

Estero Development Report

Volume 9, Number 12, Issued July 2010

Produced by the Estero Council of Community Leaders (ECCL)

For More Information about Estero

...see www.esterofl.org

July Opportunities for Citizen Participation in Protecting Estero's Quality of Life

Date	Time	Event	Location
Tuesday, July 13 th	6 p.m.	Estero Fire Rescue Board Meeting	Estero Fire Rescue Headquarters... Three Oaks Parkway south of Corkscrew
Wednesday, July 14 th	5 p.m.	Estero Design Review Committee	Estero Community Park
Friday, July 16 th	9 a.m.	Metropolitan Planning Organization (MPO)	Regional Planning Commission Building, 1926 Victoria Street in downtown Ft. Myers
Friday, July 16 th	1 p.m.	Estero Council of Community Leaders (ECCL)	Estero Community Park
Monday, July 19 th	6 p.m.	Estero Community Planning Panel (ECP)	Estero Community Park

Index

Page	Subject
1	Calendar
2	Estero Community Website
2	County Board Rejects "Straw Vote" on Estero Incorporation for the November Ballot
3	South Lee Watershed Study Terminated Ending I-75 Culvert Battle
3	Improve and Update the Estero Community Plan
4	RCH Mine Challenges BOCC Decision in Court
6	BOCC Votes to Transmit the Alico West Comprehensive Plan Amendment to the State
6	Estero and Environmental Groups Intervene in DR/GR Comprehensive Plan Administrative Hearing
8	BOCC Approves DR/GR Transfer of Development Rights (TDR) Program in the Land Development Code
8	South Lee County Hospital Committee Update
10	Proposed Changes in the Estero Parkway Wal-Mart Zoning
13	Estero's Housing Permits Continue Slow Pace
14	Permitted Commercial Building Increases Very Slowly

Estero Community Website

The community groups sponsoring the site are:

Estero Community Planning Panel (ECPP)
Estero Civic Association (ECA)
Estero Design Review Committee (EDRC)
Estero Council of Community Leaders (ECCL)

County Board Rejects “Straw Vote” on Estero Incorporation for the November Ballot

On June 22nd the County Board voted 3 to 1 to reject placing a non-binding “straw vote” on [Estero Incorporation](#) on the November General Election ballot. The opposition was led by representatives of the north Estero communities who would have been excluded from participation in the “straw vote” because the proposal would have used the Estero Fire District boundaries, not the community planning boundaries that include these communities. In addition several representatives of the ECCL and the Brooks Concerned Citizens testified in opposition to the proposal on the basis of:

- the inappropriate boundaries
- lack of a credible “feasibility study”
- failure to address the “two mile Bonita Springs buffer” problem.

Vote Estero had a “feasibility study” prepared in 2008. The rapidly declining property tax base has changed many of the conclusions reached by that report. In addition, all who have reviewed the document have found it to be quite inadequate.

The City of Bonita Springs has consistently opposed any Estero incorporation that includes land located within two miles of its northern boundary because Florida incorporation law prohibits inclusion of that land, subject to waiver by the local legislative delegation. The proposed “straw vote” boundaries included this property without a commitment from the City of Bonita Springs that they would not later oppose such an incorporation effort.

Background

On February 26th “Vote Estero”, a group that has long advocated municipal incorporation for Estero, announced that it would seek Board of County Commissioner (BOCC) approval for a non-binding “straw vote” on the November General Election ballot. They proposed that the boundaries for the “straw vote” would be the Estero Fire Rescue District boundaries, not the Estero Community Plan boundaries. As a result the following communities would not be included:

- The Vines
- Osprey Cove
- Belle Lago, and
- The Reserve of Estero

The Estero Fire Rescue boundaries include 58 square miles, over half of which is rural lands east of I-75 extending about 15 miles east to the Collier County line.

On March 19th after an extended discussion the Estero Council of Community Leaders (ECCL) voted to oppose the “straw vote” because it failed to include the above listed communities that are long time members of ECCL and expressed their strong desire to participate in the “straw vote”. Other members raised concerns about the inclusion of the rural areas in the “straw vote” territory. The ECCL encouraged the leaders of Vote Estero to consult with the Lee County Supervisor of Elections to determine the feasibility and cost of a “straw vote” using the Estero Community Plan boundaries.

Historically the City of Bonita Springs has opposed all Estero incorporation initiatives that included any land within two miles of their northern border, an area that includes all property south of Williams Road. At this time the City has not taken a position on this proposal.

South Lee Watershed Study Terminated Thus Ending the I-75 Culvert Battle

On June 15th the Lee County Board of Commissioners voted unanimously to **remove** the recommendation for additional culverts into The Brooks from the South Lee County Watershed Study. This recommendation was also approved by the South Florida Water Management District.

The Watershed Study was initiated by the South Florida Water Management District (SFWMD) in 2008 at the request of the **Lee County Commissioners**, the **Conservancy of Southwest Florida**, the **Brooks Concerned Citizens** and the **Estero Council of Community Leaders** because the SFWMD was planning to place 5 large culverts under I-75 to carry water from the DR/GR through The Brooks, Coconut Point and down Halfway Creek into Estero Bay. This opposition was that these culverts would drain the wetlands east of I-75 and cause flooding issues for residents of The Brooks and other downstream communities.

The original purpose of the study was to determine if the large culverts were needed for flood control or it was an attempt to force the Florida Department of Transportation (FDOT) to pay for them as part of the I-75 six-laning project. The study found that The Brooks’ drainage system could not handle any additional water from under I-75 without major modifications to the Halfway Creek and Estero River flowways west of I-75. In addition, the study found that additional culverts at this location would not reduce flooding of the Imperial River in Bonita Springs.

Until the last couple of weeks the SFWMD indicated, in spite of the findings of study, that it planned to proceed to add the culverts just east of The Brooks.

The Commissioners, the Conservancy of Southwest Florida, the Brooks Concerned Citizens and the Estero Council of Community Leaders worked together for two years to achieve this final agreement with the SFWMD. In addition to protecting the communities along Halfway Creek from increased flooding, the decision will save millions of tax dollars from a project that was clearly not needed.

Improve and Update the Estero Community Plan

On June 26th representatives of the Estero Community Planning Panel (ECP), the Estero Design Review Committee (EDRC) and the Estero Council of Community Leaders (ECCL) met to discuss the need to revise the Estero Community Plan and the Estero sections (in Chapter 33) of the County Land Development Code (LDC).

It has been nine years since the Board of County Commissioners approved the Estero Community Plan. Between 2002 and 2005 the County Board approved three major changes in the Land Development Code provisions applicable exclusively to Estero. In addition to providing Estero with the highest appearance standards of any southwest Florida community, these documents also require all Estero developers to conduct a meeting in the community prior to filing an application for zoning a property and later prior to filing an application for a “Development Order”. Development Orders are sought when a project has been fully designed for construction as part of a development.

As a result of these Board actions the community established the Estero Community Planning Panel (ECPP) to conduct the zoning meetings within the community, to forward its recommendations to the County and to develop all new community planning proposals. In addition the Estero Design Review Committee (EDRC) was established to sponsor meetings to review each Development Order application and report on the meeting to Lee County community development staff.

The high quality development that has taken place during this period is directly the result of these efforts.

Much has changed in Estero during the last nine years....

- Our population has tripled
- About 4 million square feet of retail/commercial space has been constructed
- Another 7 million square feet of retail/commercial space has been zoned for high quality development....much of it has been cleared and is ready for development

The existing community plan focused almost exclusively upon our commercial corridors on US 41 and Corkscrew Road because development of these areas was approaching very rapidly.

Older pre-existing developments and residential areas were not seriously reviewed. They deserve further consideration at this time.

Over the years the ECPP and the EDRC have found some of the Community Plan and LDC provisions to be inadequate or interpreted in unexpected ways. These issues should be considered and remedied during this review.

The next step in the process is expected to be a late fall workshop that will involve the residents of Estero in identifying the community planning problems that need to be fixed, what priorities should be assigned to each of them and establish a plan for developing and implementing them.

RCH Mine Challenges BOCC Decision in Court

As a result of the recent [RCH Mine zoning](#) denial by the BOCC, the property owner - Resource Conservation Holdings LLC - has filed an inverse condemnation suit against Lee County in Circuit Court. The lawsuit alleges that substantial property rights have been taken by Lee County through their actions in denying them use of the property for mining development.

More specifically RCH alleges that:

1. In preliminary informal pre-application meetings, Lee County staff indicated to RCH that their zoning would be consistent with the Comp Plan and that it was likely to be received favorably by county staff.
2. They paid \$33 million for the property based on the reasonable expectation that it would in the foreseeable future be put to a mining use, or sold as such.
3. They paid an additional \$8 million in loan service fees and another \$4.6 million in costs as a direct result of delays and increased scrutiny by County staff to reach sufficiency for public hearing. This together with payments to their lender yields a total investment of \$46 million from the date of purchase to the final Board action.
4. Their expectations for rezoning to a mining user were independently confirmed as reasonable and consistent with the Lee Plan by virtue of the Hearing Examiner's recommendation to approve.
5. The county attempted to achieve its goals of acquisition of the property for restoration by regulatory actions rendering the property far less valuable so that they can purchase for a fraction of the market price without those regulatory actions.

The plaintiff is seeking a jury trial to determine the amount of full compensation. It's unknown at this time whether the County will hire outside legal counsel in defending this case.

Background...the BOCC Zoning Decision

On Wednesday, May 26, the Lee County Board of Commissioners voted unanimously to deny the [mine zoning application](#) presented by Resource Conservation Holdings LLC (RCH), overturning the recommendation for approval of the Hearing Examiner on the case.

The Board responded unequivocally to the testimony of Lee County staff and many Estero residents who had previously testified before the Hearing Examiner. In addition about 150 urban and rural Estero residents showed their support by attending the six hour hearing.

As in its initial report Lee County staff recommended denial of the zoning change, detailing the many ways that the Hearing Examiner had erred by failing to recognize how the development proposal would not meet local, state and federal air, water and noise pollution standards; would have negative impacts upon the County's drinking water supplies; how the development would negatively impact the surrounding community with safety, noise and pollution caused by a big increase in truck traffic; ignored evidence of wildlife habitat on the site, and the fact that there is no need or more mines above those already approved in order to satisfy the regional market demand for limerock construction products.

The RCH property is located on Corkscrew Road, approximately 6 1/2 miles east of I-75. It is adjacent to two wetland mitigation banks which are also primary foraging habitat for wood storks, the Flint Penn flow way, Lee County well fields and 1,000 feet away from several homes.

RCH was proposing to mine 400 acres of their 1,365 acres of land to a depth of 110 feet for decades to come. Their plans also included a 180-foot tall drag line, a cement plant, an asphalt plant and an 85-foot tall rock crushing building. They predicted it would require 2,400 dump truck round trips daily to transport the product produced by this mine, or a truck trip every 15 seconds during peak hours. These trucks would be traveling on Corkscrew Road and other Estero roadways.

The application to mine this property was made prior to the County's 2008 mining moratorium and the state's approval of the new DR/GR Comprehensives Plan that limits future Lee County limerock mining to the Alico Road corridor until 2030.

A Lee County Circuit Judge determined the new rules did not apply to this mine, which led the RCH application being subject to 22 days of testimony before a Hearing Examiner last year.

Lee County mines have supplied 80% of the total demand for limerock products used by the seven southwest Florida counties, from Sarasota County down to Collier County for the last 25 years. The mines in the Alico Road Future Limerock Overlay corridor can continue to supply 80% of these same areas' demand for these products through 2030 without adding any new mines elsewhere in the DR/GR.

BOCC Votes to Transmit the Alico West Comprehensive Plan Amendment to the State

Alico West is a 919 acre former limerock mine site immediately north of Florida Gulf Coast University (FGCU). The owners, Alico Land Development Company, are seeking to have the property removed from the DR/GR so that it can build over 1,900 housing units and 1.4 million square feet of commercial buildings on the unmined portion of the site. When the DR/GR was formed Alico chose to be included in the DR/GR so that they could continue mining the site. Now that they have earned a fortune from mining about 2/3rds of it, Alico wants the County and the State to help them make another fortune by removing them from the DR/GR and authorizing the proposed intensive development of the site.

In return Alico offers to clean-up large quantities of mine spoils now on the site and give 40 acres of land to FGCU. If the County's current mining regulations applied to the property Alico would be required to clean-up the site at their expense.

On the other hand Alico's proposal would provide no benefits to the DR/GR area from which it seeks removal.

At the June 16th County Board meeting the Conservancy of Southwest Florida, the Brooks Concerned Citizens and the ECCL spoke in opposition to the proposal on the basis that it should have been dealt with as part of the nearly complete DR/GR planning process, appears to be an attempt to circumvent the DR/GR's Transfer of Development Rights (TDR) program and does not contribute to the enormous conservation and restoration needs of the DR/GR.

The BOCC voted to send the proposal to the Florida Department of Community Affairs (DCA) for their review and approval after the applicant agreed to provide some wildlife corridors on the adjacent property, known as the "Ginn" property, should it revert to Alico as part of the ongoing foreclosure of Ginn's ownership of that land. This proposal had the support of the Florida Wildlife Federation and the Collier County Audubon Society.

Estero and Environmental Groups Intervene in DR/GR Comprehensive Plan Administrative Hearing

Developments during June

When the State Department of Community Affairs (DCA) Notice of Noncompliance on the [DR/GR](#) Comp Plan is forwarded to the Division of Administrative Hearings an Administrative Hearing process is started. In this proceeding, the County's Plan Amendment is considered to be not in compliance, thus the burden of proof lies upon the County to prove that it is in fact in compliance. Although the difference between the County and the State Department of Community Affairs (DCA) involves only the Transfer of Development Rights (TDR) program for the DR/GR other issues may be raised by any entity that intervenes in the process.

The Administrative hearing process is a quasi-judicial proceeding and, like many law suits, settlements are always a possibility. Interested parties and groups may intervene in the Administrative Hearing process. During June the following organizations filed the necessary paperwork to intervene in this dispute:

- Cemex Construction Materials Florida, LLC.
- Conservancy of Southwest Florida, Inc.
- Estero Council of Community Leaders, Inc.
- Nick Batos
- Florida Wildlife Federation
- Collier County Audubon Society

A hearing on the matter has been scheduled for September 21-24 and 27-29 in downtown Ft. Myers. In the meantime the County and DCA are meeting to seek resolution of their differences.

Other 2010 Activities

On May 11th the Department of Community Affairs (DCA) sent the County a "Statement of Intent to Find a Portion of the [Comprehensive Plan Amendments](#) Not in Compliance". The only area where DCA found the County out of compliance is its Transfer of Development Rights (TDR) program. In general they found this program to lack the kind of specificity that they would like to see in such a program. Meanwhile the County has developed a detailed TDR program to amend its Land Development Code. This proposal has recently been reviewed by the County Land Planning Agency and is scheduled for further review and approval by the BOCC during June.

DCA's finding of "Non-compliance" triggers negotiations between DCA and the County and an Administrative Hearing conducted by the State Division of Administrative Hearings. Interested parties can file to intervene in this process, a procedure that allows them to participate in what otherwise would be private negotiations. In addition new issues, not those specified by the Non-compliance" notice can be raised and included in the final agreement. As a result the ECCL voted unanimously at its May 21st meeting to file an application to intervene in this process in conjunction with The Conservancy and the Brooks Concerned Citizens.

On April 21st the ECCL, The Conservancy and several Estero communities sent a detailed letter to the state Department of Community Affairs urging them to approve most of the provisions in the County's plan. The only exceptions were suggestions to: 1) remove the "Rural Communities", including Edison

Farms, from the plan, and 2) remove the additional Florida Rock properties that were added by the Board at the last minute from the Future Limerock Mining Overlay.

On Wednesday, March 3rd the BOCC voted to send three DR/GR Comprehensive Plan ordinances to the State Department of Community Affairs (DCA) for their determination of compliance or noncompliance. The Board made two significant changes in the plan as presented by Lee County staff prior to this vote.

First they voted to delete the “rural communities” located along Corkscrew Road and on the Edison Farms property from the plan. This action will reduce the amount of residential sprawl in the DR/GR, reduce the amount of infrastructure that the County would have to add over the years as these communities were completed and increase the effectiveness of these large properties as sending areas in the planned Transfer of Development Rights (TDR) program. Under the TDR program the residential development rights on these properties will be exported to receiving areas in the DR/GR along SR 82 or to areas in need of higher densities outside the DR/GR.

Secondly, the Board approved adding another section of Florida Rock land to the Future Limerock Mining area. This land lies immediately east of the Future Limerock Mining area recommended by the County’s consultant and staff. It has been the subject of extensive litigation for nearly two decades but has been characterized in all the planning documents as a Priority One Conservation Area.

On January 15th the Florida Department of Community Affairs (DCA) completed their review of the DR/GR Comprehensive Plan amendments and transmitted them to Lee County.

In general DCA’s comments and recommendations were quite limited given the scope of the County’s Plan changes. They had only seven objections, most of which would strengthen, rather than weaken, the environmental protections included in the plan. In addition they recommend that the Edison Farms property not be the site of a rural residential community...“Use the TDR program to transfer development from properties along Corkscrew Road and the Edison Farms tract to more appropriate locations in the Mixed-Use Communities along State Road 82.”

Not only does DCA agree with plans to keep all limerock mining in the Alico Road corridor they suggested that the process for expanding the Future Limerock Mine area be made more open to public input.

On Thursday, February 4th the County Community Development Department conducted a stakeholders meeting to discuss some of the LDC changes, primarily dealing with the proposed Transfer of Development Rights (TDR) program being developed by the County’s consultants. On February 16th, after the regular Board meeting, the BOCC received a presentation on the proposed LDC changes.

BOCC Approves DR/GR Transfer of Development Rights (TDR) Program in the Land Development Code

On June 8th the BOCC approved a new chapter in the Land Development Code pertaining to Compact Communities and Transfers of Development Rights (TDR). The chapter builds upon the Mixed Use development overlay created a couple of years ago and provides standards for the Mixed Use communities included in the recently approved [DR/GR Plan](#). Estero has several Mixed Use communities that when developed can closely integrate residential development with retail and other

commercial development in a way that will reduce reliance on automobile transportation. These developments may be used as TDR “receiving” areas for DR/GR land conservation and restoration projects. The TDR provisions are designed to help implement land conservation and restoration within the DR/GR area.

South Lee County Hospital Committee Update

On June 17th the [Freestanding Emergency Department Steering Committee](#) met once again to analyze the feasibility of a 24/7 Free-standing Emergency Department on or adjacent to the Bonita Community Health Center (BCHC), located on the east side of US 41 just south of Coconut Road. The Committee reviewed emergency room volume projections for a BCHC located 24/7 ED for the next 5 years based upon historic emergency visit information for our market area provided by both hospital systems. After extensive discussion the staff analysts agreed to modify the projections to take into account many of the suggestions made by members of the committee.

Next the Committee discussed possible configurations and locations for the Emergency Department facility on the three properties controlled by the various hospital systems. The parcel of property where the BCHC is located is jointly owned by NCH and Lee Memorial. In addition there are three parcels owned by Lee Memorial, totaling nearly 30 acres, immediately adjacent to this property that might be used for a 24/7 Free-standing ED. None of these properties, including the BCHC property, is presently zoned for a Free-standing ED nor a hospital. Since all of this property is located within the Coconut Point Development of Regional Impact (DRI) the rezoning process is more complicated than a non-DRI zoning. It will involve approval by the Southwest Florida Regional Planning Commission as well as the Lee County Board. Such a rezoning typically takes a year or more to complete.

The Bonita Community Health Center is presently utilizing all of its available land on that parcel. Thus adding a 24/7 Free-standing ED to this building would necessarily require the use of some land from one of the adjacent parcels since the Committee and the two hospital systems plan to continue the walk-in clinic and other operations now located in the existing BCHC.

The Committee expects to complete its work in July or August. Its report will then be transmitted to the top administrators and Boards of the two hospital systems.

Earlier in 2010

On May 19th the [Freestanding Emergency Department Steering Committee](#) met to discuss how the Committee should proceed to forecast demand for services for a 24/7 Freestanding Emergency Department (FED) at the Bonita Community Healthcare site over the next 5 years. The Committee extensively discussed all sources of available data and how that data should be adjusted in order to produce the most accurate forecast. The balance of the meeting focused upon analyzing the alternative configurations of the FED and the cost of each of them consistent with the applicable State and Federal regulations. Subcommittees will continue to work on both of these projects during the period prior to the June meeting of the Steering Committee.

On April 9th several members of the Freestanding Emergency Department Steering Committee traveled to Largo to visit another 24/7 Freestanding Emergency Department. Once again the managers of that facility provided the Committee with an abundance of information on their operations to date, both service wise and financial. This facility, although only two years old, is already profitable and experiencing business well beyond projections.

On April 15th the Steering Committee met again to discuss the market service area for a 24/7 Freestanding ER located on the site of the Bonita Community Health Center; the services to be provided by the facility; service to the facility by Lee County EMS (ambulance and helicopter service); procedures for estimating the future demand for service from the facility by transported and walk-in clients.

On March 18th the Freestanding Emergency Department Steering Committee met for the second time to discuss the antitrust, licensure and other legal aspects of establishing a 24/7 Freestanding Emergency Department (FED); the services that should be provided by this facility and those that should continue to be provided by the participating hospitals and what needs to be researched in order to estimate the present and future market for these services in its expected service area.

The meeting identified many of the challenges that must be overcome before a FED can be constructed in our community and the steps that we need to take to be successful in this effort.

On March 26th most of the Steering Committee traveled to North Port to tour Sarasota Memorial's North Port Medical Plaza 24/7 Freestanding ER that opened for business last October. The facility is a combination Freestanding ER and a Walk-in Clinic with comprehensive laboratory and diagnostic/testing facilities. It is located in a bedroom community with a population of 50,000 at the far south end of Sarasota County. The area was considered an "underserved" community.

The leadership and staff at North Port were very generous with their information and time. Being such a new facility they shared with the Committee many of the obstacles they had to overcome in order to gain all the necessary approvals and prepare for an uncertain community response. They stressed the importance of community support throughout the approval and implementation phases. In the 6 months since the FED facility opened client use of the facility has far exceeded expectations.

On February 18th the fourteen member Freestanding Emergency Department Steering Committee met for the first time. The Steering Committee approved the following mission statement:

"Develop a plan and recommendations for a freestanding emergency department in the Bonita/Estero community".

In pursuit of this outcome the Steering Committee will

- Identify gaps in emergency services provided to the community,
- Complete a five year projection of patient visits, revenues and expenses,
- Complete a capital budget and identify funding requirements, and
- Develop recommendations for next steps towards the development of a Freestanding ED.

On January 29th representatives of the Committee met with the Bonita Community Health Center (BCHC) Board to discuss how the owners of this facility would begin to implement a Freestanding ER on the BCHC property. About a week prior to the meeting Suzanne Bradach, Acting Executive Director of the Center, provided the Committee with a Memorandum of Understanding (MOU) between the two hospital systems, NCH and Lee Memorial, that contains their "plan that provides the framework for the development of a freestanding ER" to serve the area.

The plan provides our Committee with three members on a broad based Committee, called the "Freestanding Emergency Department Steering Committee", that would, over a period of about 6

months, do the research needed to address all the questions that must be answered prior to obtaining the approval of the project by the Boards of the two hospital systems.

Proposed Changes in the Estero Parkway Wal-Mart Zoning

On June 17th many members of the Estero Community Planning Panel (ECP) and the Estero Design Review Committee (EDRC) met with [Wal-Mart's](#) project architect and engineer to react to their effort to redesign Wal-Mart's corporate design for its new 150,000 square foot store in order to satisfy Estero's unique appearance and big-box standards. The Estero participants appreciated that Wal-Mart's proposal was a great improvement over the standard store but made numerous suggestions for further improvement.

The Wal-Mart representatives will go back to the drawing boards and consult with the Wal-Mart's corporate architects to gain their approval before returning in a couple of months to report back to the ECP and EDRC before meeting with the communities adjacent to the US 41 Estero Parkway site and then their required community meeting with the ECP.

Earlier Activities/Background

On May 24th several members of the Estero Community Planning Panel (ECP) and the Estero Design Review Committee (EDRC) met with [Wal-Mart's](#) project architect and engineer to discuss how Lee County and Estero Comprehensive Plans and Land Development Code provisions should be used to modify Wal-Mart's new, smaller store plans. The meeting produced a lively discussion and many good ideas that Wal-Mart's architect will incorporate into two draft proposals that will be discussed at a second meeting between these parties, probably sometime in late June. The next steps in the process will be as outlined below.

On April 20th representatives of the Estero Community Planning Panel (ECP) and the Estero Council of Community Leaders (ECCL) met with representatives of Wal-Mart to learn about their plans for the Wal-Mart store zoned for the northeast corner of US 41 and Estero Parkway in 2003. Wal-Mart has not constructed this store because their zoning prevents them from starting construction until six-laning of the segment of US 41 adjacent to the store has begun. The US 41 widening project is expected to start later this year, in November or December.

The stores representatives indicated at this meeting that Wal-Mart's corporate leadership has approved a new, smaller store format for development throughout the country. All their new stores will be much smaller than in the past. They are seeking to rezone this site for a 150,000 square foot store instead of the currently zoned 208,000 square foot store. In addition they would like to add three out-lots to the site plan, using some, but not all, of the surplus space included in the present zoning. The present plan includes one out-lot on the corner of Estero Parkway and US 41. The standard design of their new stores varies greatly from the Mediterranean design approved by the County for this site, however they agreed that the corporate design would have to be substantially modified in order to comply with Estero's appearance standards imbedded in Chapter 33 of the Lee County Land Development Code.

There appeared to be agreement between the parties on the following process for developing the rezoning proposal:

- One or more workshops between Wal-Mart's architects, engineers etc, and the members of the ECP and the Estero Design Review Committee (EDRC) to develop a working draft proposal;

- Several meetings with the residents of communities adjacent to the site. This would include the two communities most involved in the existing zoning, The Vines and Breckenridge. In addition Wal-Mart would meet with the new communities along Estero Parkway: Osprey Cove, Belle Lago, the Cascades and the Reserve of Estero.
- Public presentations to the ECPP and EDRC.

Once this process is complete the proposal will then be submitted to Lee County where the following steps are necessary for approval of the rezoning:

- The proposal is reviewed by the County's Community Development staff and a staff report is prepared and sent to a Hearing Examiner with copies available to the public,
- The Hearing Examiner conducts a public hearing on the application and prepares a report based on the hearings that includes a recommendation to the Board of County Commissioners (BOCC),
- Finally, the BOCC conducts a hearing on the matter and votes to approve, deny or approve with conditions the application. Only persons who testify before the Hearing Examiner may testify before the BOCC.

2009 Discussion with Wal-Mart

On September 11, 2009 the ECCL sponsored a workshop on the existing zoning for the Estero Parkway/US 41 Wal-Mart store in order to inform the thousands of Estero residents who now live along Estero Parkway, but were not in the community during 2003-04, when the site was zoned. About 60 Estero residents from these communities, the Vines, Breckenridge and other Estero communities attended.

In addition to the ECCL, Skip Block, the County Community Development staffer assigned to the case, Neal Noethlich, Chair of the Estero Community Planning Panel (ECPP) at that time of the zoning and Chris Smith who represented the Vines when the property was zoned were available to discuss the plans and answer residents' questions. Subsequent to the meeting the Boards of The Vines and Breckenridge, the two communities closest to the store site and most involved in 2003 and 2004, voted to resist changes in the existing zoning.

To learn about the history of this major Estero zoning negotiation see http://www.esterofl.org/eccl/EDR/estero_development_report_October_2004.htm#Estero_Parkway_Wal-Mart_Progress_Report and http://www.esterofl.org/Issues/wal-mart_estero_pkwy.htm

On August 26, 2009 several representatives of Wal-Mart met with members of the Estero Community Planning Panel (ECPP), the Estero Council of Community Leaders and residents of The Vines and Breckenridge to discuss proposed plans for rezoning their property on the northeast corner of US 41 and Estero Parkway. The major elements in their proposal would:

- Reduce the size of the Wal-Mart store by about 40,000 square feet
- Add three out-lots along US 41 for stores that would offset the reduced size of the Wal-Mart store,
- Substitute a new standard Wal-Mart design for their store for the existing "Estero" unique design that was negotiated by the community over a period of two years in 2003 and 2004, and

Amend the “super-concurrency” provision in the existing zoning that requires construction of the store to begin only after the widening of US 41 in this area has been finally approved and funded.

Estero’s Housing Permits Continue Slow Pace

During June 13 single family homes and 8 duplex units with a building value of \$2.4 million were permitted in Estero. This continued slowdown in construction of new homes is helping to 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) thus far during 2010 are higher than 2008 and 2009 but far lower than all other years during the 11 years that the County has tracked Estero permits. The County permit information used in this report may be found at <http://www.lee-county.com/dcd/Reports/EsteroReports.htm>

The following table shows how the first five months of 2010 compares with the same period of the prior ten years:

Year	Annual Total Housing Units	Building Value of Units	Average Building Value Per Unit	Percentage of Single Family Units
2000	858	\$116,877,412	\$136,221	38%
2001	1035	155,925,738	150,653	40
2002	599	99,942,722	166,849	52
2003	872	127,480,453	146,193	33
2004	631	126,747,869	200,868	72
2005	1275	253,271,426	198,644	45
2006	702	164,942,772	234,961	24
2007	286	78,418,241	274,190	36
2008	56	19,730,130	352,324	86
2009	60	22,082,017	368,034	80
2010	97	17,999,000	185,557	75

Not only are the 2010 total housing units far below all prior years except for 2008 and 2009, they equal only 16% of the quantity during 2002, the season immediately following the tragedy of 9/11/2001. In addition the average building value, exclusive of land, has fallen precipitously this year in order to compete with the low price of existing housing units available on the market.

Permitted Commercial Building Increases Very Slowly

During the first five months of 2010 Estero building permits of all types continued at a very slow pace. The value of [commercial buildings](#) permitted in Estero during these 5 months totaled only \$1,211,381, by far the smallest total on record.

Year	Year to Date	Annual Total
2000	\$68,297,657	\$77,250,835
2001	16,911,976	44,116,526
2002	5,968,501	23,135,139
2003	8,176,174	23,234,725
2004	8,661,787	60,859,820
2005	34,119,981	111,037,977
2006	74,470,848	184,709,240
2007	70,938,231	157,614,045
2008	21,989,153	39,261,677
2009	7,439,170	9,752,556
2010	1,211,381	?

As the above table indicates Estero's 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). 2007 was Estero's second highest commercial development year, far ahead of the third place year, 2005, with \$111 million.

Since then commercial development in Estero has declined sharply and this year it has almost come to a stop.

Thus far this year the major projects that contributed to the commercial permitting total are:

\$246,880 in the [Coconut Point Town Center](#);
\$16,500 in the Estero Ridge development

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