

Estero Development Report

Volume 9, Number 9, Issued April 1, 2010

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/>

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

| Date | Time | Event | Location |
|--------------------------|--------------|--|---|
| Tuesday, April 13th | 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, April 14th | 5 p.m. | Estero Design Review Committee meeting. See the full agenda at http://esterofl.org/edrc/agenda.asp . | Estero Community Park |
| Friday, April 16th | 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, April 16th | 1 p.m. | Estero Council of Community Leaders (ECCL) Meeting...for the agenda see... http://esterofl.org/eccl/agenda.asp | Estero Community Park |
| Monday, April 19th | 6 p.m. | Estero Community Planning Panel. For the agenda see... http://esterofl.org/ecpp/ecpp_meetings.htm | Estero Community Park |

Index

| Page | Subject |
|------|---|
| 1 | Calendar |
| 2 | Estero Community Website |
| 2 | Lee County Board (BOCC) Vote to Send Three DR/GR Comprehensive Plan Amendments to the State for Compliance Review |
| 4 | South Lee County Hospital Committee Update |
| 6 | Vote Estero Seeks "Straw Vote" on Estero Incorporation on November Ballot |
| 7 | ECCL Encourages Estero Fire District On Merger and Contract Negotiations |
| 8 | Estero's Housing Permits Continue Slow Pace |
| 8 | 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)

Lee County Board (BOCC) Vote to Send Three DR/GR Comprehensive Plan Amendments to the State for Compliance Review

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 from the plan the “rural communities” located along Corkscrew Road and on the Edison Farms property. 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 may 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 was characterized in all the current planning documents as a Priority One Conservation Area.

Next Steps

The timeline of the DCA approval process is as follows:

DCA will review the information submitted by the County to determine if it is complete. Once complete they will send the County a “sufficiency letter”. When DCA finds the package sufficient, they have 45 days in which to issue a "Notice of Intent."

The Notice will either find the amendments in compliance or not in compliance.

If the Notice is for noncompliance, it will be forwarded to the Division of Administrative Hearings and an Administrative Hearing process will be started. In this proceeding, the plan amendment is considered to be not in compliance and the burden of proof lies upon the County to prove that it does in fact comply.

If the Notice is for compliance, there is a 21 day window for any affected party to challenge the notice and petition for an Administrative Hearing. In this proceeding, the plan amendment is considered to be in compliance and the burden of proof to show that it does not comply is on the challenger.

The Administrative hearing process is like any other law suit and settlements are always a possibility. If it proceeds through the entire process, the final decision is made by the Governor and his cabinet.

A settlement or a final order from the Governor will more than likely require additional plan amendments to enact the settlement or final order.

In addition, there are several parts of the DR/GR Comprehensive Plan that will require the Board to adopt amendments to the Lee County Land Development Code (LDC). These will include County Board approval of 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 development rights would still be able to farm, conserve, rehabilitate or sell those lands after being compensated for the residential development rights that they have sold.

Background

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 beginning at 10 a.m. 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.

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.

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.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'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.leegov.com/dcd/ComprehensivePlanning/SeLeeCounty.htm>

South Lee County Hospital Committee Update

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 April 9th the Committee will visit another FED in Largo, Florida followed by its monthly meeting on April 15th.

Committee History and Background

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.

The Hospital Committee is hopeful that the timetable proposed by the two Hospital Systems can be shortened so that it could be presented to the community prior to the end of the “season”.

On January 15 the Committee met with Kim Dickerson, the executive that manages the Lee County EMS system, to learn about their operations and how they interact with the Hospital systems while serving south Lee County. Mrs. Dickenson provided the Committee with detailed information about all the patients that have been transported by EMS to all area hospitals over the last two years.

The EMS data indicates that the system received nearly 8,300 emergency calls from residents of the Bonita Springs and Estero Fire District area during 2008 and 2009. Over half of those that

we transported by ambulance were sent to the NCH's North Naples Hospital on Immokalee Road. About 80% of these patients were Bonita residents. While nearly 1,000 Estero residents went to NCH's North Naples Hospital about 600 Estero residents were admitted to each of Lee Memorial Health Park and Lee's Gulf Coast Hospital.

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 .

Earlier this year the prospects for a 24/7 Free-standing Emergency Department in the Bonita Community Health Center (BCHC) looked very bright. 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.

Vote Estero Seeks "Straw Vote" on Estero Incorporation on November Ballot

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.

ECCL Encourages Estero Fire District On Merger and Contract Negotiations

On March 19th the Estero Council of Community Leaders (ECCL) approved the following letter to the Estero Fire Rescue Board encouraging them to continue to pursue merger of the district with the Bonita and San Carlos Park Fire Districts and to diligently “negotiate a new contract (with its labor union) that is consistent with the ability and willingness of Estero’s taxpayers to support the District’s quality services and programs”.

The letter follows:

“March 19, 2010

The following letter was approved unanimously by the members of the Estero Council of Community Leaders at their meeting today:

Dear Estero Fire District Commissioner:

At the meeting of the Estero Council of Community Leaders (ECCL) on March 19, 2010 the members voted to send you this letter to convey our thoughts about the need to continue implementation of consolidation of the three south Lee County Fire Districts, San Carlos Park, Estero and Bonita Springs and the pending fire fighters union contract negotiations in conjunction with the development of the District’s 2011 budget.

First of all the members of ECCL wish to express our respect and confidence in the Estero Fire Commission, its members and Fire Chief Scott Vanderbrook. We look forward to working with you as you seek ways to continue to provide the community with top-quality fire services throughout an extended period of declining revenues.

The ECCL urges you to provide the leadership necessary to obtain the cooperation of the other two fire districts in order to realize maximum potential cost savings and other benefits from the proposed Fire District consolidation. While the quality of the consulting services on consolidation was not what any of us expected and there are a number of important questions that must be answered before proceeding, we urge you to diligently pursue those answers and adopt a plan and a strategy for moving ahead on this most important project.

As we have indicated previously we believe there should be more public involvement in this process and we stand ready to work with you to insure that it is meaningful.

We are concerned that the momentum that you had established for consolidation has waned and will be lost if the three Chiefs and their respective Boards do not provide effective and forceful leadership at this critical time.

We recognize this is a complex, time-consuming, challenging and difficult policy decision. Please be assured that the ECCL stands ready to support all responsible recommendations that lead to more efficient and effective Fire and Emergency Medical services for Estero.

We also note that the District's labor contracts will soon be expiring. It is the perception of most in the community that the wages and benefits in the existing contract are quite generous, especially in this time of widespread economic distress. This situation in conjunction with the declining revenues of the District suggest that the Board and the Fire Chief must negotiate a new contract that is consistent with the ability and willingness of Estero's taxpayers to support the District's quality services and programs. We urge you to conduct this process as much as possible in the sunshine so that the voting public is fully apprised of the alternatives and their consequences for both taxes and services.

As always, the ECCL appreciates your hard work and stewardship. We look forward to our continuing supportive relationship and our mutual goals for the residents of Estero. Thank you in advance for your cooperation."

Estero's Housing Permits Continue Slow Pace

During February 15 single family homes and 4 duplex units with a building value of \$2.8 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](http://www.lee-county.com/dcd/Reports/EsteroReports.htm) during 2010 are slightly higher than 2008 and 2009 but lower than all other years during the 11 years that the County has tracked Estero permits. The number of housing units permitted in Estero remains near 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 2010 compares with the same year to date period during the last ten years:

| Year | Annual Total Housing Units | Building Value of Units | Average Building Value Per Unit | Percentage of Single Family Units |
|-------------|-----------------------------------|--------------------------------|--|--|
| 2000 | 329 | \$42,541,070 | \$129,304 | 32% |
| 2001 | 289 | 48,480,616 | 167,753 | 57 |
| 2002 | 191 | 354,231,265 | 184,457 | 56 |
| 2003 | 376 | 58,389,301 | 155,291 | 31 |
| 2004 | 248 | 46,184,756 | 186,229 | 76 |
| 2005 | 491 | 104,218,898 | 212,258 | 43 |
| 2006 | 165 | 35,590,117 | 215,698 | 27 |
| 2007 | 139 | 34,406,017 | 247,525 | 20 |
| 2008 | 37 | 12,238,274 | 330,764 | 89 |
| 2009 | 31 | 11,988,196 | 386,716 | 74 |
| 2010 | 38 | 7,277,277 | 191,507 | 79 |

Not only are the 2010 total housing units far below all prior years, they equal only 20% of the quantity during 2002, the season immediately following the tragedy of 9/11/2001.

Permitted Commercial Building Increases Very Slowly

During January and February 2010 Estero building permits of all types continued at a very slow pace. The value of [commercial buildings](#) permitted in Estero during January and February totaled only \$360,340, the smallest total since 1999.

| Year | Year to Date | Annual Total |
|------|--------------|--------------|
| 2000 | \$6,224,692 | \$77,250,835 |
| 2001 | 10,191,033 | 44,116,526 |
| 2002 | 1,913,907 | 23,135,139 |
| 2003 | 1,011,631 | 23,234,725 |
| 2004 | 1,079,434 | 60,859,820 |
| 2005 | 5,214,576 | 111,037,977 |
| 2006 | 56,324,955 | 184,709,240 |
| 2007 | 33,162,359 | 157,614,045 |
| 2008 | 15,674,464 | 39,261,677 |
| 2009 | 3,628,999 | 9,752,556 |
| 2010 | 360,340 | ? |

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, down 99.9% from 2006.

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

- \$137,880 in the [Coconut Point Town Center](#);
- \$10,000 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.