

## BOARDROOM REPORT

*Notes from recent REIS board meetings*

### **BLASTING ORDINANCE**

Lee County Commissioners have passed an ordinance that will require their approval of permits, which will involve a public hearing process. The prospects for acquiring permits via this process are slim. The process for drafting and adopting the ordinance highlighted the need for the real estate development industry to have an organized presence.

### **SMART GROWTH**

Lee County's Smart Growth Committee was scheduled to expire in April, however the group continues to conduct meetings and maintain a web site, under the direction of Wayne Daltry. The Committee's recommendations on growth management policy were posted on the web site ([www.smartgrowthlee.com](http://www.smartgrowthlee.com)) in December, 2003. It appears that Daltry has redirected the focus of the group toward studying the acquisition of Babcock Ranch and the establishment of a county master mitigation plan.

### **ANNEXATION**

Lee County's position on the annexation of property into the cities is stiffening, as commissioners consider comprehensive plan issues and utility service areas. Voluntary annexation by property owners into adjacent municipalities has been a reasonably simple process, but is now being challenged and reviewed. Florida's Dept. of Community Affairs is often interceding with concerns over the land use amendments that follow annexations.

## REIS MEMBERS TO RECEIVE "GULFSHORE BUSINESS" MAGAZINE

The REIS officers and board have made arrangements with the publisher of *Gulfshore Business* magazine to provide complimentary subscriptions for all REIS members. Members should begin receiving the monthly publication in July.

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## GROWTH MANAGEMENT THROUGH LOCAL REFERENDUM?

The proposed "Hometown Democracy Amendment" would require Florida voters to decide on every comprehensive plan amendment in their communities.

The Florida Hometown Democracy group ([www.floridahometowndemocracy.com](http://www.floridahometowndemocracy.com)) has been obtaining the signatures needed to have the proposed amendment placed on the ballot for the November general election. The effort has generated grassroots support among those who feel that government officials have amended or interpreted comprehensive plans in favor of real estate investors, developers, and business owners.

The Florida Chamber of Commerce fears the implications of the planning via referendum process and has backed efforts in the Legislature to establish tighter requirements for amending Florida's Constitution. Further information is on the Chamber's [VoteSmartFlorida.org](http://VoteSmartFlorida.org) web site.

The Foundation for Preserving Florida's Future has launched a public information campaign to educate voters on the detrimental aspects of the Hometown Democracy Amendment. Insight and information on the proposed amendment are available on their web site, [www.preservefla.org](http://www.preservefla.org). The Foundation is a non-profit organization that studies transportation, water quality, growth management, and affordable housing issues.

## COMMENTS WELCOME ON LEE MANATEE PROTECTION PLAN

The proposed Lee County Manatee Protection Plan remains a work in process. The draft Plan is available for public review on the County's web site, at: [www.lee-county.com/naturalresources/MPP.htm](http://www.lee-county.com/naturalresources/MPP.htm).

The County welcomes public comments and suggestions and an e-mail contact form is provided on the web page.

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## DEVELOPER WINS FIRST BERT HARRIS PROPERTY RIGHTS CLAIM AGAINST COLLIER COUNTY

On May 4, Senior Circuit Court Judge Jack Schoonover ruled that the developer/owners of a Vanderbilt Beach condominium had a vested right to build a 68-unit hotel on their land, but were denied permits by Collier County.

According to Schoonover's ruling, J. D. Allen and Norman Burke, and their company Aquaport, L. C., had a county-approved site development plan and building permit in hand when the County cancelled the permit in May, 2001. They then developed the 15-unit Bellagio Grande condominium on the property.

Allen and Burke may now have a jury decide the amount of damages to which they're entitled. The suit cited \$2.7 million as the devaluation of the property, but they may also seek the \$750,000 in expenses incurred before the permit was rescinded. The Bert J. Harris, Jr. Property Rights Protection Act also allows property owners to collect interest on their money.

In 2000, Collier County adopted a formula for calculating densities based on floor to area ratios. The formula allowed a 10-story, 68-unit hotel on the one-acre subject property. Staff approval of the project touched off protests by Vanderbilt Beach residents, which in turn led the county commissioners to change the density rules back to a "units per acre" formula in June, 2001.

Aquaport filed the Bert Harris Private Property Rights Protection Act claim in April, 2003. Schoonover heard evidence during a 5-day, non-jury trial in Collier County in April, 2004.

*Based on information in an article by Denise Zolden, published in the Naples Daily News, May 12, 2004.*



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## COUNTY ROAD 951 OPTIONS

Project alternatives and a "no-build" alternative were discussed May 26th by the project study team that's seeking to build consensus for extension of County Road 951 from Collier County into Lee County. Agenda topics included:

- update of project alternatives
- presentation on roadway concepts and right-of-way issues due to reduced corridor widths
- minimizing environmental and community impacts
- maximizing connectivity to existing and planned roadways
- analysis of the "no-build" alternative

The project study is being coordinated by Kris Cella, (239) 337-1071. For project background, updates and meeting agendas, visit [www.CR951.com](http://www.CR951.com)

## GOOD TIMES AHEAD

The Real Estate Investment Society's **Annual Party** will be November 4th at the Heitman House on the Caloosahatchee River in South Fort Myers. The Party Committee of Scott Robertson, Gerald Hendry, and Rob Fowler, Jr. are planning an encore of last year's popular Cajun themed buffet and live music. Details will be forthcoming.

The Real Estate Investment Society's bi-annual **Reception for Lee Board of County Commissioners** will be in early December, at Edison National Bank on South Cleveland Avenue. The festive event is hosted by Edison National Bank and Henderson, Franklin, Starnes & Holt. Details to be announced.



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