

Estero Development Report

Volume 8, Number 2

Edited by ECCL--the Estero Council of Community Leaders

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

This Report is available on the Estero Fire Rescue website at www.esterofire.org
and the Estero Community website at www.esterofl.org

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

Date	Time	Event	Location
Tuesday, June 10th	5 p.m.	Monthly Meeting of the Estero Fire Rescue District. For further information see http://esterofire.org/	Estero Community Park, located on the south side of Corkscrew Road midway between Sandy Lane and River Ranch
Wednesday, June 11 th	9 a.m.	Hearing Examiner Hearing on the rezoning of the North Point development. This project is the 100 acre parcel on the northeast corner of US 41 and Williams Road. The Staff Report will be posted on the ECPP website at http://esterofl.org/ecpp/index.htm when it becomes available about one week before the meeting	Second Floor Hearing Room, Community Development Building, 1500 Monroe St. in downtown Ft. Myers
Wednesday, June 11 th	9 a.m.	Sierra Club Coffee with a report on the Lee County Fertilizer Ordinance public outreach and education program	Atrium Conference Room, 8695 College Parkway in Ft. Myers
Wednesday, June 11th	1:30 p.m.	DR/GR Steering Committee Meeting. This group is monitoring the DR/GR policy and planning process. Open to Public. For further information see http://www.lee-county.com/dcd/ComprehensivePlanning/SELeeCounty.htm	Lee County Community Development Building, 1500 Monroe St., Conference Room 1B, in downtown FT. Myers
Wednesday, June 11 th	5 p.m.	Estero Design Review Committee review of the following projects: See the full agenda at http://esterofl.org/edrc/agenda.asp .	Estero Community Park, located on the south side of Corkscrew Road midway between Sandy Lane and River Ranch
Friday, June 20 th	1p.m.	Estero Council of Community Leaders Monthly Meeting ... Open to the Public...for the full agenda see http://esterofl.org/eccl/minutes/	Estero Community Park, located on the south side of Corkscrew Road midway between Sandy Lane and River Ranch
Friday, June 20 th	1:30 p.m.	Lee County MPO Meeting. For detailed information see http://www.mpo-swfl.org/agendas.shtml about one week before the meeting.	1926 Victoria Street in downtown Ft. Myers
Wednesday, June 25th	1:30 p.m.	DR/GR Steering Committee Meeting. Open to public. This group is monitoring the DR/GR policy and planning process. For further information: http://www.lee-county.com/dcd/ComprehensivePlanning/SELeeCounty.htm	Lee County Community Development Building, 1500 Monroe St., Conference Room 1B, in downtown FT. Myers
Wednesday, June 25th	4:00 p.m.	ARTS ESTERO monthly meeting is open to the public	Estero Community Park, located on the south side of Corkscrew Road midway between Sandy Lane and River Ranch

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Estero Community Website

From January through April about 32,400 persons visited this site to learn about Estero. During the same period in 2007 only about 24,200 visited the site, thus our website traffic increased by 34% year to year. On the peak day this year 557 persons visited the site up from 300 in 2007.

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

Estero Community Improvement Foundation (ECIF) Begins Estero High School Landscaping

The ECIF has raised about \$22,000 for landscaping the northwest corner of River Ranch Road and Williams Road so that the ¾ mile chain link fence that surrounds Estero High School can be made to look much more attractive for the students and faculty of the school, all Estero residents and the thousands of visitors who travel Williams Road daily to and from Coconut Point.

This phase of the project will landscape two High School entrances along River Ranch Road and two along Williams Road. O'Donnell Landscaping has been contracted to implement the project. Last week the location of all the plantings were flagged. The trees and plants will be installed over the next month or two depending on when the rainy season begins.

We would like to thank Dan Dronkers and Jim Ramsburg, the ECIF project coordinators, for all their hard work in raising funds for the project, all who supported them by making contributions big and small and those who attended the ECIF's fund-raising events.

New Estero Post Office under Construction

Estero's new Post Office is under construction along the east side of Three Oaks Parkway just north of Corkscrew Road. This 4,000 square foot facility will house the Post Office's retail operations for Estero. The existing Post Office facility on east Broadway will continue to support mail delivery beginning with the existing 28 routes during the season and 23 routes during the summer months.

Thus far the site has been prepared, the underground utilities and floor have been completed and the cement block walls are close to completion. The building is scheduled to open for business on November 17, 2008

Meanwhile the leaders of the Estero communities along the north side of Estero Parkway....The Vines, Belle Lago, Osprey Cove and The Reserve of Estero... that now are served by the Ft. Myers Post Office, are seeking to be served by the far more accessible Estero Post office.

Florida Wildlife Federation (FWF) Awards ECCL The Conservation Organization of the Year Award

On April 16th the Florida Wildlife Federation notified the Estero Council of Community Leaders (ECCL) that it has won the organization's Conservation of the Year Award for 2008. The letter from FWF President Manley K Fuller, III announced the award in the following words:

"Congratulations! We are very happy to officially inform you that your organization has been chosen as the recipient of Florida Wildlife Federation's Conservation Organization of the Year Award for 2008. Your group was chosen by the Federation's Board of Directors to receive this award because of your outstanding efforts in building community partnerships, problem solving, and promoting solutions for Lee County's environment to leaders who ultimately made decisions and to the public."

The Award will be presented to the ECCL at FWF's Awards Banquet at the Collier Athletic Club, 710 Goodlette Road in Naples on Saturday, June 14th. Tickets are available by contacting FWF at (850) 656-7113 or by email at dhines@fwfonline.org .

Estero-Bonita Springs Leadership Meeting

On May 30th the Bonita Springs City Council and Mayor and the leadership of Estero's civic associations met for the seventh time over the last 2 plus years to discuss issues of common concern. Because of the Bonita Springs elections, including the Mayoral runoff election in April, the two communities had not met for six months, since November 30, 2007. As a consequence the focus of this meeting was upon bringing each community up-to-date on the activities of the other community on issues of common concern. The community's decided that they should meet twice per year in the future and develop mechanisms for cooperation and coordination between meetings.

The primary issues of common concern discussed at the meeting were:

- Seek to develop common positions and coordinate our joint response to the updated South Lee County Watershed Study now being implemented by Lee County and the South Florida Water Management District,
- Jointly explore implementing the Spring Creek recommendations of the 1999 South Lee County Watershed Study that have not been pursued by the Water District,

- Initiate an effort to see if the property owners along the Sandy Lane alignment of the segment between Coconut Point and Old 41 would contribute some funds to be used to begin the design of that road,
- Continue our dialog seeking to join forces in order to convince the Lee County MPO that the \$10 million that had been earmarked for the Coconut I-75 Interchange should be used for I-75 improvements at the Bonita Beach Road and Corkscrew Road Interchanges,
- Continue our joint efforts to convince Lee Memorial and , if necessary, other hospitals to provide a Freestanding Emergency Department in south Lee County as soon as possible,
- Coordinate the two communities understanding of the County's DR/GR planning study so that a common position can be presented to the BOCC in August,
- Continue to discuss any changes in the City's interest in annexation of any properties located within the two-mile buffer area in southern Estero and the efforts of Vote Estero to develop an incorporation proposal to be presented to the Legislative Delegation late this year for consideration during the 2009 legislative session,
- Coordinate the two community's interest in keeping the permitting and regulation of mining at the County and Municipal level and not have them preempted by the state,
- Seek to develop a joint effort to increase the representation of South Lee County on the Metropolitan Planning Organization (MPO).

Midtowne Estero Rezoning Hearing

On Wednesday, May 28th Diana Parker, the Chief Lee County Hearing Examiner, conducted an expedited Hearing for the Midtowne Estero development rezoning application. This 48 acre development, located on the southwest corner of Three Oaks and Corkscrew, is one of the most visible sites in Estero. If it is not done right it could be very detrimental to the overall success and property values of the Estero community.

In June 2007 this property was zoned for 90,000 square feet of commercial and 234 housing units along the south branch of the Estero River. The community and The Estero Community Planning Panel supported this zoning request with enthusiasm. While the Board of County Commissioners approved the zoning for the property they vigorously debated the developer's offer of a cash contribution for affordable housing in lieu of providing some of those units on the property, when the developer withdrew this request. Thus the zoning was approved without any provision for workforce housing.

The current zoning application would dramatically change the zoning on the property by:

- Increasing the amount of commercial on the property from 90,000 square feet to about 300,000 square feet including a 140,000 "Big Box" store, and
- Reducing the number of housing units from 234 to 92 units.

Unfortunately Lee County zoning staff has recommended approval of this proposal.

About 20 Estero residents and representatives of the Estero Community Planning Panel, the Estero Design Review Committee and the Estero Council of Community Leaders traveled to Ft. Myers and presented testimony to the Hearing Examiner in opposition to the rezoning application. The three primary objections raised in this testimony concerned the impact of the development upon the already dangerous traffic congestion in the area surrounding the

Corkscrew/Three Oaks intersection, the potential for downstream flooding especially in the County Creek and Pelican Sound communities and the “Big Box” store being inconsistent with the area west of Three Oaks Parkway and as a generator of much additional traffic.

Most testifiers urged the Hearing Examiner to recommend to the BOCC that they retain the present zoning for Midtowne Estero and find a way to deal with the workforce housing issue that prompted the rezoning effort in the first place. The following testimony provides the legal basis for rejecting the proposed rezoning:

- **Traffic Safety Problems:** It will create severe traffic conflict problems on both Corkscrew Road and Three Oaks Parkway around the entrances to the commercial part of the project. The limited entrances and exits to and from the commercial section of the development create the need for many dangerous u-turns at critical intersections,
- **Incompatibility:** The Estero design standards included in Section 33-100 of the Land Development Code requires that developments in Estero ...”fostering compatibility with surrounding developments”. The proposed big box is not consistent with all the other developments along Corkscrew Road west of Three Oaks parkway, whether built or zoned. All the others are small office and retail developments. Unlike the “Big Boxes” to the east this property is not located in an Interstate Overlay Zoning area. The rumored Home Depot store should be located in the recently approved big box site in the Corkscrew Crossing development just east of Estero Town Commons, the development where the Lowe’s store is sited,
- **Big Box Location:** The location of the “Big Box” store is inconsistent with Section 33-458 of the Land Development Code which states: “(2) Big box retail buildings must be placed away from residential areas”. The proposed Big Box site is immediately adjacent to the residential housing included in the development.
- **Flooding:** By August 28, 2008 the Lee County Board must adopt new FEMA flood maps. For the first time in history FEMA is creating flood control zones along Estero’s rivers and streams. The staff report puts the applicant on notice “that a major portion of the development is located within the floodway designated in the Flood Insurance Rate Map (FIS) but recommends allowing this development to be zoned prior to an analysis of the impact of these changes and without providing an opportunity for public input on the County staff’s decision on the impact of the new maps on the development. This is not right when that decision could have great impact on downstream flooding of properties along the south branch of the Estero River and the River itself.
- The location of the ‘Big box’ immediately adjacent to the south branch of the Estero River and the large parking lots necessary to service it raise serious questions about the appropriateness of this proposal. The staff report indicates that this proposal reduces the amount of open space by more than 2 acres, thus indicating a comparable increase in impervious surfaces.
- **Lack of Appearance Standards:** Unlike Estero’s other major multi-use developments the zoning does not require appearance standards to ensure that all of the buildings in the development are compatible from an architectural and appearance perspective,
- **Lack of Community Cooperation:** Although the developer made several appearances before the Community Planning Panel the comments and opposition of the community were not heard nor heeded,

The development is located in the Corkscrew Road Overlay District. As a result it is subject to the provisions of Sections 33-400 through 33-406 of the Land Development Code.

- **Serving Community Needs**: Section 33-402 of the Land Development Code provides as follows: “The Corkscrew Road and Sandy Lane district will be developed as the Estero Community’s Main Street, a corridor of architecturally appealing and attractively landscapeddevelopments that cater to the needs of the community.” Big box stores are not community shopping centers, they serve a regional market far beyond the boundaries of the community.
- **Inconsistent with Corner Lot Requirements**: Section 33-403, Corner Lots, requires that “the development must create visually and attractive street corners using distinctive building entryways in combination with landscaping or artwork.” Having a group of small stores with the rear of the stores facing the intersecting streets that create the corner is inconsistent with this provision.
- **Lacking Street Wall Commitment**: Section 33-406 provides setback requirements for this section of Corkscrew Road intended to make the corridor from Three Oaks Parkway to US 41 look like a main street with all the building being situated within 25 of the street right-of-way. In addition it encourages the development of a “street wall” by requiring the longer side of the building be parallel to Corkscrew and where possible the buildings be located close together. A tour of the street demonstrates that this provision is being met by the other developments in the corridor, but this not this proposal.

South Lee County Watershed Plan Update

On February 14th the South Florida Water Management District (SFWMD) agreed to undertake a comprehensive study, with Lee County as an equal partner, which will update the 1998 South Lee County Watershed Plan. This will allow all interested parties, including the City of Bonita Springs, to decide:

- the best way to handle flood waters in our area,
- if any and how many culverts should be installed under I-75 just east of The Brooks, and
- where and how the water should be directed to reduce flood dangers throughout South Lee County in a way that enhances the environment and water quality entering Estero Bay.

On May 8th staff of the SFWMD and Lee County Department of Natural Resources briefed the public, representatives of the City of Bonita Springs, ECCL, the Brooks Concerned Citizens, The Conservancy and Lee County Commissioner Ray Judah on the scope of work in the consulting contract for this important flood control study of our area in a workshop in the Bonita Springs City Council Chambers. All in attendance from Estero and Bonita Springs agreed that the study addressed all the concerns that both communities have raised during the scope development phase.

At the May 8th meeting Karen Brandon from Boyle Engineering, a hydrologic engineering consulting firm, was introduced as the lead consultant on the project. During the next two months Lee County and SFWMD will be working with the consultants to update the database for the study area. During this period all of the deficiencies in our knowledge about the watershed will be identified and the proposed research objectives will be outlined for consideration at another public meeting here in the watershed area.

At that time a schedule for completion of each of the research projects will also be presented and finalized. Additional public input sessions will be scheduled when significant research results become available.

The SFWMD and the consultants will post the progress of the study in a special section on the District's web site. The consultants have been in touch with our local representatives to tour the area and gain more updated information on development that has occurred in the area since the last study was completed. Finally, the SFWMD, the County and the consultants assured everyone that the updated plan will be completed by the May 14, 2009 deadline.

May DR/GR Advisory Committee Meetings

In September 2007, Lee County Commissioners adopted an Action Plan to study land use alternatives in the southeast Lee County Density Reduction/Groundwater Resource (DR/GR) area. As part of that plan, Dover, Kohl & Partners has been hired to gather input from property owners, local citizens and others; to use this input to develop land use scenarios for the Southeast Lee DR/GR; and to recommend Lee County Comprehensive Plan and Land Development Code changes to the Board of County Commissioners for their approval.

In addition the BOCC Appointed an Advisory Committee to provide a forum for all groups with an interest in the DR/GR to provide a local perspective and interact with the consultant and staff and make recommendations to the BOCC.

During May the Advisory Committee heard presentations on May 14th and 28th from experts on topics germane to the future use of the DR/GR.

On May 14th the Committee heard a presentation by Robert Renken and Kevin J. Cunningham of the U.S. Geological Survey regarding the scope of a proposed contract with the Lee County Division of Natural Resources to study wellfield protection in the DR/GR. The proposed contract is not a part of the DR/GR study being performed by Dover, Kohl and Partners. It stems from the recent updating of the Wellfield Protection ordinance, which prompted Commissioners to ask if the area around Lee County's wellfields could be affected by mining as in the recent investigation in the Lake Belt in Miami-Dade County. USGS investigated the movement of contaminants from mines to wellfields in Miami-Dade, and is proposing to do a similar study for Lee's wellfields in the DR/GR.

Mr. Renken noted the proposed work would not duplicate the existing land use contract with Dover Kohl & Partners, but could enhance the water modeling subcontract. He pointed out that land use and water issues in the DR/GR are linked. The purpose of the proposed USGS contract is to develop a conceptual hydrogeologic framework of the physical system – the natural “plumbing” of the DR/GR – to study groundwater flow from mines to wells and from well to well. The second purpose is to assess the susceptibility of the wellfields to contamination. The model will take into consideration the time it takes for water to travel and the distance it will travel under certain circumstances. For further information on this presentation see <http://www.lee-county.com/dcd/Agendas/DRGR/Minutes/may142008.pdf> .

On May 28th the Committee heard a presentation by Howard Wegis of Lee County Utilities about the County's water supply, a large proportion of which is extracted from the DR/GR, where three major County well-fields are located. Lee County residents consume about 30 million gallons of water per day with about 20 million gallon per day coming from the DR/GR.

Mr. Wegis's informative power point presentation on our water supply can be found at http://www.lee-county.com/dcd/CommunityPlans/SELC_DRGR/LCUWaterSupplyCapacity.pdf .

Several other informative presentations about resources in the DR/GR and the water system of which it is a part can be found at the following website: http://www.lee-county.com/dcd/CommunityPlans/SELC_DRGR/ReportsRelatedDocs.htm .

On June 11th the Advisory Committee will meet with Jerry Keener, a facilitator that the County has used for Comprehensive Planning meetings to start to plan the Committee's effort to develop recommendations for the BOCC after reviewing the Consultants Draft Report expected to become available to the Committee and the public about July 1st.

On June 25th the Committee will hear presentations from Kirk Martin, a committee member and a geologist, Jim Beever of the Southwest Florida Regional Planning Commission who will talk about reclamation in the DR/GR and Dr. Richard Weisskoff, a regional economist and author from the University of Miami, who will talk about the demand and supply of aggregate in the southwest Florida market.

During July the Committee will intensively review the Consultants Report and staff recommendations for changes in the Lee Plan and the Land Development Code and develop some recommendations for the BOCC regarding plans, rules and regulations that would guide the future use of the DR/GR.

During August the BOCC will review the Consultant's Report, the Advisory Committee recommendations and the Lee Plan and Land Development Code amendments.

Last month's edition of the Estero Development Report provided detailed information on the work of Dover Kohl, the County's DR/GR planners, while they were here doing their local research in April...to view this report see [http://esterofl.org/eccl/EDR/estero_development_report_april_2008.htm#Public Participation in DR/GR Planning Sessions](http://esterofl.org/eccl/EDR/estero_development_report_april_2008.htm#Public_Participation_in_DR/GR_Planning_Sessions) .

To learn more about the Southeast Lee DR/GR study, go to: http://www.lee-county.com/dcd/CommunityPlans/SELC_DRGR/subcommittee.htm

To view the consultant's "Work in Process" presentation that summarizes what they learned during their week in Lee County go to the bottom of the following webpage... http://www.lee-county.com/dcd/CommunityPlans/SELC_DRGR/DoverKohl.htm .

Lee County Adopts First Fertilizer Ordinance

On May 13th the Board of County Commissioners approved the County's first ordinance regulating the use of fertilizer by professionals and the public in order to improve the quality of the water flowing in our rivers, streams, estuaries and bays. The final ordinance had undergone many revisions over the past year, generally strengthening its provisions. The ECCL and the Brooks Concerned Citizens worked with several environmental groups and county staff and Commissioners to improve the ordinance and in the end supported the legislation as passed. We congratulate the Board and county staff for their good work and support for this measure.

The purpose of the Ordinance is to reduce the amount of nutrients (nitrogen and phosphorus) that runs off into our waterways. If we can reduce this runoff we will be able to start reversing the degradation of our rivers, streams and bays.

The main features of the Ordinance are:

- Everyone who applies fertilizer is covered and will be required to adhere to the legislation,
- The legislation establishes a one year implementation period, during which professional landscapers must get certified. There will be no penalties enforced during this period,
- It establishes a black out period where no fertilizers can be used between June 1st and September 30th each year,
- All fertilizers must contain: at least 50% slow release fertilizers, no more than 4 pounds of nitrogen and no more than ½ pound of phosphorus per 100 square feet per year,
- No fertilizers may be distributed within 10 feet of any water body,
- All fertilizer spreaders must have deflector shields,
- The County will develop a public education program that will include instructional signs in all stores that sell fertilizers,
- After the first year fines for violation of the ordinance will be:
 - First violation... \$100
 - Second Violation... \$250
 - Third Violation and thereafter...\$500

The City of Bonita Springs does not yet have a fertilizer ordinance but will soon be considering one similar to the County Ordinance.

Estero’s Housing Permits Continue Stall

During April only 7 housing units, five single family homes and one duplex, with a value of \$1.89 million were permitted in Estero. The first four months of 2008 continue the downward trend in new housing construction in Estero that began two years ago, in the spring of 2006.

[Housing units permitted](#) during 2007 were by far the lowest in the 9 years that the County’s system has tracked Estero’s permits. It would appear that 2008 will be much lower than that minimum performance

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 the first four months of 2008 compare with the prior eight 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	207,175,802	195,265	43

2006	648	143,344,385	221,210	19
2007	258	66,051,728	256,015	31
2008	47	16,486,400	350,774	87

Not only are the 2008 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 and is down by 82% from last year.

On the other hand the average building value, excluding the land beneath it, continues to increase, up 37% from the prior high set last year and over two and one-half times the average in 2000.

Permitted Commercial Building Values Continue Slow Growth

First four months building permits of all types continued at a very slow pace. The value of [commercial buildings](#) permitted in Estero during the four months totaled \$20.4 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	?

As the above table indicates Estero commercial development started to expand rapidly in 2004, peaking 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. Thus far 2008 is running ahead of 2005. While it has slowed considerably since last year Estero's commercial growth is far from over.

During the first four months the major projects that contributed to the year to date totals are:

- \$10.19 million for the Hyatt Garden Hotel at Coconut Point
- \$6.13 million in the [Coconut Point Town Center](#);
- \$3.32 million for [Miromar Outlets](#) expansion
- \$1.06 million for Lee County Utilities
- \$217,000 in the Estero Ridge Shopping Center
- \$241,600 in Estero Town Commons
- \$160,000 in the [Brooks Town Center](#) (retail) at Coconut Road and Three Oaks Parkway
- \$129,000 in the [International Design Center](#)

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