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Susan Schoettle-Gumm, resident and former assistant county attorney



Residents east of Interstate 75 have been turned down in their effort to preclude more intense development on 6,000 acres north of Fruitville Road. DAN WAGNER/HERALD-TRIBUNE FILE

One-two punch for rural preservation

Planning board rejects Sarasota citizens' effort

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SARASOTA — A citizen effort to preserve some of the last rural landscape in Sarasota County was dealt two significant blows late Thursday.

The county planning board didn't just unanimously agree to deny the unique citizen-led proposal to change the county's roadmap for growth.

The nine-member board charged with advising the County Commis-

sion also gave a strong indication that it would look into making it harder for any resident to help shape local development decisions.

Vice Chairman Colin Pember, the land acquisition manager at the Atlanta-based construction company Pulte Group Inc., led the charge.

Pember said the first-of-its-kind plan aims to strip away the private property rights of individuals by degrading their investment-backed expectations at the expense of the county.

Pember then turned his sights on a rarely used publicly initiated process of bringing these changes forward. He said that the required 20 signatures are insufficient to trigger a re-

quest that the county revisit its roadmap for growth.

“I could go to Publix and in five minutes get 20 signatures,” he said.

The public amendment was the brainchild of Becky Ayech, a longtime resident, environmental activist and president of the Miakka Community Club in northeast Sarasota County.

Instead of paying the customary \$5,000 fee to pursue the proposed change, Ayech gathered signatures of 47 verified registered voters to file the proposal. She later collected more than 500 signatures.

“I find it appalling as a citizen,”

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Cattle graze in a field off Myakka Road in Old Miakka.

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Planning

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said Aych of the planning board. “They were angry with us and I found it disingenuous. It almost felt like they were punishing us for being the first to follow the rules.”

The proposal was submitted and supported by Aych and other homeowners in nearby Old Miakka, where cows, horses and pasture still dominate the landscape.

They’re seeking to preclude more intense development on 6,000 acres north of Fruitville Road — a rural area far from the county’s urban core — by amending the county’s comprehensive plan, which outlines how and where growth occurs.

However, a number of property owners within the 6,000 acres of pasture land say that effort — which is expected to go before county commissioners in September — would strip them of their rights to build homes there.

“This allows a small group to hijack the county planning process,” said Bill Merrill of Icard Merrill law firm, who represents landowners who own about 5,000 acres of the land in question.

“It promotes chaos and it would constitute a serious deprivation of private property rights, which could result in millions of dollars in liability against the county,” Merrill said.

Prior to a rezoning, developers are required to get the consent of the property owner beforehand. By law, only a property owner or the County Commission can do so. So what happens when someone is trying to alter the use of land that they don’t even own?

The answer is it’s complicated. It also hasn’t been done before in Sarasota County.

Any repercussions would be on the County Commission, because it took up the responsibility when it voted last September to support further consideration of the proposal.

Assistant County Attorney Josh Moyer urged caution on Thursday — saying that if the petition is successful, the county would face some legal risk.

However, Moyer also said it’s unclear at how much of a risk the county would face.

“It’s just really hard here because it all just depends on what’s been done to prepare the properties” in terms of a vested interest, Moyer said.

Pember, who pushed to have the county investigate the publicly initiated process, had the harshest words for the proposal:

“Mark my words on the record: If this comprehensive plan amendment is approved, it is sure to face a wave of Burt Harris litigation claims and the county will incur significant costs in defending those claims,” referring to a state private property rights protection law.

Commissioner Kevin Cooper, who is also the vice president of communications and strategic initiatives for Mote Marine, addressed several merits of the citizen-led initiative, saying he supports preserving open space and protecting the rural character of northeastern county. However, he was afraid to move forward with the possibility of future litigation.

“Advising someone to do something that would get them sued is what I consider to be pretty bad advice,” Cooper said.

In speaking against the citizen-initiated plan, Commissioner Justin Taylor, the executive vice president of MRT Lawn and Garden, said he was “very afraid about the dangerous precedent” that the citizen-led initiative would set.

Susan Schoettle-Gumm, a longtime resident and former assistant county attorney, said that all the Miakka Community Club is doing is what developers have been doing for years.

“I find it somewhat disingenuous that the development community, those owning that land, are pointing to us, and somehow rigging the system or violating the framework that the planning process is supposed to go through,” she said.

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