

# Estero Development Report

Volume 9, Number 1, Issued June 2009

Edited by the Estero Council of Community Leaders (ECCL)

## For More Information about Estero

...see [www.esterofl.org](http://www.esterofl.org)

This Report is available on the Estero Community website at:

<http://esterofl.org/eccl/EDR/>

## June Opportunities for Citizen Participation In Protecting Estero's Quality of Life

Date	Time	Event	Location
Wednesday, June 3 <sup>rd</sup>	8:30 a.m.	Lee County Local Planning Agency review of the proposed Comprehensive Plan Changes for the Density Reduction/ Groundwater Resource (DR/GR) area	Board Chambers, 2 <sup>nd</sup> Floor, 2110 Main Street in downtown Ft. Myers
Thursday, June 4 <sup>th</sup>	9:30 a.m.	Fourth day of the RCH Mine Hearing by the Lee County Hearing Examiner...Public Testimony begins at 4 p.m each day.	2 <sup>nd</sup> Floor Hearing Room, Community Development Building, 1500 Monroe Street in downtown Ft Myers
Friday, June 5 <sup>th</sup>	9:30 a.m.	Fifth day of the RCH Mine Hearing by the Lee County Hearing Examiner...Public testimony begins at 4 p.m each day.	2 <sup>nd</sup> Floor Hearing Room, Community Development Building, 1500 Monroe Street in downtown Ft Myers
Tuesday, June 9 <sup>th</sup>	9:30 a.m.	Board of County Commissioners receives the 1000 Friends of Florida Community Steward Award for its planning for the DR/GR area to our east.	Board Chambers, 2 <sup>nd</sup> Floor, 2110 Main Street in downtown Ft. Myers
Tuesday, June 9 <sup>th</sup>	5 p.m.	Monthly Meeting of the Estero Fire Rescue District. For further information see <a href="http://esterofire.org/">http://esterofire.org/</a>	Estero Fire Rescue Headquarters... Three Oaks Parkway south of Corkscrew
Wednesday, June 10 <sup>th</sup>	5 p.m.	Estero Design Review Committee meeting honoring Gordon Lyons for his years of service on the EDRC. See the full agenda at <a href="http://esterofl.org/edrc/agenda.asp">http://esterofl.org/edrc/agenda.asp</a> .	Estero Community Park
Thursday, June 11 <sup>th</sup>	1 p.m.	South Florida Water Management District (SFWMD) consideration of the South Lee County Watershed Study Update	
Monday, June 15 <sup>th</sup>	6 p.m.	Estero Community Planning Panel meeting. See the full agenda at <a href="http://esterofl.org/ecpp/ecpp_meetings.htm">http://esterofl.org/ecpp/ecpp_meetings.htm</a>	Estero Community Park
Wednesday, June 17 <sup>th</sup>	1 p.m.	Lee County MPO meeting on the demographic modeling for the 2035 Long Range Transportation Plan	Three Oaks Banquet Center, Three Oaks Parkway just north of Corkscrew Road
Friday, June 19 <sup>th</sup>	9 a.m.	Lee County Metropolitan Planning Organization (MPO) Meeting...For the agenda see <a href="http://www.mpo-swfl.org/agendas.shtml">http://www.mpo-swfl.org/agendas.shtml</a>	Regional Planning Building, 1926 Victoria Street in downtown Ft. Myers
Friday, June 19 <sup>th</sup>	1 p.m.	Estero Council of Community Leaders (ECCL) meeting. See the full agenda at: <a href="http://esterofl.org/eccl/minutes/index.htm">http://esterofl.org/eccl/minutes/index.htm</a>	Estero Community Park
Wednesday, June 24 <sup>th</sup>	8:30 a.m.	Lee County Local Planning Agency review of the proposed Comprehensive Plan Changes for the Density Reduction/ Groundwater Resource (DR/GR) area	Board Chambers, 2 <sup>nd</sup> Floor, 2110 Main Street in downtown Ft. Myers

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### Estero Community Website

*From January through April about 28,850 persons visited this site to learn about Estero.*

The community groups sponsoring the site are:

Estero Community Planning Panel (ECP)  
Estero Civic Association (ECA)  
Estero Design Review Committee (EDRC)  
Estero Council of Community Leaders (ECCL)  
Greater Estero Cultural Arts Council (Arts Estero)

[www.esterofl.org](http://www.esterofl.org)

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### Resource Conservation Holdings (RCH) Mine Hearing

A recent court decision has ordered Lee County to schedule a public hearing to consider rezoning and [mining](#) permits for the proposed Resource Conservation Holdings Mine. The request is to rezone 1,365 acres on Corkscrew Road to mine lime rock to a depth of 110 feet with blasting. Because of the court order, the application must be reviewed under the old mining rules rather than the more stringent Chapter 12 rules adopted by the County last September.

The site is located on Corkscrew Road east of Flint Pen Strand and is immediately adjacent to the Southwest Florida International Airport Mitigation Park, the South Florida Water Management District Corkscrew mitigation bank, and an established rural residential cluster on Burgundy Farms Road. The recent County initiated DR/GR planning study identified the project site as environmentally sensitive and categorized it as a Priority 1 and Priority 2 Restoration area. The site is outside of the Primary and Secondary Preferred Mining Area as identified by the Dover Kohl and the DR/GR Steering Committee.

If this latest attempt to industrialize Corkscrew Road is approved, the decision would:

- establish a new development pattern and set a precedent for seven other rock mine applications pending on Corkscrew Road

- result in permanent adverse impacts to hydrology, surface water flow, and natural systems function of wetland and aquatic resources of regional importance
- adversely impact endangered and threatened species including the Florida Panther and Woodstork
- result in unacceptable impacts to community character and public safety by potentially adding as many as 2,000 dump truck trips per day to Corkscrew Road

Lee County staff recommended that this rezoning application be DENIED for the following reasons:

1. Fails to demonstrate that there will not be any adverse impacts on the area and the County's natural and environmental resources; and
2. Fails to demonstrate compliance with local, state, and federal air, water, and noise pollution standards; and
3. . Creates substantial potential for significant harm on adjacent land uses; and
4. Fails to include adequate methods of assessment or management to demonstrate that there will be no negative impact to ground and surface water hydro periods, quality, and quantity; AND, has not provided assurances that the existing hydro periods will be preserved to sufficiently protect the historic adjacent land uses and properties; and
5. Is potentially deficient in indigenous open space, has potential impacts to adjacent lands, has potential negative impacts to adjoining and surrounding mitigation areas, has potential negative impacts to wildlife habitat, has potential negative impact to protected species, has a reduced lake slope, and is inconsistent with the Lee Plan; and
6. Has the potential to adversely impact the water recharge benefits of this area for the County's existing and future wellfield sites; and
7. Will significantly increase the truck traffic on Corkscrew Road; and
8. The anticipated effects of the aggregate mine use are incompatible with the existing and planned uses in the area; and
9. Has the potential to adversely impact the public health, safety, and welfare; and
10. Has not demonstrated that additional mining area is needed to meet the County's needs and export to other communities, while providing for the protection of the County's resources."

The first three days of the Public Hearing were conducted on May 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>. Most of the Hearing was devoted to a presentation by consultants for the developer and cross examination of these witnesses by county staff and the attorney for the Estero community, Thomas Hart. In addition 28 residents of Estero and the East Corkscrew Rural Community testified in opposition to the mine.

The RCH mine Hearing will continue on Thursday, June 4th and Friday, June 5<sup>th</sup>...we urge more residents to come and testify so that they can later testify when the Board of County Commissioners makes the final zoning decision on the mine. The Hearing

Examiner will only hear public testimony from 4 p.m to 5 p.m. each day so plan to arrive about 3 p.m.

In a parallel but separate action, the County has begun a legal challenge of the proposed mine's consumptive water use permit on grounds that it would adversely affect the recent Corkscrew municipal well field expansion. This wellfield, along with the others in the DR/GR, supplies about 80% of the County's water supply. Several wells installed as part of that expansion last year are immediately adjacent to the RCH Mine project site.

Ownership of the RCH Mine project includes Ascot Development which is also developing Midtown Estero, as well as Youngquist Brothers Excavating which operates an active rock mine on Alico Road.

### **The DR/GR Planning Process Will Soon Crank Up Again**

On May 20<sup>th</sup> Lee County released the "Proposed Lee Plan Amendments for Southeast Lee County...Planning for the Density Reduction/ Groundwater Resource Area (DR/GR)" and posted it on their website at [http://www3.leegov.com/dcd/CommunityPlans/SELC\\_DRGR/CPA2008-06/Proposed-Lee-Plan-Amendments-for-Southeast-Lee-County\\_May2009.pdf](http://www3.leegov.com/dcd/CommunityPlans/SELC_DRGR/CPA2008-06/Proposed-Lee-Plan-Amendments-for-Southeast-Lee-County_May2009.pdf) . This 72 page document details Dover Kohl & Partners, the County DR/GR planning consultants, recommendations for updating the County Comprehensive Plan for the DR/GR. This extensive document, if approved by the BOCC and the Florida Department of Community Affairs (DCA), would provide the legal framework for concentrating mining in the Alico Road industrial corridor; where residential development should be clustered; where agriculture should be encouraged and where and how the natural resources and ecology of the [DR/GR](#) should be preserved.

On June 3<sup>rd</sup> Dover Kohl will present the proposal to the Lee County Local Planning Agency (LPA). Later that month Lee County staff will complete their review of the consultant's recommendations and present them to the Local Planning Agency on June 22<sup>nd</sup> as part of the LPA's final review of the DR/GR Comp Plan changes. Later in the summer the BOCC will review the consultant, staff and LPA recommendations and approve the Comp Plan changes.

Once the BOCC approves the Comp Plan changes they will be forwarded to the State Department of Community Affairs (DCA) for their review and comment. Final approval by the BOCC will occur only after the County and DCA have reached agreement on the provisions of the Comp Plan.

Also in June Dover Kohl and their subcontractors will provide the County and the public with the following reports:

"Transferable Development Rights in Southeast Lee County" by James C. Nicholas

"Natural Resource Strategies for Southeast Lee County" by Dover Kohl and Kevin Erwin Consulting Ecologist, and

"Comprehensive Hydrological Study of Lee County's Southeastern Density Reduction/ Groundwater Resource Area" by DHI Water & Environment

## **Background**

As reported in January Dover Kohl, the County's primary DR/GR planning consultant and their subcontractors have been working on several research studies and a sizeable group of Comprehensive Plan (Comp Plan) amendments. It is the Comp Plan amendments that will provide the first clear indication of the County's overall intentions regarding the future of the DR/GR.

Later in 2009 Dover Kohl and its subcontractors will be performing the following projects for Lee County:

- Lee Plan Future Land Use Map Changes
- Lee Plan Text Changes Report
- Lee Plan Amendment Data and Analysis Report
- Land Development Code Change Report

All of these projects were started during January except for the Land Development Code Changes which cannot be started until the BOCC has adopted the Comprehensive Plan changes for the DR/GR.

During the year Dover Kohl is committed by contract to participate in five public meetings to discuss their finding and respond to questions by the BOCC and the public.

### **Estero Parkway...US 41 Traffic Signal**

Barring any delays in the Florida Department of Transportation (FDOT) obtaining delivery of the equipment from the manufacturer, a major hurricane, etc Lee County DOT is estimating completion and turn-on of this traffic signal around September 30, 2009. If all goes perfectly they might complete the installation much sooner, but it is too early to predict.

FDOT is buying the major equipment, which includes the two concrete poles and the traffic signal controller, out of their current budget. The County's unit price contractors will install the concrete poles and do the directional drilling under U.S. 41 and under Estero Parkway using the Estero Parkway project funding that has been allocated by the County. County forces will install the signalization equipment and wiring which will save the County at least \$10,000 over contracting the work out.

Lee County DOT received the final plans, for the signalization, from FDOT last week. The FDOT ran in to some issues a few weeks back with the State Comptroller asking to delay for 30 days, where possible, all equipment orders, apparently because of revenue short falls. FDOT Tallahassee's upper management hand carried the purchase orders for approval of an exception because of the impact 30 days of delay could have and the strong commitment that FDOT has made to help complete this project. L.K. Nandam, District Traffic Operations Engineer with FDOT District One, and the design staff at FDOT have made a significant contribution to this project moving forward. The partnership that the two departments formed on this project has not only made a difference on this project, but has led to them working to resolve other issues around Lee County.

## South Lee County Watershed Plan Progress Report

On May 8<sup>th</sup> the “90% complete” South Lee County Watershed Study Update was released to the public with comments expected from the public no later than May 14<sup>th</sup>. Unfortunately the 90% Report contained some far different conclusions and recommendations than all the earlier versions. As a result many interested groups informed the South Florida Water Management District (SFWMD) and Lee County of their serious concerns about the report and suggested many changes prior to it being finalized. Review the comments of The Conservancy and the Brooks Concerned Citizens at <http://www.esterofl.org/Issues/flood-prevention.htm>

The following excerpt from a Brooks Concerned Citizens notice summarizes some of our concerns:

“The study has used all the current and best information, modeling and science available and has identified a number of very interesting results.

1. The Brooks system cannot handle any additional water from under Interstate 75 without major modifications to the system downstream from I-75.
2. The study identifies a number of areas and issues that could be improved to make for a better water flow system.
3. Nothing that can be done to the Brooks (Halfway Creek) water flow system will help or alleviate the past or recent flooding in Bonita Springs. This is because the water that flooded Bonita Springs comes from the East not from the North as many in Bonita had believed.
4. The addition of 1, 2, 3 or even 5 culverts under Interstate 75 into the Brooks water flow system will not help the flooding situation in Bonita Springs.

Despite the findings of the study that is based upon accurate scientific modeling and much more, the South Florida Water Management District (SFWMD) at this time has taken a position that they are going to require FDOT to install 3 additional culverts under I-75 into the Brooks and 2 additional culverts under I-75 further south in the area of Spring Creek at a cost of somewhere between 10 and 20 million dollars. This decision is not based upon science or the findings of the study but is merely a confirmation of the district’s original decision and confirms what the district wanted to do regardless of the study’s findings.

Those of us in the BCC who have been monitoring this study adamantly believe that this is the wrong decision and if approved by the District Board in June will be a waste of perhaps 15 to 20 million dollars of taxpayer’s money.”

As we go to press the timing of a I-75 culvert decision by the SFWMD Board may be postponed from June 11<sup>th</sup>, the tentative date of their monthly meeting to be held this month in Naples. All Estero residents living in communities along any of our rivers and streams should remain alert on this matter so that you can participate in the decision-making process should that be necessary.

## Background

On April 22, 2009, the South Florida Water Management District (“SFWMD”) hosted a public meeting to report on the progress of the update of the South Lee County Watershed Plan. This is the study to determine if five additional culverts need to be constructed under I-75 where Half Way Creek (“HWC”) enters into the Brooks at Copperleaf.

At a prior meeting in March, the engineering study team indicated that Halfway Creek (HWC) could not accept additional water without flooding in communities along HWC. In this April 22 meeting, the engineering team outlined the corrective actions which would be required to direct more water into HWC. The report was silent, however, on how many, if any, additional culverts could or should be constructed under I-75. In questions after the formal presentation, the engineer in charge of the study said that up to two or three culverts could be constructed under I-75 (not five) to accept up to 630 cubic feet per second (cfs) during flood conditions, but they could be opened only after the recommended corrective actions were completed. The Director of SFWMD who is responsible for the issuance of permits in our area, confirmed that SFWMD would require that any culverts that were constructed would be “blocked” (with bricks or concrete plugs) until the corrective actions were completed.

An important point was made at the meeting. The model runs indicated that even if the corrective actions were completed and all five culverts were constructed, it would have virtually NO impact on reducing flood water levels in the Bonita Springs communities that have historically flooded (and flooded again during Tropical Storm Fay in August, 2008). Because of the substantial cost of implementing the recommended corrective actions, with no benefit to Bonita Springs flooding, legitimate concerns have been raised about the cost justification of constructing any culverts under I-75.

A summary of the April 22<sup>nd</sup> recommended corrective actions are listed below:

- Clean out the overgrown vegetation in the HWC flowway West of Via Coconut Pointe Road to US1 and also to the West of US1. An alternative West of US 41 would be to dig a trench just to the South of Fountain Lakes, but this alternative could have environmental disadvantages for Estero Bay.
- Raise the wooden walkway on the West side of US 41 which goes over HWC next to the US 41 culverts.
- Connect the “water amenity” lake to the South of Rapallo to the main HWC channel to improve the flow between Via Coconut Pointe Rd. and Via Villagio Road which connects Rapallo to the mall.
- Increase the flow in the ditch which runs along the East side of 3 Oaks Parkway between the gates at Williams Rd and the Estero River South Branch (“ER SB”). This would involve substantial cost and time. It would require removing the “V notch weir” near the North end of the ditch, increasing the capacity of the gates at Williams Rd, and increasing the capacity of the ditch itself. At present the V notch weir permits the ditch to act as a settling reservoir for polluted storm water from 3 Oaks Parkway. However, the weir also prevents the ditch from acting as an escape for flood waters rising in HWC, which was its original design role. Therefore, if the V notch weir is removed to re-establish its flood control role, a new replacement settling reservoir will need to be constructed, probably in the median on 3 Oaks Parkway.

- Other recommended actions were to clean out overgrown vegetation in the south branch of the Estero River (ER SB) and increase the capacity of the Sanctuary Bridge in Corkscrew Woodlands and the Country Creek Lane bridge in The Villages of Country Creek by raising those bridges.
- Annual inspection and maintenance programs were recommended for all the areas where clean outs are required.
- A North South channel was recommended to be dredged on the East side of I-75 to permit better flow to HWC and the ER SB. Several large culverts under I-75 already exist north of HWC. These culverts are under utilized during flood conditions. This new channel would require a control structure to assure that dry season water in the Edison Farms wetlands would not be impacted.
- On the Estero River North Branch, it was recommended that the bridge at River Ford Road should be replaced.

Although there is capacity to send more flood water down Spring Creek (which is under utilized), this was deemed too expensive and could involve purchasing additional land or homes, so no action on this improvement was recommended in the report. Only limited benefit from increasing flow down Spring Creek was projected by the model, but it did provide more improvement than increased flow down HWC or the ER SB.

The possibility of building a large reservoir to the east of I-75, involving an elevated berm from Corkscrew to Bonita Beach Road, was rejected as too expensive and not practical due to the probable major “leakage” below the berm in the porous limestone in this area. However, If this project could be made to work, it is the only action which could dramatically reduce the flooding in the Bonita Beach Rd communities of Bonita Springs.

One other possibility to help the Bonita Springs flood areas was the possibility of directing flood water further to the South to drain to the Cocohatchie River. Even 200 cfs to 300 cfs in that direction would help. It would not eliminate the flooding but could reduce the duration of a flood by up to 63 hours, based upon model simulation runs. The southern “border condition” for the model was Bonita Beach Road, so the engineers determined that they would need more information and an expanded scope of investigation to determine if the residents along the route to the Cocohatchie could accept that additional water, or more, without themselves being flooded. This could be a follow up study.

### **Estero’s Housing Permits Continue Slow Growth**

During April only 13 single family homes with a building value of \$3.7 million and two duplex units were permitted in Estero. This slowdown in construction of new homes should continue to help reduce the inventory of unsold new homes constructed in Estero during 2005 when 2,833 units were permitted.

[Housing units permitted](http://www.lee-county.com/dcd/Reports/EsteroReports.htm) during the first four months of 2009 are slightly higher than 2008 but far lower than all other years during the 10 years that the County’s system has tracked Estero permits. Thus the number of housing units permitted in Estero has finally hit rock bottom. The County permitting information used in this report may be found at <http://www.lee-county.com/dcd/Reports/EsteroReports.htm>

The following table shows how 2009 compares with the prior nine years:

Year	Annual Total Housing Units	Building Value of Units	Average Building Value Per Unit	Percentage of Single Family Units
2000	733	\$95,634,278	\$130,470	36%
2001	743	114,361,268	153,918	43
2002	453	79,305,463	175,067	56
2003	694	100,480,796	144,785	34
2004	506	101,842,275	201,269	73
2005	1061	207175802	195,265	43
2006	648	143,444,385	221,365	19
2007	258	66,051,728	256,014	31
2008	47	16,487,000	350,787	87
2009	51	17,838,887	369,390	80

Not only are the 2009 total housing units far below all prior years except 2008, they equal only 11% of the quantity during 2002, the season immediately following the tragedy of 9/11/2001.

On the other hand the average building value, excluding the land beneath it, continues to increase, up dramatically from all prior years and nearly triple (183% above) the average in 2000. Some of this increase is due to the increase in the single family share of the permitted units.

### Permitted Commercial Building Values Continue Slow Increase

The first four months of Estero building permits of all types continued at a very slow pace. The value of [commercial buildings](#) permitted in Estero during these four months totaled \$5.9 million.

Year	Year to Date	Annual Total
2000	\$7,780,586	\$77,250,835
2001	15,427,071	44,116,526
2002	3,712,079	23,135,139
2003	4,935,094	23,234,725
2004	7,699,199	60,859,820
2005	12,676,374	111,037,977
2006	70,651,988	184,709,240
2007	51,145,498	157,614,045
2008	20,431,973	39,261,677
2009	5,881,990	?

As the above table indicates Estero commercial development started to expand rapidly in 2004 and peaked in 2006 with a total of \$184.7 million. (All figures are exclusive of the underlying land). Nonetheless, 2007 was still Estero's second highest commercial development year, far ahead of the third place year, 2005, with \$111 million.

From January through April the major projects that contributed to the 2009 year to date total are:

\$2.38 million in the [Coconut Point Town Center](#);

\$1,200,000 for improvements to the Lee County Corkscrew Road Wellfield  
\$800,000 for a new bank in the Coconut Trace Center  
\$619,000 for Villages of Country Creek Water Storage System  
\$328,300 for [Miromar Outlets](#) expansion  
\$104,800 for Estero Park Commons

REMINDER: The building values understate the cost of each residence or commercial building because it excludes the value of the underlying land.