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News

Local & State

- Cape Coral
- Bonita Springs
- Lehigh Acres
- Education
- Environment
- Growth/Development

Sports

- Prep Sports

Lifestyles

Business

Opinion

Columnists

Archives

Nation & World

Health & Fitness

Obituaries

Celebrations

Weather

- Hurricane

Technology

Communities

Entertainment & Tourism

Jobs

Cars

Real Estate

Classified

Shopping

Customer Service

Pine Island suit dropped

Builder still seeks rules changes

By JEFF CULL

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A land developer has dropped his challenge to a Pine Island community plan that will control future development on the rural island.

That means islanders won't see the big housing developments that are popping up over Lee County. However, county officials are still working on a compromise that would allow more building on Pine Island than the community plan allows.

At issue for island land owners such as Russell Setti, the Broward County developer who dropped the challenge, has been the plan's coastal rural land designation. That land use category makes developers cluster new housing projects on 30 percent of their land and maintain the balance in a natural state. Large land owners, mainly growers, claim the community plan devalues their land. Many islanders, however, say it is the only way to ensure that the rural flavor of their community will be maintained.

The new rules prompted Setti to ask an administrative law judge in April 2003 to overturn state and county approvals of the community plan thereby letting his nearly 400-acre residential, industrial and commercial project move forward. He claimed the plan, which was a five-year effort by the Greater Pine Island Civic Association and other island residents, was passed without enough research.

But Setti had a change of heart barely two weeks before a judge was set to begin the trial.

He said he dropped the case because he wanted to avoid a lengthy and expensive administrative hearing. "We believe this matter should be resolved by the Lee County Board of County Commissioners through the Lee Plan special amendment process rather than through the court system."

Bill Spikowski, a Fort Myers planner and chief architect of the Pine Island plan, said he expected the challenge to be dropped.

"The plan is supported by the data," he said.

Island resident and civic association member Phil Buchanan said he was "elated by the decision" to

drop the claim but also said he understands there are still hurdles left.

That means coming to some compromise with landowners over the coastal rural land designation.

County commissioners are nervous that lawsuits with huge judgments could be won by some island landowners who claim the Pine Island plan cheats them out of development rights. A recent report said the county could be liable for up to \$60 million in Bert Harris claims because of the Pine Island plan. The Bert Harris Act was passed in 1995 by the Florida Legislature to protect landowners from a government making rules, such as zoning changes, that would devalue a person's property.

But commissioners also have been solidly behind the Pine Island community plan that some experts have called a model of smart growth. So they told county staffers in September to work toward a compromise between land owners and the plan's supporters.

County staffers said they will propose a compromise on the coastal rural land designation at the Nov. 23 commission meeting, said Mary Gibbs, Lee County's community development director. If commissioners agree with the staff recommendation, public hearings would then be held before a final vote.