

Estero Development Report

Volume 9, Number 5, Issued December 2009

Edited by the Estero Council of Community Leaders (ECCL)

**For More Information about Estero
...see www.esterofl.org**

This Report is available on the Estero Community website at:
<http://esterofl.org/eccl/EDR/>

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

Date	Time	Event	Location
Tuesday, December 8th	5:00 p.m.	First Estero Fire Rescue District Meeting For further information see http://esterofire.org/	Estero Fire Rescue Headquarters... Three Oaks Parkway south of Corkscrew
Wednesday, December 9th	1 p.m.	Southwest Florida Expressway Authority	Bonita Springs City Hall on the south side of Bonita Beach Road just east of US 41
Wednesday, December 9th	5 p.m.	Estero Design Review Committee meeting. See the full agenda at http://esterofl.org/edrc/agenda.asp .	Estero Community Park
Friday, December 18th	9 a.m.	Lee County Metropolitan Planning Organization (MPO) Meeting...For the agenda see http://www.mpo-swfl.org/agendas.shtml	Regional Planning Commission Building, 1926 Victoria Street in downtown Ft. Myers
Friday, December 18th	1 p.m.	Estero Council of Community Leaders (ECCL) Meeting...for the agenda see... http://esterofl.org/eccl/agenda.asp	Estero Community Park
Monday, December 21st	6 p.m.	Estero Community Planning Panel. For the agenda see... http://esterofl.org/ecpp/ecpp_meetings.htm	Estero Community Park

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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)

Estero Fire Rescue Fills Two Board Vacancies

On October 13th the [Estero Fire Rescue](#) Board voted to appoint Sean James to fill the vacancy created by the resignation of Commissioner Barbara Akins who has moved from the community. James is a former corporate executive and a resident of Shadow Wood in The Brooks. His appointment is for the period between now and the November 2010 election.

On November 10th the Estero Fire Rescue Board voted to appoint Bruce Philip to fill the vacancy created by the unfortunate death of Commissioner Sam Levy. Philip is a retired Chief Financial Officer for a major corporation and has been quite active in financial matters in his home community, Shadow Wood in The Brooks.

Both of the new Board members will greatly enhance the ability of the Fire District to navigate these difficult economic and financial times, deal with negotiation of the expiring union contract and decide about the proposed merger of the Estero Fire District and its two neighboring districts, Bonita Springs and San Carlos Park.

Estero Parkway Extension over I-75 Opens for Traffic

On October 23rd Lee County DOT celebrated the opening of the [Estero Parkway Flyover](#), a major bridge project over I-75 from Three Oaks Parkway to Ben Hill Griffin Parkway. Fortunately this \$35 million project was begun in 2007 with financing from the County's Roadway Loan Fund. Since then the County's road impact fees, gas tax and property tax revenues have declined precipitously thus delaying most major County road projects.

Two weeks after its opening the Flyway was carrying almost 9,000 vehicles per day and reducing traffic on Corkscrew Road east of Three Oaks Parkway by nearly 4,700 vehicles per day. Traffic on Ben Hill Griffin south of Estero Parkway also was reduced by nearly 4,000 vehicles per day during this period.

It looks like the County's pre-construction projection that the Flyover would reduce Corkscrew Road traffic by 10,000 vehicles per day will soon be realized.

Lee County's 2010 Property Tax Reduction Greater Than All Florida Counties

On October 12th the Florida Association of Counties published a report indicating that Lee County reduced its 2010 property tax extension for general operations by 22.3%, the largest reduction of any of the 67 counties in Florida. During the present tax year Lee County taxpayers paid \$417.6 million to pay for the operation of Lee County

government. The [property taxes](#) now being collected in order to finance Lee County operations in 2010 will total \$324.4 million, a reduction of \$93.2 million.

The comparable change in Collier County was a reduction of \$17.2 million or 5.4%.

South Lee County Hospital Committee Update

Early in October the Hospital Committee received a response from the Bonita Community Health Center (BCHC) inviting the leaders of the Committee to meet with the BCHC Board as had been requested by the Committee (see below). This discussion is now scheduled for the next BCHC Board meeting in late January 2010.

In the meantime the [South Lee County Hospital Committee](#), which consist of about 40 volunteers... many with strong health care backgrounds, has begun to plan and implement a community awareness and support program to demonstrate its unwavering commitment to obtaining a 24/7 Freestanding ER for the area as soon as possible. Thus far 37 community organizations have endorsed the Committee's efforts. The following are some of the prominent community organizations that have endorsed the Committee's efforts: The Bonita Springs and Estero Fire Districts; the City of Bonita Springs; the ECCL; Senior and Retired Physicians Association of Lee County; three civic and community service organizations; eight businesses and 22 residential community boards.

Anyone who would like to participate, recruit other local organizations or make suggestions to the committee may do so by calling or emailing Co-chairman Don Eslick at 273-9493 or doneslick@comcast.net .

Committee History and Background

Earlier this year the prospects for a 24/7 Free-standing Emergency Department in the Bonita Community Health Center (BCHC) looked very bright (see "Details" below). We were told that throughout the summer Lee Memorial and NCH, the co-owners of this facility, would discuss how this commitment could be implemented while retaining the existing shared ownership arrangement.

Unfortunately in late August the Hospital Committee learned that Lee Memorial and NCH had decided that their first priority had to be to work on making BCHC profitable and that the Emergency facility had to be placed on the "back burner". Upon learning of this decision the leaders of the Hospital Committee decided to send a letter to the Chairmen of the two systems seeking a meeting with the BCHC Board to learn first hand what the intentions of the Board are regarding the south Lee County community being served by a 24/7 Freestanding ER in the BCHC.

That September 24th letter states in part the following:

"We understand that NCH and Lee Memorial have decided to continue your joint ownership and operation of the Bonita Community Health Center and that the inclusion of a Freestanding Emergency Department as proposed by Lee Memorial has been indefinitely delayed. As you must appreciate we are exceptionally disappointed by this news.

Nonetheless, our commitment to obtaining a 24/7 Freestanding ER for south Lee County that will ultimately lead to a medical surgical hospital in South Lee County, remains as resolute as ever. Therefore, we respectfully request an opportunity to meet with the full Bonita Community Health Center Board as soon as possible so that we can fully understand your position on this important matter.”

Lee Memorial Proposal Details

On March 19th the Lee Memorial Health System (LMHS) Board of Directors approved two motions in order to implement their commitment to provide Free-standing Emergency Services to south Lee County. They are:

1. “Administration is directed to extend an offer to the Naples Community Health System to purchase the NCHS share in the Bonita Community Health Center Joint Venture for the sum of one dollar. If the offer is accepted, LMHS will assume 100% of the bond obligations on this facility”. This transaction would add \$28.5 million of bond debt obligation to their balance sheet.
2. “Administration is directed to include up to \$4 million in capital in the FY’10 capital budget for the purpose of developing a Free-standing Emergency Room in the Bonita/Estero market and is authorized to spend not more than \$500,000 in FY2009 to allow legal, planning, design, and architecture work to proceed immediately.” The analysis provided to the Board by Lee Memorial staff shows that the system would experience an estimated “net incremental gain” of about \$2 million in the first year and \$2.6 million in the fifth year.

LMHS’s project summary for this facility further states:

- “Absent any unknown regulatory delay, it would be reasonable to target opening of this facility by January 2011”.
- “Although Bonita Community Health Center would be the preferred location for the free-standing emergency room, LMHS has identified two other possible sites that are centrally located in the Bonita/Estero area. All of these locations are compatible with the target opening date”, and
- “Negotiations are currently underway with NCHS toward this goal and LMHS leaders are optimistic that a satisfactory resolution will be achieved. Regardless of the outcome of this negotiation, however, the free-standing emergency room would not be delayed.”

Resource Conservation Holdings (RCH) Mine Hearings Finally Conclude

On November 6th the Lee County Hearing (HEX) examiner finally gavelled the hearing on the RCH [mine zoning application](#) to an end. At 22 days, the Hearing is officially the longest in Lee County history. The HEX stated that he did not know when he would be able to render his Recommendation. The applicant asked that it become available before the New Year. Our attorney believes that the HEX might accommodate that request.

After the HEX Recommendation the next step is the Final Decision by the Board of County Commissioners, sometime in January or February of 2010. At that time the 50 plus community representatives that testified before the Hearing Examiner need to return to Ft. Myers once again to testify. In addition a good turnout of other supportive residents would greatly encourage the BOCC to make a good decision.

The attorney for the East Corkscrew and Estero residents reports that the County Attorney did a very nice job with her closing arguments and clearly had gone to great lengths to do a good job with this case. In addition County staffers Matt Noble, Sam Lee, Chip Block, Becky Sweigert, Lee Werst, Susie Derheimer, Dr. Karuna-Muni, Aaron Martin and Andy Getch also performed above and beyond the call in preparing and handling the case. Additionally our case was substantially enhanced by the testimony of Lonnie Howard, the County Port Authority's groundwater expert.

Funding Community Representation

Over the years the residents of east Corkscrew Road have successfully defeated two new mines along Corkscrew Road. In the process they have raised and spent about \$200,000 to preserve their and our quality of life. As a result of their efforts those of us who live further west have been spared several thousand trucks per day traveling west on Corkscrew Road and north or south on I-75, US 41 and now Three Oaks Parkway, our water supply has been protected, we are spared from the threat of downstream flooding and our rivers, streams and Estero Bay are healthier.

Our attorney on this case, Tom Hart, estimates that the total cost for the case will be at least \$45,000. If each community and everyone affected by this mine makes a small contribution this is very affordable. Thus far seven communities have committed about \$25,000 to the cause. Please support your community and protect the value of your home by urging your community board to contribute a few dollars per household and personally make a small contribution to this effort. Make out your check to:

Thomas B. Hart Trust Account...RCH Mine

And mail it to:

1625 Hendry Street, Suite 301
Ft. Myers, Florida 33901

Background

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.

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 all the water consumed in Lee County. 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.

Lee County Board (BOCC) Votes to Send The DR/GR Comprehensive Plan Amendment to the State

On October 28th the BOCC voted to transmit the proposed [DR/GR Comp Plan Amendments](#) to the Department of Community Affairs (DCA) in Tallahassee for their review. The amendment package approved by the Board contains only a few changes to the recommendations of Lee County staff which the ECCL and our coalition of civic and environmental groups strongly support.

The Future Limerock Mining overlay included in the amendment was the most controversial and important provision, and fortunately this map, that concentrates mining in the Alico Road industrial corridor, was improved intact. As approved the Future Limerock Mining Overlay does not include any of the eight pending Corkscrew Road limerock mining rezoning applications. Thus, if the State does not seek to change the Mining Overlay and the courts uphold the plan change, none of these property owners will be able to apply to mine their land until 2030. The plan also contains many provisions for conserving and/or restoring many of these lands so that they can play a major role in restoring the area's flowways, recharging our future water supply, preventing flooding along our rivers and streams and improving the water quality in these streams and in Estero Bay.

This unanimous vote brings us one step closer to a master plan for the DR/GR which provides a balance to conflicting land uses in this rural area – providing adequate space and separation for rock mining, rural residential, agriculture, habitat, and water conservation uses.

We wouldn't be where we are in this effort without the help of some key civic and conservation groups including the Estero Council of Community Leaders, the Conservancy of SW Florida, the National and Florida Wildlife Federations, the Corkscrew Rural Community, Audubon of Florida, the Brooks Concerned Citizens and the Responsible Growth Management Coalition.

The remaining timeline for final adoption of these Comp Plan changes are as follows:

- The State Department of Community Affairs (DCA) will review the amendment for compliance with state requirements and policies and will return the amendments with comments and proposed changes (if any).
- Lee County should be in a position to implement DCA recommended changes and formally adopt the amendments around March or April, 2010.
- Affected parties (presumably land owners and rock mining interests) will have 60 days after adoption to challenge the changes through a formal administrative hearing process.
- Depending on the initial success of the Transfer of Development Rights (TDR) program, there is likely to be legal challenges by some large landowners under the Bert Harris Private Property Rights Act.

There are several parts of the [DR/GR](#) plan that need to be addressed by the BOCC adopting amendments to the Lee County Land Development Code. These will include the County Board adopting a Transfer of Development Rights (TDR) program that will authorize the transfer of development rights on major DR/GR properties (“sending areas”) to other parts of the County, called “receiving areas”. The sellers of those rights would be able to continue to farm, conserve, rehabilitate or sell those lands while being compensated for the development rights, mainly residential units, that they have sold.

You can be assured that the ECCL and all the other organizations that have been involved in the DR/GR planning process will continue to remain involved in this process because these decisions will greatly affect the future quality of life in Estero and all of Lee County.

Background

On September 24th the Lee County Board of County Commissioners heard a presentation by staff followed by public testimony concerning major proposed changes in the Comprehensive Plan for the 83,000 acre Density Reduction/Groundwater Resource (DR/GR) area just east of I-75 in Estero. Over a dozen representatives of Estero civic and community associations and region-wide environmental and growth management groups testified in support of the staff recommendations. A copy of this coalition's joint statement may be viewed at

<http://esterofl.org/new/DRGR%20Joint%20Position%20Statement%20for%20BCC%20Transmittal%209-17-09%20Full%20Version.pdf> .

On May 20th 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.lee.gov/dcd/CommunityPlans/SELCDRGR/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’s 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; DR/GR locations where residential development should be clustered; locations where agriculture should be encouraged and where and how the natural resources and ecology of the DR/GR should be preserved. Since then there have been numerous reports and staff analyses that have provided further in-depth support for this new plan for the DR/GR area. They can be found at the following website... <http://www3.lee.gov/dcd/ComprehensivePlanning/SeLeeCounty.htm>

Estero’s Housing Permits Continue Slow Pace

During October 14 single family homes and 2 duplex units with a building value of \$3.0 million were permitted in Estero. This continued slowdown in construction of new homes should help reduce the inventory of unsold new homes constructed in Estero during 2005 when 2,833 units were permitted.

[Housing units permitted](#) during the first ten months of 2009 are slightly less than 2008 and far lower than all other year during the 10 years that the County has tracked Estero permits. The number of housing units permitted in Estero remains at rock bottom. 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 ten months of 2009 compares with the same period of the prior nine years:

Year	Annual Total Housing Units	Building Value of Units	Average Building Value Per Unit	Percentage of Single Family Units
2000	1861	\$259,965,981	\$139,692	41%
2001	1863	284,286,846	152,963	47
2002	1355	251,080,157	185,299	51
2003	1304	206,336,314	158,233	44
2004	1393	307,246,114	220,564	63
2005	2561	572,711,293	223,628	48
2006	1235	320,509,719	259,522	38
2007	416	116,889,675	280,985	36
2008	143	48,334,352	338,002	80
2009	137	42,671,061	311,468	78

Not only are the 2009 total housing units far below all prior years, they equal only 10% 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 higher than all years but 2008 and about 2.25 times (123% 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 Increases Very Slowly

During the first ten months of 2009 Estero building permits of all types continued at a very slow pace. The value of [commercial buildings](#) permitted in Estero during these ten months totaled \$9.25 million.

Year	Year to Date	Annual Total
2000	\$74,191,144	\$77,250,835
2001	36,770,251	44,116,526
2002	21,575,789	23,135,139
2003	17,809,178	23,234,725
2004	40,832,565	60,859,820
2005	71,014,931	111,037,977
2006	177,322,397	184,709,240
2007	152,471,225	157,614,045
2008	38,454,732	39,261,677
2009	9,250,703	?

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). Nonetheless, 2007 was still Estero's second highest commercial development year, far ahead of the third place year, 2005, with \$111 million. Commercial development in Estero has almost come to a complete halt this year, down 76% from last year (2008).

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

- \$2,793,000 in the [Coconut Point Town Center](#);
- \$1,270,000 for improvements to the Lee County Corkscrew Road Wellfield
- \$1,120,450 for [Miromar Outlets](#) expansion
- \$1,000,000 for a new bank in the [Coconut Trace Center](#)
- \$619,000 for Villages of Country Creek Water Storage System
- \$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.