

1 VILLAGE OF ESTERO, FLORIDA

2
3 RESOLUTION NO. 2015-33

4
5 A RESOLUTION OF THE VILLAGE COUNCIL OF THE
6 VILLAGE OF ESTERO, FLORIDA, STATING THE
7 OPPOSITION OF THE VILLAGE OF ESTERO TO FURTHER
8 DEVELOPMENT IN THE DR/GR COMMUNITY PLANNING
9 DISTRICT OF LEE COUNTY WITHOUT FIRST
10 CONDUCTING A COMPREHENSIVE TRANSPORTATION,
11 ENVIRONMENTAL, AND WILD LIFE STUDY CONCERNING
12 FURTHER DEVELOPMENT IN THE DR/GR EAST OF THE
13 BOUNDARIES OF THE VILLAGE OF ESTERO; AND
14 PROVIDING AN EFFECTIVE DATE.
15

16 WHEREAS, the Village of Estero was incorporated by referendum held on November 4,
17 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the
18 Village of Estero ("Charter") created by Ch. 2014-249, Laws of Florida; and
19

20 WHEREAS, the Charter provides that the Village Council shall have the broadest
21 exercise of home rule powers permitted under the state Constitution and the laws of the state; and
22

23 WHEREAS, Section 12(6) of the Charter provides that: "Until such time as the Village
24 adopts a comprehensive plan, the Lee County Comprehensive Plan, as it exists on the day that
25 the Village commences corporate existence, shall remain in effect as the Village's transitional
26 comprehensive plan."; and
27

28 WHEREAS, Policy 19.5.4 of the Estero Community Plan, which is a part of Goal 19 of
29 the Lee County Comprehensive Plan ("Lee Plan") which has now become the Estero
30 Transitional Comprehensive Plan, provides that "The Estero Community attaches great
31 importance to the integrity of provision in the Lee Plan and the Land Development Code with
32 respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with
33 respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of
34 place and character of Estero"; and
35

36 WHEREAS, The Vision for 2030 Statement which is Part I of the Lee Plan/Estero
37 Transitional Comprehensive Plan, provides with respect to the DR/GR, in part, at Paragraph 18
38 that: "Residential and Commercial Development will not be significantly increased except in
39 very limited areas where development rights are concentrated by this plan. Some existing
40 farmlands will be restored to natural conditions to increase the natural storage of water and
41 improve wildlife habitat"; and
42

43 WHEREAS, The Lee County Department of Community Development ("DCD") has
44 recommended the approval of two privately originated amendments to the Lee Plan with respect
45 to large-scale planned development proposals in the DR/GR east of the Village of Estero
46 boundaries by the name of Wild Blue and Corkscrew Farms; and

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

WHEREAS, The Lee Plan amendments recommended for approval by the DCD includes the adoption of a new “Environmental Enhancement and Preservation Communities Overlay” (“EEPCO”) in the DR/GR which provides for a plan to restore and protect important natural resources in the DR/GR as an alternative to the Transfer of Development Rights Program which most experts will agree has failed to incentivize developer participation and protect the environment in the DR/GR; and

WHEREAS, The DCD planned EEPCO contains incentives to protect and enhance shallow aquifers in the DR/GR by requiring new planned developments in such overlay to implement a hydrological restoration plan to restore and improve regional flow ways, and to preserve wetlands, and other ground water resources, and further requires a significant percentage of the lands in such planned developments to be preserved and to provide for wildlife connectivity; and

WHEREAS, The DCD planned EEPCO requires each planned development to mitigate traffic impacts and to provide its proportionate share of the costs of needed roadway improvements to be determined based on a transportation study of collective traffic impacts to be completed by July of 2017, well after the planned approval of such planned developments and the initial start of construction thereof; and

WHEREAS, The DCD planned EEPCO would reward development plans that comply with the provisions of the new EEPCO with residential development densities of up to a maximum of 1 unit per acre for Tier 1 lands within the Priority Restoration Strategy (the highest level of environmental criticality for restoration) instead of the normal 1 unit per 10 acres as currently allowed; and

WHEREAS, The planned development proposals for Wild Blue and Corkscrew Farms, would allow such developments to have a maximum density of 1100 units for Wild Blue and 1325 units for Corkscrew Farms, which, along with other planned or approved residential developments along the Corkscrew Road corridor, will likely create significant increased traffic on Corkscrew Road and Ben Hill Griffin Parkway; and

WHEREAS, The Lee County Local Planning Agency has voted affirmatively to recommend that both such proposed amendments to the Lee Plan be transmitted to the State Department of Economic Opportunity (“DEO”), and the Lee County Board of County Commissioners (“BOCC”) has voted in the affirmative to transmit the Wild Blue proposed amendment to the Lee Plan to the DEO; and

WHEREAS, The BOCC will hold a hearing on the transmittal of the amendment to the Lee Plan proposed by Corkscrew Farms at their meeting on June 17, 2015; and

WHEREAS, The addition of a maximum of 2425 total units in the DR/GR to the east of the boundaries of the Village of Estero, when combined with the existing and already planned additional residential units on Corkscrew Road east of I75 are likely to cause significant traffic and safety impacts on the Village of Estero and its residents; and

93
94 **WHEREAS**, The environmental benefits to be derived from the EEPOC restoration of
95 flow ways, and other protection of wild life, wetlands and ground water resources, will not
96 outweigh the costs to society which will be caused by additional sprawl and development into
97 the DR/GR to the east of the Village of Estero.
98

99 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,
100 Lee County, Florida:
101

102 **SECTION ONE.** The Village Council hereby determines that it is in the best interests
103 and welfare of the Village and its residents to declare its opposition to the approval of the
104 development proposals for Wild Blue and Corkscrew Farms by the Lee County BOCC; and
105

106 **SECTION TWO.** In light of the serious and long-lasting negative impacts which
107 would be created by the urban sprawl resulting from such development proposals, and which the
108 Village Council finds would clearly outweigh any benefits to the environment and wildlife, the
109 Village Council hereby, and with all due respect, urges the Lee County BOCC to disapprove
110 both the amendments to the Lee Plan and the planned development proposals sought by both
111 Wild Blue and Corkscrew Farms.
112

113 **SECTION THREE.** In the event that the Lee County BOCC determines that they will
114 approve such amendments to the Lee Plan, the Village Council respectfully urges the BOCC to
115 delay and defer any action on the planned development proposals for Wild Blue and Corkscrew
116 Farms until a comprehensive study of the collective impacts on the roadways east of I75, and of
117 the effects of such planned development density on the environment and wildlife in the DR/GR
118 can be completed, and the major traffic and safety impacts on the residents of the Village of
119 Estero can both be determined and funding provided to alleviate such adverse impacts.
120

121 **SECTION FOUR.** This Resolution shall take effect immediately upon adoption.
122

123 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 3rd
124 day of June, 2015.
125

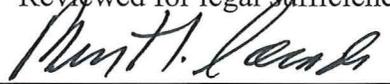
126
127 Attest:

VILLAGE OF ESTERO, FLORIDA

128
129 By: 
130 Kathy Hall, MMC
131 Village Clerk
132

By: 
Nicholas Batos
Mayor

133 Reviewed for legal sufficiency:

134
135 By: 
136 Burt Saunders, Esq.
137 Village Attorney