickly utilize our islands natural resources if a large development or "hotel" type feature were approved. It would also encourage other lot owners to re-zone their lots to create more commercial space for commercial development.

3. Policy 6.1.4-The proposed re-zoning is in direction violation of Lee Plan (January 2023) Policy 6.1.4 which states, *"Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities."* The only adjacent existing commercial property is a marina with a small restaurant and store which are situated down the road. The three lots are surrounded by residential homes and homeowners that do not want to be backed up to a commercial hotel, stores and offices.
4. Future Land Use Goal 26-The re-zoning is also not in harmony with the Future Land Use (January 2023). The North Captiva Community Plan Goal 26 for Future Land Use states, *"Preserve the character, scale, fragile environment, and way of life in the North Captiva Community Plan area by guiding future land use; transportation and roads; conservation and coastal management; Safety Harbor; shore and water quality, water and waste management; open space, recreation, and quality of life; and citizen participation and community education."* This proposed re-zoning will adversely impact the environment and overburden the existing infrastructure. It will change the character, scale and impact the fragile environment and way of life. It is the duty of the County to limit the densities and intensities of use and development, thus Lee County is required to deny the proposed re-zoning since it goes against the Future Land Use Goals.
5. Future Land Use Policy 26.1.1-Per the Future Land Use policy January 2023 Policy 26.1.1; *"Variances should be limited to unique, specifically authorized circumstances and be allowed only in situations where unnecessary hardship would otherwise occur; i.e. where all of the five criteria are met"*. Although this is re-zoning and not a "variance", it would still be a major change that the owners must seek permission from the County to change. The five criteria that must be met are:
  - A. The hardship cannot be corrected by other means allowed in the land development regulations-**FAIL**, the owners can construct a single-family home on the lot, turn the lot over to make it conservation land or allow it to sit undeveloped.
  - B. Strict compliance with the applicable regulations allows the property owner no reasonable use of the property-**FAIL**, the owners can construct a single-family home on the lot, turn the lot over to make it conservation land or allow it to sit undeveloped. The lots were just recently purchased, they made a choice to purchase these lots, no one forced them to do it.
  - C. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property-**FAIL**, if the re-zoning was allowed, it would grant the owners special privilege due to all the other lots surrounding them being residential allowing these three owners a different use of their lot. The proposed re-zoning is inconsistent with the Future Land Use category. The owners can still reasonably use their lot without re-zoning.
  - D. The applicant did not cause the need for the variance-**FAIL**, the owners DID create the need for the variance. They want to re-zone the lots to create a hotel and other commercial businesses when all surrounding lots are residential.

E. The variance is not contrary to the spirit of the LDC-FAIL, the re-zoning is not in harmony with the Lee Plan 2023 or the Future Land Use 2023.

6. **My Choice**-My taxes for my home on North Captiva are \$2,500+ more than for my home in South Fort Myers which is twice the size as the house on the island, yet, North Captiva doesn't benefit from paying a butt-load of taxes. We have to pay out of our own pockets to have trash removed, repair the roads, and donate money for the fire department/EMS so they have the equipment they need. Our flood and homeowners insurance policies are higher, our electricity goes on and off randomly and the roads flood during high high tides or large storms so there is no way to get around the island. But we chose to own homes and live out on the barrier island. This was our choice. We pay extra for these things because we chose to live in an area out of the way, not near development and not near the conveniences of everyday life. It was a choice. Homeowners do not want Lee County telling us to do something that the islanders don't want when we don't benefit from our tax dollars paid to Lee County. The way I see it, Lee County doesn't really help us even though we pay through the nose in taxes so Lee County should listen to what the majority of the islanders want since we will be the ones affected, not the general public. **THE ISLANDERS DO NOT WANT THIS RE-ZONING!**

I am respectfully requesting that this re-zoning project be denied. The majority of the islanders are against this re-zoning and the commercial development that is proposed. It is not needed and not necessary and it will destroy our sleepy, quiet island and its environmentally fragile state.

Just because we can, doesn't mean we should. Lee County should NOT approve the re-zoning of these three lots, the majority of the islanders DO NOT want this re-zoning to occur.

Sincerely,



Erica Maynard-Uljasz, M.S., P.W.S.  
Environmental Scientist and Homeowner