

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 **WHEREAS**, The Lee Plan amendments recommended for approval by the DCD includes
49 the adoption of a new “Environmental Enhancement and Preservation Communities Overlay”
50 (“EEPCO”) in the DR/GR which provides for a plan to restore and protect important natural
51 resources in the DR/GR as an alternative to the Transfer of Development Rights Program which
52 most experts will agree has failed to incentivize developer participation and protect the
53 environment in the DR/GR; and
54

55 **WHEREAS**, The DCD planned EEPCO contains incentives to protect and enhance
56 shallow aquifers in the DR/GR by requiring new planned developments in such overlay to
57 implement a hydrological restoration plan to restore and improve regional flow ways, and to
58 preserve wetlands, and other ground water resources, and further requires a significant
59 percentage of the lands in such planned developments to be preserved and to provide for wildlife
60 connectivity; and
61

62 **WHEREAS**, The DCD planned EEPCO requires each planned development to mitigate
63 traffic impacts and to provide its proportionate share of the costs of needed roadway
64 improvements to be determined based on a transportation study of collective traffic impacts to be
65 completed by July of 2017, well after the planned approval of such planned developments and
66 the initial start of construction thereof; and
67

68 **WHEREAS**, The DCD planned EEPCO would reward development plans that comply
69 with the provisions of the new EEPCO with residential development densities of up to a
70 maximum of 1 unit per acre for Tier 1 lands within the Priority Restoration Strategy (the highest
71 level of environmental criticality for restoration) instead of the normal 1 unit per 10 acres as
72 currently allowed; and
73

74 **WHEREAS**, The planned development proposals for Wild Blue and Corkscrew Farms,
75 would allow such developments to have a maximum density of 1100 units for Wild Blue and
76 1325 units for Corkscrew Farms, which, along with other planned or approved residential
77 developments along the Corkscrew Road corridor, will likely create significant increased traffic
78 on Corkscrew Road and Ben Hill Griffin Parkway; and
79

80 **WHEREAS**, The Lee County Local Planning Agency has voted affirmatively to
81 recommend that both such proposed amendments to the Lee Plan be transmitted to the State
82 Department of Economic Opportunity (“DEO”), and the Lee County Board of County
83 Commissioners (“BOCC”) has voted in the affirmative to transmit the Wild Blue proposed
84 amendment to the Lee Plan to the DEO; and
85

86 **WHEREAS**, The BOCC will hold a hearing on the transmittal of the amendment to the
87 Lee Plan proposed by Corkscrew Farms at their meeting on June 17, 2015; and
88

89 **WHEREAS**, The addition of a maximum of 2425 total units in the DR/GR to the east of
90 the boundaries of the Village of Estero, when combined with the existing and already planned
91 additional residential units on Corkscrew Road east of I75 are likely to cause significant traffic
92 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.
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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: Kathy Hall
130 Kathy Hall, MMC
131 Village Clerk
132

By: Nicholas Batos
Nicholas Batos
Mayor

133 Reviewed for legal sufficiency:
134
135 By: Burt H. Saunders
136 Burt Saunders, Esq.
137 Village Attorney