



# KINGSTON: A Case Study & Impacts

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INNER LOOP WORKING  
GROUP, INC.

# Timeline of Property

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2007-2014

Mining rezoning filed to extract from 1,727 in a 4.202 acre tract by Old Corkscrew Plantation

Mining application included compensatory water storage, redirect flow south, 1,694.5 acres open-space, 578.1 acres roads

Rejected, appealed & granted, not acted until 2011; resubmitted & rejected, appealed

2014-2019

Bankruptcy filed in 2014, reorganized as Dearborn Street Holdings, land purchased for <\$50 mil

Sold to Corkscrew Grove in 2016, affiliate of Kings Ranch for almost <\$30 mil

2016 sale was a <\$20 mil loss from 2014 bankruptcy reorganization

2019-2021

Corkscrew Grove sought mining permit (post-Troyer), rejected by Lee Co.

Fuller Ruling in favor of Corkscrew Grove v. Lee Co., approve mining with conditions or declaratory relief (denial inconsistent with Comprehensive Plan)

Bert Harris Claim Letter Appraisal prepared for Corkscrew Grove sent to Lee County

2021-2022

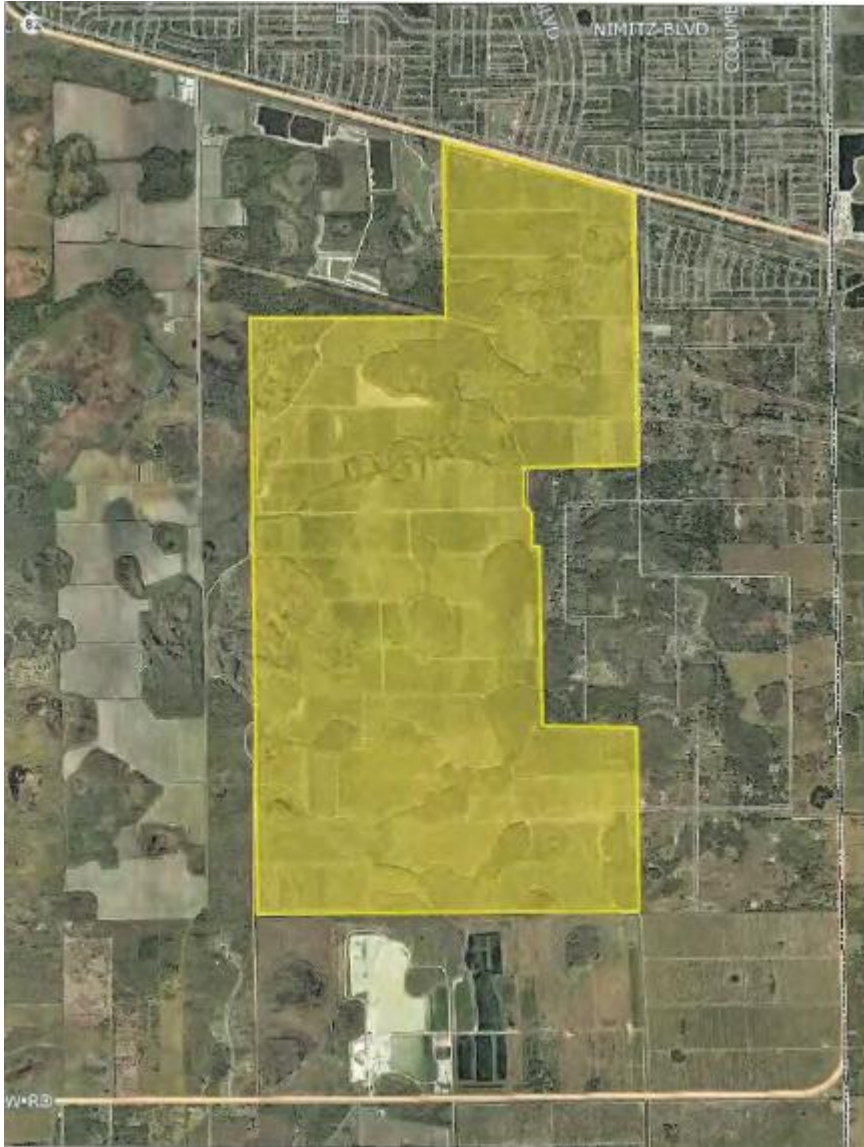
Cameratta approached County with purchase offer & lobbied extensively with County Staff Nov. – Jan.

Settlement Agreement signed in BoCC closed session April 19, no public input was given in the creation of the development plan or solution

Public Hearing May 17  
Final BoCC June 22  
Court Hearing Approval Aug 31  
Next Hearing Nov 8

# Subject Property: Claims Letter & Appraisal

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- 2007 mining rezoning filed to extract from 1,727 in a 4.202 acre tract by Old Corkscrew Plantation
- No frontage on Corkscrew Road
- No inclusion of the additional +2,400 acres to the south & across Corkscrew Road

# Bert Harris History

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## WHAT IT WAS SUPPOSED TO DO

- Enacted in 1995 to protect private property from harm due to government action
- A “takings” law with lower threshold
- Provides process including court approval
- Opportunity for settlement

## WHAT IT ACTUALLY DOES

- Single most damaging piece of legislation impacting Florida’s environment
- Threats of Bert Harris and claims undermine adherence to the fidelity of comprehensive plans by officials
- Legal channel usurps and short-circuits regular comprehensive plan process
- Public oversight requires legal counsel



How KINGSTON  
was “pitched” to  
the public:

*a mine or a city*

“It’s like choosing between  
a bullet to the heart or a  
bullet to the head.”

-resident, Wildcat Farms

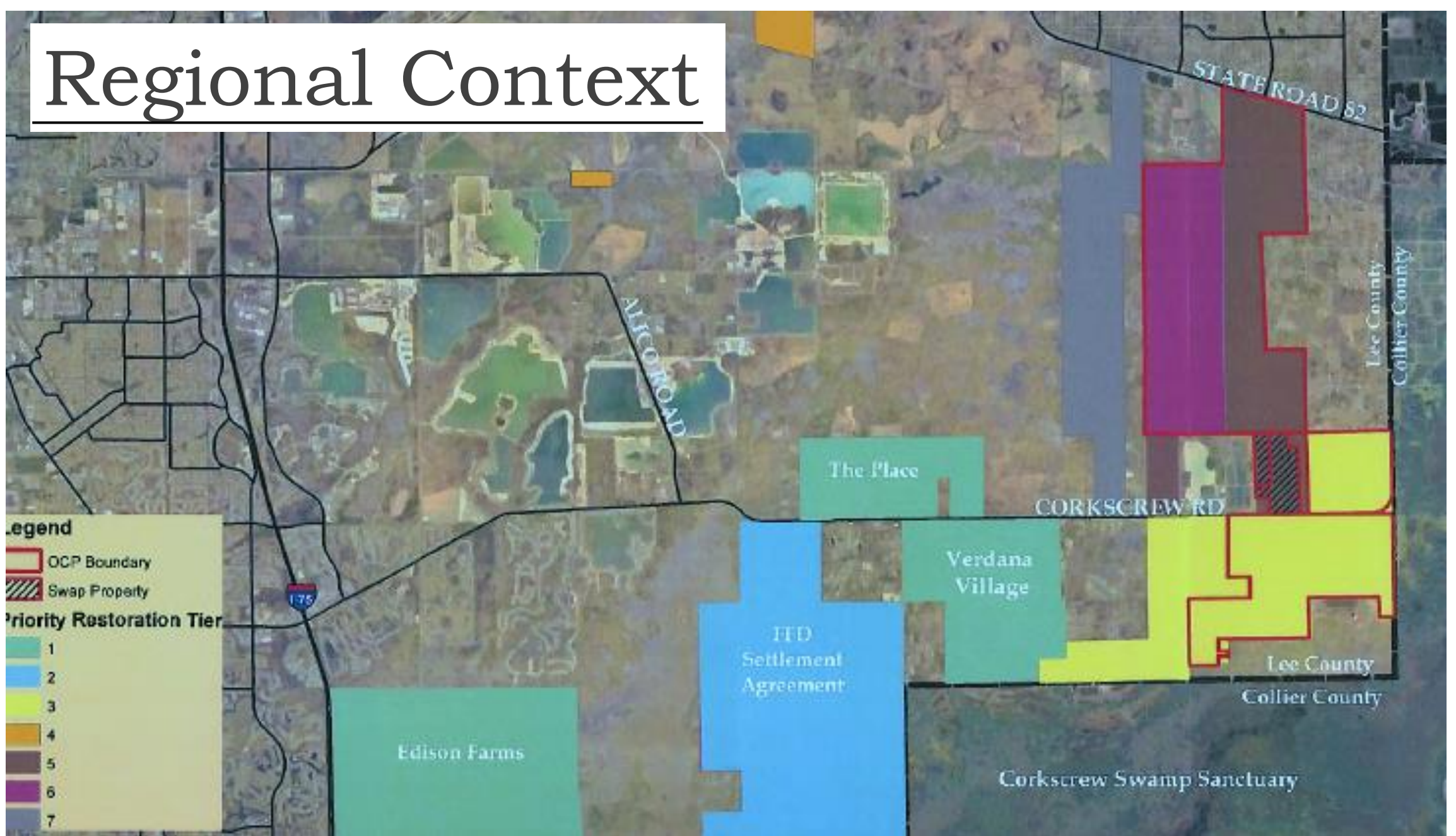


# Notice, Opposition & Public Hearing

- within 750 feet were mailed notice, directed to go to County Attorney's Office to physically see the file or call a number, same notice in News Press
- No hearing posted on Hearing Examiner's calendar, HEX office directed citizens to County Attorney
- Those who called were told to "choose between a mine or a Kingston", repeated by Commissioner Hamman on TV & media
- Few members of the public were provided internet links or computer files: links broken, changing
- Calusa Waterkeepers, The Conservancy and citizens expressed concern regarding lack of opportunity for meaningful public input due to absence of documents for review, time inadequacies, access and deviation from regular comprehensive planning process as documented in letters and emails
- Cameratta Co. sent an email to concerned groups and citizens DISCOURAGING public input after the HEX public hearing, before BoCC meetings



# Regional Context



# Narrowed Scope

“If the settlement contravenes a statute, the circuit court must ensure the relief: (1) protects the public interest served by the contravened statute, and (2) is necessary to prevent an inordinate burden to the property.”

“the relief is necessary to prevent an inordinate burden to the property owner from the regulation is outside the scope of the Hearing Examiner’s authority. This finding must be made by the board.”

“the Agreement contravenes certain Lee Plan Policies and Land Development Code provisions. Inconsistency with the Lee Plan also contravenes state statutes that require development approvals to be consistent with the local comprehensive plan.”



Not ***one single thing*** in the KINGSTON development has changed to reflect public input.

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“scope of review is limited to a determination of whether the Agreement protects the public interest served by the County’s land development regulations.”



What are the concerns of the public?

# Traffic

- Traffic safety
- Congestion/I-75 spillage
- Road Construction
- Emergency services
- Arterial road access
- Seriousness of the accidents due to 2-lane road
- Inconsistencies in the Concurrency Report, projected increase v. capacity
- Construction Phase to begin 2031-2035 Alico to Verdana ONLY (link below)

<https://img1.wsimg.com/blobby/go/aa4ccad2-fa05-4a0b-8e4b-ce91a4a3b53c/downloads/6.22.22BoCCAgendaCPA2022-0004CorkscrewAlicoVer.pdf?ver=1664118478268>





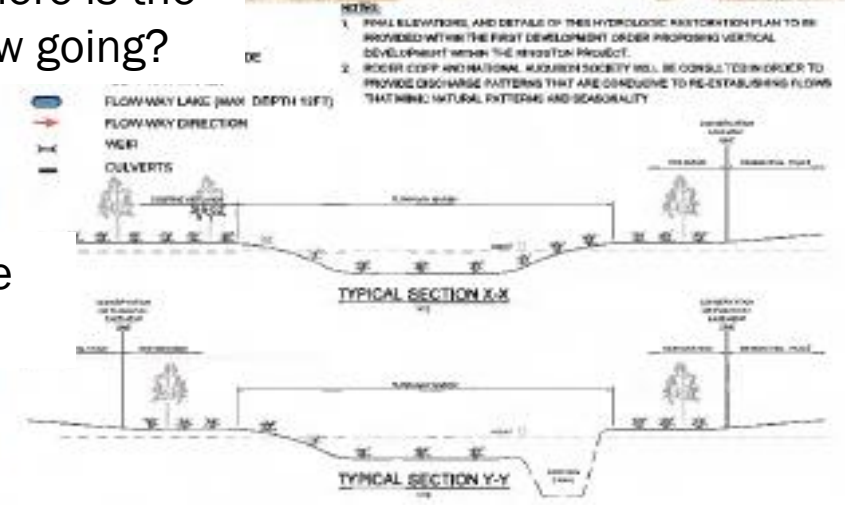
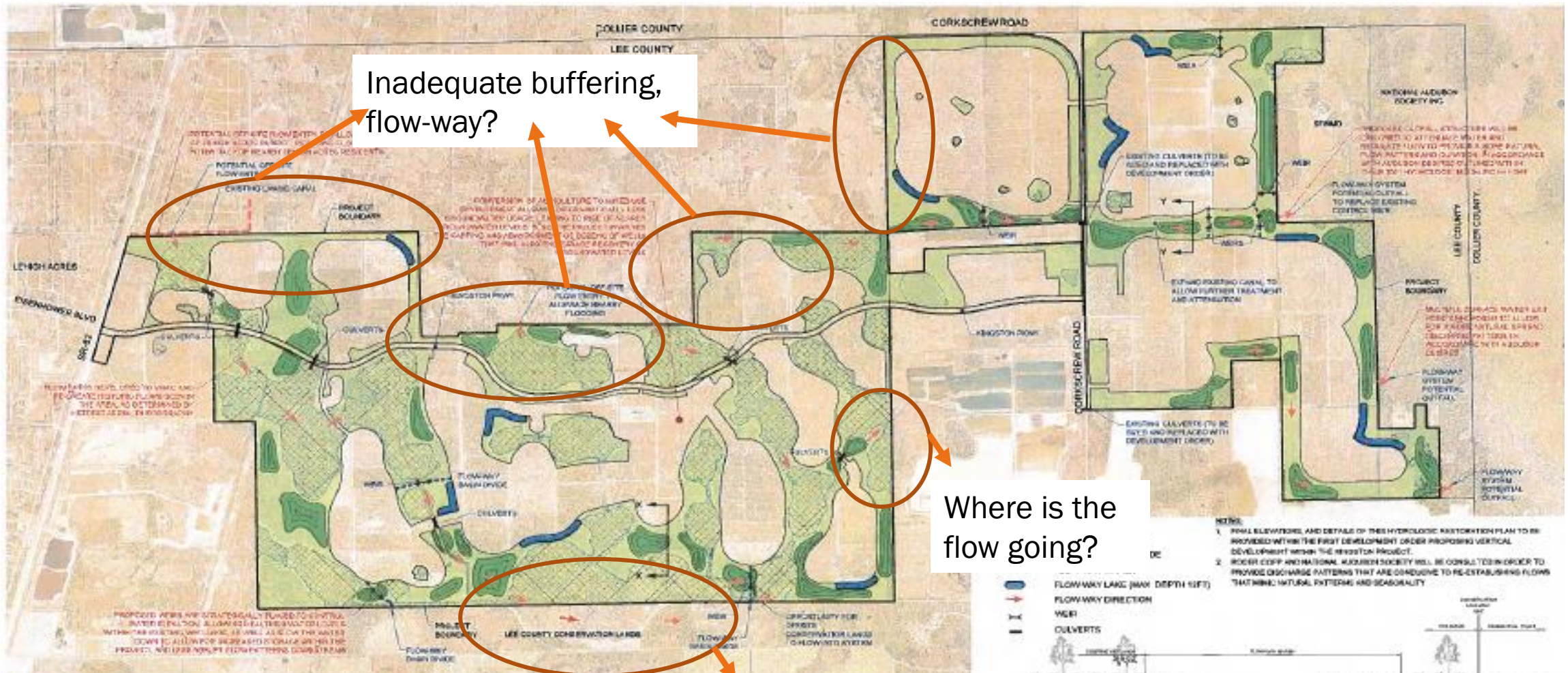
What are the concerns of the public?

# Surface Water Management

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- Hydrologic narrative is not specific, left “general”
- Bulk of flow-way, conservation land on west-side of property rather than bordering Wildcat Farms, inadequate buffering
- Flow on west-side utilizes Lee County conservation property
- Flow on map is unresolved, has no output with residents to south-west
- Refers to but does not provide Audubon models





# Hydrologic Narrative





What are the concerns of the public?



# Water Quality

- Non-point source pollution from human impact (trash, road, nutrients)
- Proximity to CREW, Conservation lands, Collier impacts (south/southwest)
- >680 acres of stormwater lakes, homes & amenities almost exclusively around them, lake depth and set back waivers
- Withdrawals from stormwater lakes for irrigation
- Groundwater pumping during the dry season to supplement lake levels
- Southern tract historically identified for wetland restoration, not thousands of home (Dover/Kohl, Mike She)

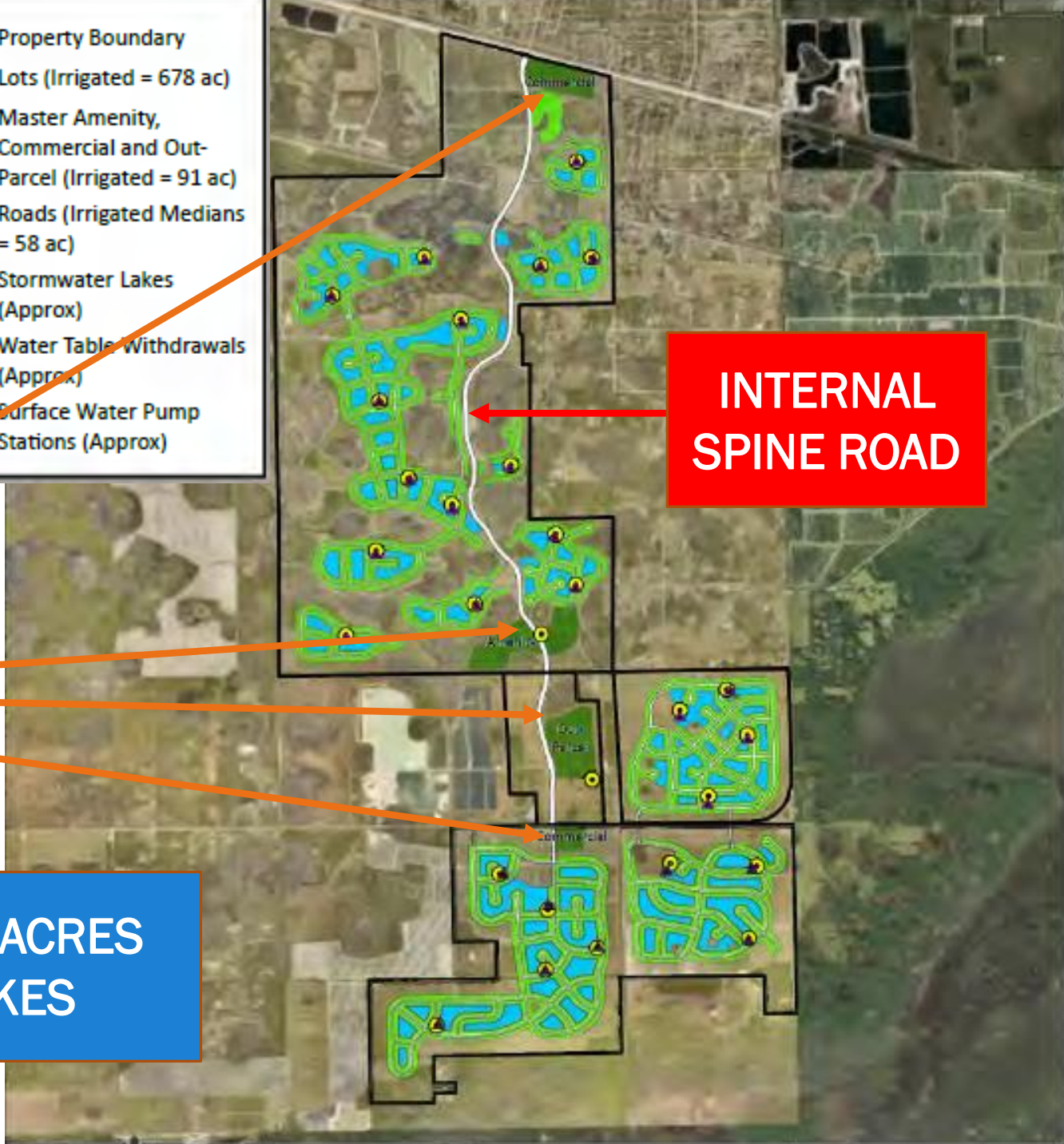
# KINGSTON Conceptual Layout & Withdrawals

- Property Boundary
- Lots (Irrigated = 678 ac)
- Master Amenity, Commercial and Out-Parcel (Irrigated = 91 ac)
- Roads (Irrigated Medians = 58 ac)
- Stormwater Lakes (Approx)
- Water Table Withdrawals (Approx)
- Surface Water Pump Stations (Approx)

COMMERCIAL PROPERTIES

>680 ACRES LAKES

INTERNAL SPINE ROAD





# Ponds of Southwest Florida: Ticking Time Bombs



Dr. Serge  
Thomas  
TEDxFGCU

What are the concerns of the public?

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# Protecting Wildlife

- Lee Plan refers to southern tract as opportunity for wildlife corridor
- Increased NEGATIVE animal-human interactions as current proposal puts animals and high density, residential & commercial in same corridor
- No provision for large wildlife crossing on Corkscrew Road, the primary cause of panther deaths
- Commercial uses in proximity to panther crossing (identified with signage)
- Location is east of previous conservation and mitigation properties



# Wildlife Map







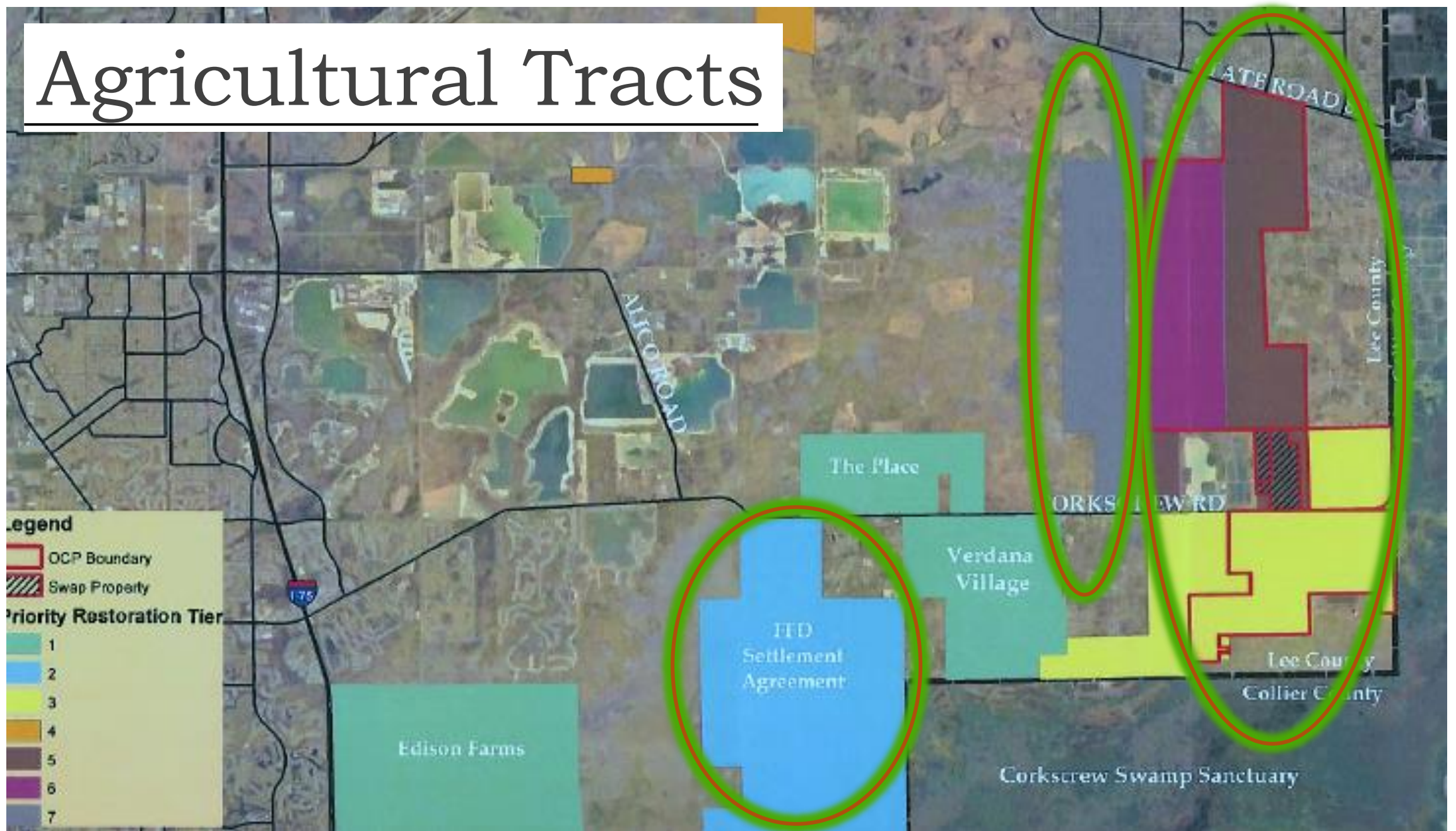
What are the concerns of the public?

# Permanent Loss Agricultural Capacity

- Historically rural area, with Ag-2 Zoning permitted land use
- Large-scale agricultural operations
- Small scale “ranchettes”, density 1 du/10 acres, for individual family farms, stables, nursery operations, cattle range
- Including KINGSTON, loss of around <15,000 acres known (some through other Bert Harris, ie. FFD)
- Losing local capacity to provide food security
- Losing capacity to create local sustainable economy



# Agricultural Tracts



# Consequences of Land Use Changes

- What is the future role of agriculture in the DRGR?
- Is there a missed opportunity for “wetaculture” or other “restorative agriculture” practices that can fulfill a dual role ?
- Should restorative agriculture be incentivized, such as given development in the Environmentally Enhanced Restoration Communities?
- Can agriculture in the DRGR and Lee County support sustainability and resiliency community goals?
- Why are these significant land use and policy changes not brought before the citizens and implemented pre-maturely?

Table 2. Proposed Land Use Breakdown

Proposed Land Use	Area (Acres)
Wetlands	2,464.0
Uplands	812.0
Multi-Family Residential	30.0
Residential	2,197
Commercial	79.0
Amenity (school/commercial)	254.0

Page 2

Excerpt from: HYDROLOGIC RESTORATION NARRATIVE Kingston Property May 2022

Prepared by J.R.Evans Engineering

Pg. 2 - 3

Open Space	159.0
Lake	681.0
<b>Totals</b>	<b>6,676</b>

**3,241 acres  
ECOLOGICAL  
LIABILITY**





What are the concerns of the public?

# Phasing of Construction

- Construction to **BEGIN** to south, endangering commuters on Corkscrew Rd.
- 4-lane highway 82 is accessible to north and could be used instead of inadequate Corkscrew Rd.
- Lehigh is short grocery stores 1 per 30,000 residents
- Option for wastewater facility in the north on property set aside for facility use
- One construction access planned for Corkscrew Rd.
- Could have solution that is better fit for public interests, alerted & engaged





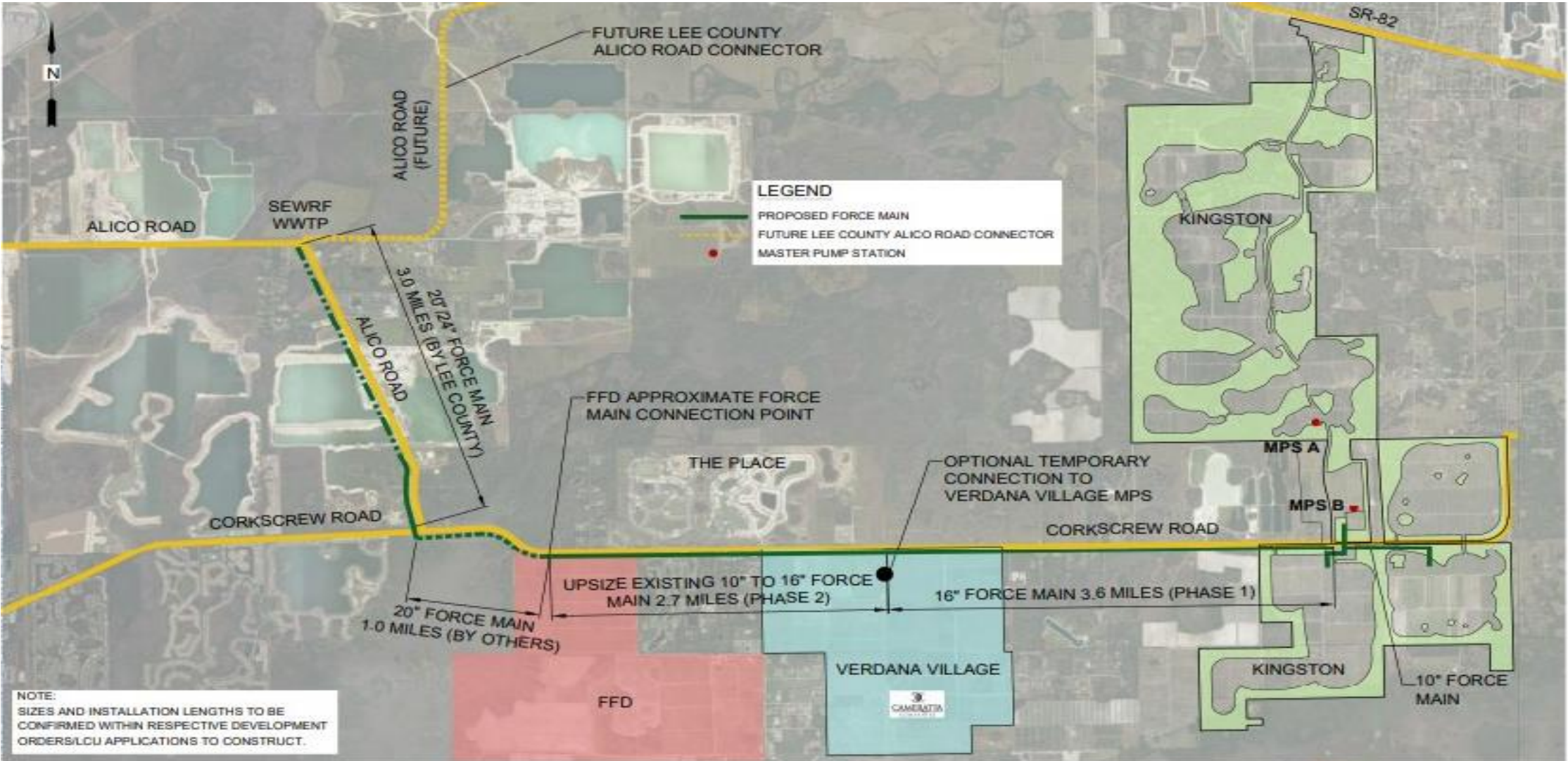


# Florida's waterways contaminated post-lan, posing health risks

What are the concerns of the public?



# Sewage Infrastructure



# Sewage Capacity *(excerpt Appendix K)*

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Prior to the completion of the SEWRF the amount of initial Kingston density allowed to utilize the existing County wastewater system shall be **3,930** residential units determined as follows:

## **SUBTRACT**

☐ The Kingston Developer will coordinate with the Verdana Village Developer to delay constructing residential homes in the Verdana Village Phase 3 (Pod 2) which is currently approved for **1,219** residential homes.

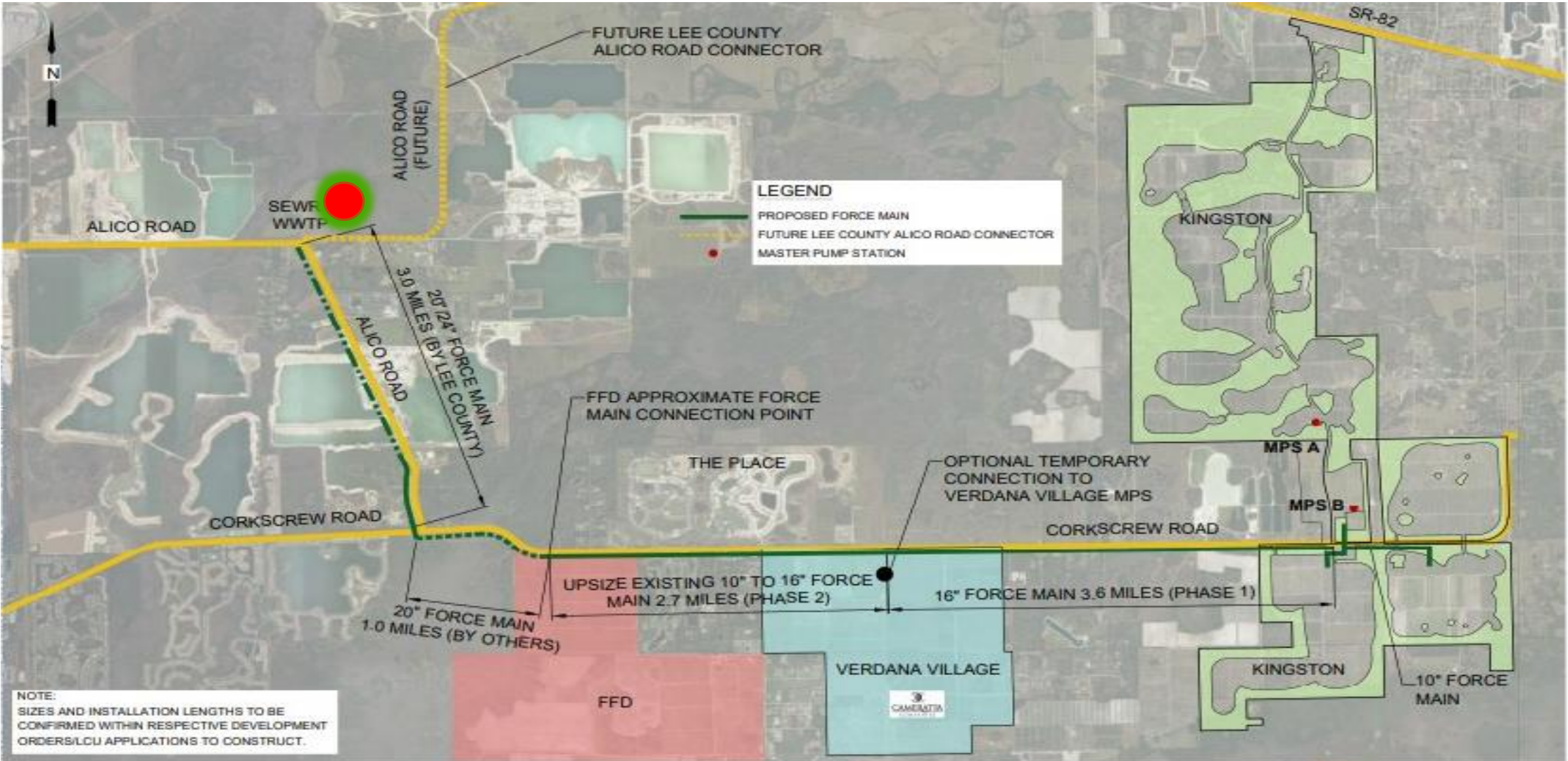
☐ The sewer capacity at the Pinewoods Master Pump Station has been analyzed using a consumptive use rate of 200GPD compared to a design calculation of 250GPD which generates additional Pinewoods capacity for **2,711** residential units. This calculation is solely being used to determine the maximum Kingston density allowed to connect to the County existing wastewater facilities until the SEWRF is completed.

**Capacity for 2,711  
RESIDENCES**

**What about  
COMMERCIAL?**



# Sewage Infrastructure





# Sewage Infrastructure

## MEMORANDUM

FROM  
THE DEPARTMENT OF  
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins  
Chief Hearing Examiner

DATE: August 13, 2019

FROM: Audra Ennis  
Audra Ennis  
Zoning Manager

RE: **Joint request to remand DCI2018-10023, South County Public Facilities CFPD (Community Facilities Planned Development)**

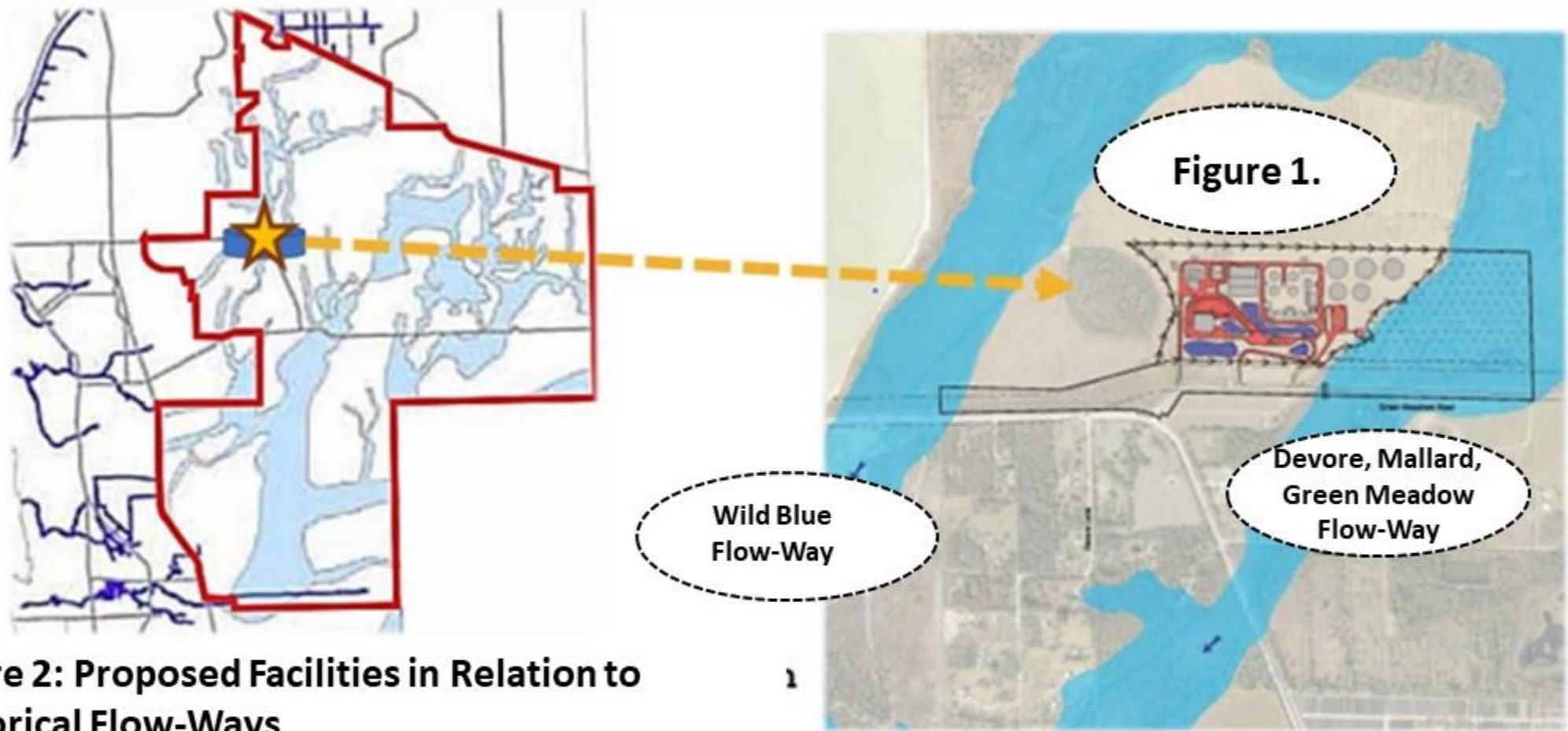
Following coordination between the applicant and staff, we jointly request that DCI2018-10023 be remanded to staff for further evaluation and analysis, to include:

- Public outreach sessions to address concerns presented by public participants during the hearing,
- Pursuit of comprehensive plan amendments for the proposed public facility and for the protection of environmental resources (water resources, habitat and species),
- Evaluation and development of more detailed site plans,
- And to ensure all alternatives have been fully reviewed and analyzed.

The case will be reanalyzed and future hearings will be noticed in compliance with the Land Development Code and Administrative Codes.

**REMANDED**

cc: Applicant  
Michael Jacob, Deputy County Attorney  
Pamela Keyes, Director, County Utilities  
David Loveland, Director, Community Development



# KINGSTON IN A NUTSHELL

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- POPULATION >20,000, size of Naples
- 10,000 residences du/1.5 per acre
- 700,000 sq ft shopping
- 240 hotel rooms
- >680 acres lakes





# Dover-Kohl Executive Summary

**Excerpt:** Compact connected mixed use communities. Adverse human impacts should be minimized.

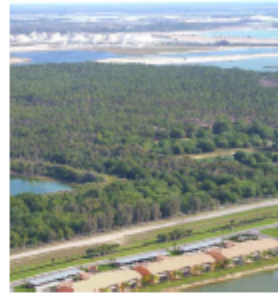
## PROSPECTS FOR SOUTHEAST LEE COUNTY

### PLANNING FOR THE DENSITY REDUCTION / GROUNDWATER RESOURCE AREA (DR/GR)

The Density Reduction/Groundwater Resource (DR/GR) designation was applied to most of southeast Lee County, Florida in 1990 to protect the area's shallow aquifers and reduce the County's population capacity. The 83,000 acres of the southeast DR/GR host rural neighborhoods, limestone mines, and active farms. The land also contains valuable ecological and hydrological features including panther habitat and public supply wells.

Since the designation of the area the pressure to mine and build new residences has been increasing. In the fall of 2007 the Board of County Commissioners initiated a 14-point Action Plan addressing critical mining, traffic, and land use issues in the DR/GR. As part of the Action Plan, Lee County commissioned a major planning effort that includes four related parts: a mining truck impact evaluation, an integrated surface and groundwater model, detailed ecological mapping, and a land-use study. Dover, Kohl & Partners (DKP) headed the project team. Incorporating broad public input, the plan for the DR/GR attempts to define the proper balance of uses for the future of the critical area.

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town planning  
www.doverkohl.com



Mining operations, ecologically-critical lands, and residences are in close proximity in the DR/GR.

### Land Use Concepts



Existing citrus groves surround isolated wetlands.



Default DR/GR policies allow agriculture to become low-acre ranchettes.



A better way: DR/GR densities could be concentrated into a compact form.

Land in the DR/GR has been subject to a residential density cap of one unit per ten acres since 1990. Rural ranchettes of five to ten acres in size form subdivisions within the DR/GR. Yet, compact development can replace land-consuming ranchettes on agricultural parcels. This concept is illustrated on the left for the roughly ten square miles of land known as Old Corkscrew Plantation, which extends from SR 82 to south of Corkscrew Road. The site is now an active citrus grove.

If this site were developed under the existing DR/GR regulations, home sites would be spread across the landscape, eliminating large-scale agriculture. The same number of units can be constructed in compact form on a fraction of the acreage while providing some commercial and employment opportunities along SR 82. Such a community would typically require a sewer or a collective septic system. Small-scale, community-supported agriculture could be nearby while commercial-scale farming continues on the periphery. Historic flowways could reconnect the now-isolated wetlands.

On large tracts of land, allowable development rights can be shifted and concentrated fairly easily through the standard zoning and development review processes. When parcels are smaller, this shifting requires a transferable development rights program. Lee County has such a program for wetlands which could be expanding to allow transfers from sensitive uplands as well. Potential locations for receiving TDRs, and constructing compact, mixed-use communities were recommended by the planning study.



Utilizing a transfer of development rights a hamlet could be formed at the location of an existing county store.

#### DR/GR PLANNING PRINCIPLES

A series of conservation, development, mining, and transportation principles were created to guide policy decisions affecting the DR/GR area. Shaped from the input received during workshops in April of 2008, these "Hamlet Principles" embody a clear vision for the future of the DR/GR.

CONSERVATION PRINCIPLES	DEVELOPMENT PRINCIPLES
<ul style="list-style-type: none"> <li>• <b>Large-Scale Ecosystem Integrity Must Be Restored and Maintained</b> Acquire and restore lands that can connect existing corridors and conservation areas. Protect larger stretches of natural land instead of small isolated wetlands in the midst of existing mining.</li> <li>• <b>Maintain Viable Watersheds</b> Protect groundwater resources in southeast Lee County by analyzing development impacts with integrated surface and groundwater modeling.</li> <li>• <b>Retain and Improve Ecologically-Responsible Farming</b> Agriculture is a productive and essential use of DR/GR land. New crops and improved farming practices can keep agriculture viable and reduce its impact on adjacent conservation lands. Local food production can reduce dependence on carbon-intensive, long-distance food supply chains. Land that is farmed is a valuable bank for future conservation efforts.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Reallocate Development Rights: Create Sustainable Settlements</b> DR/GR land is too valuable to waste on inefficient land-use patterns. Keep new residential development away from preferred mining areas to prevent conflicts. Compact and connected mixed-use communities should be the standard in the DR/GR.</li> <li>• <b>Live Lightly on the Land</b> Adverse human impacts on DR/GR lands should be minimized. Encourage cluster development to reduce the cumulative impact of human settlement.</li> </ul>
MINING PRINCIPLES	TRANSPORTATION PRINCIPLES
<ul style="list-style-type: none"> <li>• <b>Create a Meaningful Map of Preferred Mining Areas</b> Create maps that serve as predictable guides to approvals of new mines in the DR/GR. Plan for limestone mining in increments of time. Don't concentrate fill-dirt mines in the DR/GR.</li> <li>• <b>Stick to the Traditional Mining Corridor</b> Limestone mining is a high-disturbance activity whose effects on the surrounding area can never be completely mitigated. Minimize the impacts of mining on valuable watersheds, residential areas, and the road system by concentrating mining activity in the traditional Alton mining corridor. Fully utilize the limestone resources in existing disturbed areas before spreading out into more pristine environments.</li> <li>• <b>Design Before You Dig</b> The active extraction period of a mining site comprises a small percentage of its life. Ensure that post-mining land uses and site design are appropriate to their location and to the needs of the community.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Anticipate Higher Fuel Costs</b> The rising price of fuel may affect all aspects of the construction industry, as well as the day-to-day life of average citizens. Plan future mining and residential uses in the DR/GR with rising transportation costs in mind. Explore alternative sources of materials for roads and construction as virgin sources become more difficult to obtain.</li> <li>• <b>Manage Speed and Vehicle-Miles-Traveled</b> Enforce speeds in the DR/GR to reduce mining truck and residential traffic conflicts. Focus mining uses along the existing road network to reduce the amount of miles involved for transport. Create small mixed-use centers near existing communities to reduce traffic for daily needs and services.</li> <li>• <b>Transportation Projects Must Follow Land Use Policy</b> Think carefully before including that road widening as the only transportation solution. Begin by fixing existing roads for multi-modal use.</li> </ul>

**Excerpt:** Retain and Improve Ecologically-Responsible Farming

- **Excerpt:** Example of Land Use Principles using the SUBJECT PROPERTY, north section bordering state-road 82.
- Suggested compact example bordering SR 82 with some commercial/employment.
- Nearby small scale agriculture with continuing larger scale agriculture on periphery.
- Community sewer or collective service.
- Historic flow-ways connect wetlands.



# The Recommended Future Scenario



Approximate existing conditions in the DRGR area.

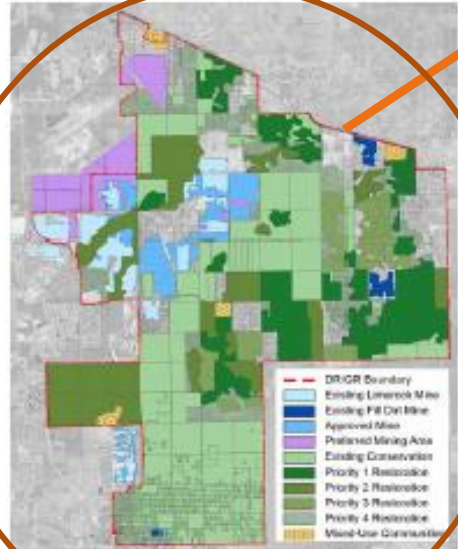


Illustrating the full implementation of an ambitious, long-range restoration strategy as proposed by the recommended scenario.

Three scenarios for the future of the DRGR were presented to the Lee County Board of County Commissioners in September of 2008. The Board instructed the DKP team to proceed with comprehensive plan and land development regulation amendments to limit additional mining approvals to only the traditional Alcoa Road corridor in the northwest portion of the site. This decision was in keeping with the scenario recommended by the DKP team and illustrated on the left.

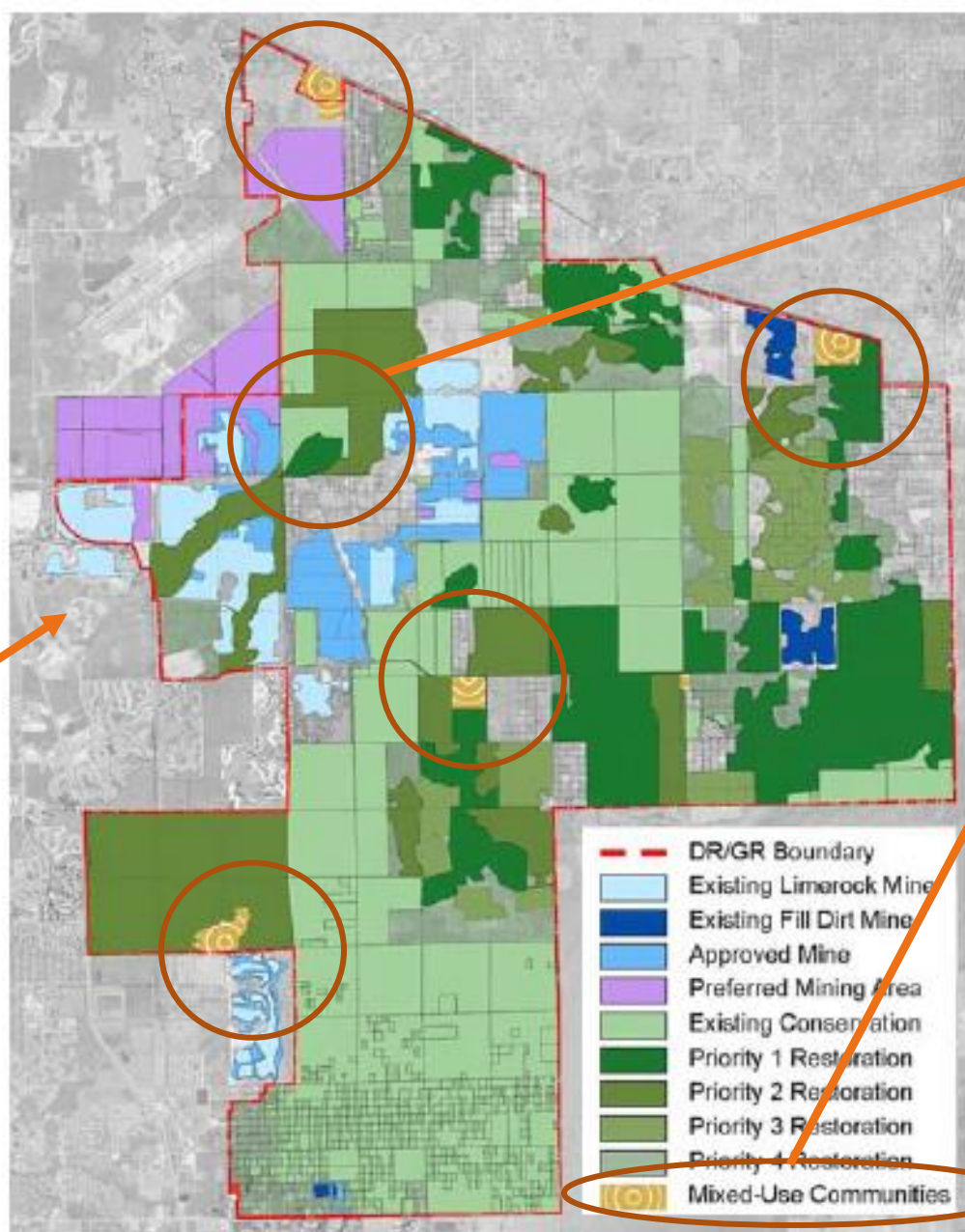
This possible future scenario provides limestone rock in excess of projected need to 2030, yet strives for the greatest natural resource benefits. It offers the best opportunities for flowway restoration and increased water storage. By keeping limestone mining near the traditional Alcoa Road mining corridor, less-impacted portions of the DRGR to the east and south can be the focus of a long-term restoration strategy to benefit water resources and habitat protection. Hydrologic impacts of large mine pits will be less consequential where water levels have already been lowered by existing mining.

Shown below, Priority 1 restoration lands would begin to link flowways together. Priority 2, 3, and 4 lands would further complete the system. Except for the most critical flowway reconnections, these lands can remain in agriculture. Eventually they would be acquired and either converted to agricultural uses that are more consistent with water storage or restored to native habitat.



Specific mining and restoration lands in the recommended scenario.

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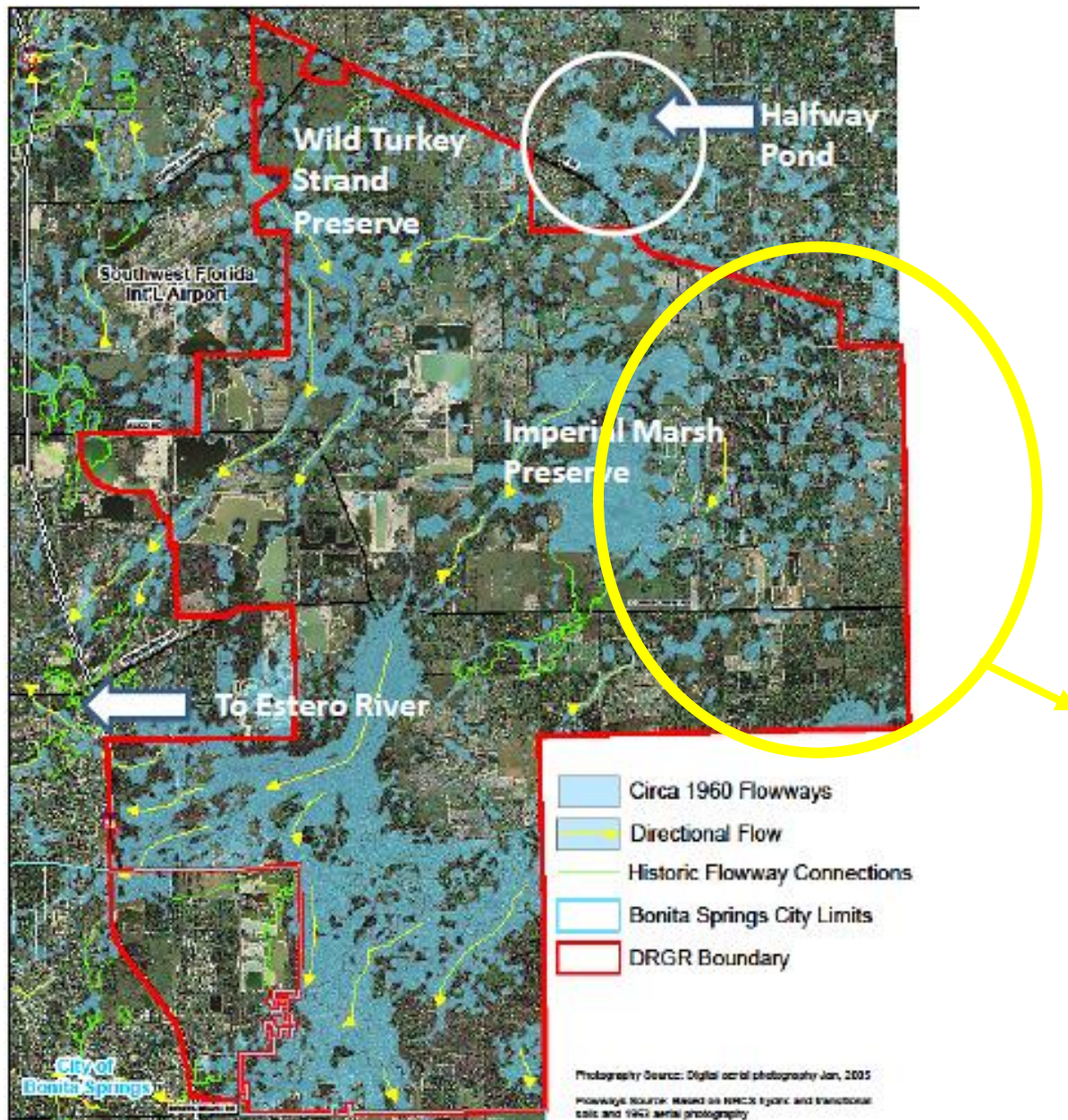
Specific mining and restoration lands in the recommended scenario.

Proposed & Remanded SEWWRF Sewage Plant sited on Priority 1 Restoration Property adjacent to Conservation Lands, swapped in controversial interdepartmental action.

Scale and distribution of Mixed-Use Communities in The Recommended Future Scenario relative to overall DRGR land uses.



# DRGR (Density Reduction Groundwater Resource)

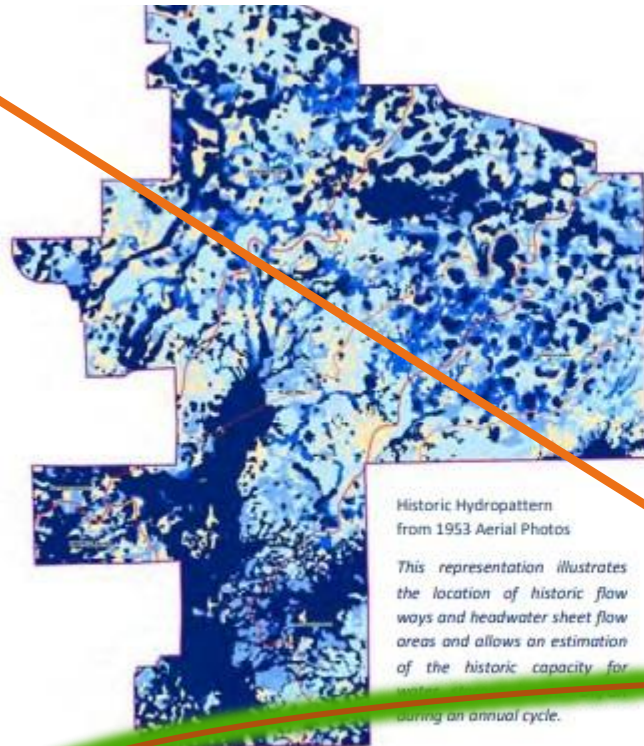


- No significant historical flow due to lack of elevation change on subject property, though southern tract long identified for priority wetland restoration, possible flow-way in Dover-Kohl and Mike SHE hydrological studies and suggested scenarios.
- South tract identified as significant for wildlife corridor in Lee Plan due to proximity to conservation lands. Traffic is the leading cause of panther deaths with commercial uses/amenities sited in KINGSTON plan on both sides of Corkscrew Rd. and into southern tract.



# Dover-Kohl Conclusion & DRGR (Density Reduction Groundwater Resource) Maps

Excerpt from Dover-Kohl: “A combination of wetland management, sustainable agriculture and phased wetland restoration is possible and necessary within the DR/GR to protect and enhance the water resources...”



Wet Season Water Depth	Wetland Hydroperiod	Map Index Color
1.5 - 2.5'	7-9 mos	dark blue
0.75 - 1.5'	4-7 mos	blue
0.25 - 0.75'	1-3 mos	medium blue
-0.5 - 0.25'	1-2 mos	light blue

The deeper ponds, cypress swamps, and marshes have been assigned dark blue with progressively shallower, shorter hydroperiod (shorter duration of inundation) wetlands being assigned lighter shades of blue.



## CONCLUSION

A combination of wetland management, sustainable agriculture, and phased wetland restoration is possible and necessary within the DR/GR to protect and enhance the water resources within the DR/GR which provide drinking water to the majority of residents within unincorporated Lee County; provide irrigation water for field crops and citrus groves, and are necessary to sustain natural wetlands and surface waters including the Estero River.

# Motion to Intervene

A. Distance from Hill property to subject property 4,933.34 feet

B. Distance from Kleeger property to subject property 4,182.07 feet





# Interventions

- No inclusion of the additional >2,400 acres added to Bert Harris Claim
- Phasing beginning to the north, accessing 4-lane 82 for public safety on roadways
- Construction access to the north
- “Springing Development Rights” based on infrastructure for sewage capacity and/or roadway capacity
- Buffering to protect interests of neighbors in Wildcat Farms and to the north
- Resolved hydrologic plan that provides flow-ways to manage surface water concerns
- Reconsider putting houses around stormwater lakes due to ecological liability, dry ponds, shallow but wide wetlands instead for movement AND compensatory storage
- Sewage facilities on site with advanced capacity, available for irrigation vs. lake pumping and groundwater pumping from aquifer
- Provide grocery store to Lehigh Acres through commercial phasing adjustments



# Court Hearing Continuation

November 8, 2022, 9am

Lee Justice Center

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<https://gofund.me/19670082>

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Inner Loop Working Group Facebook

[Innerloopworkinggroup@gmail.com](mailto:Innerloopworkinggroup@gmail.com)

Mail check to:

Marsha Ellis

17850 Devore Lane

Fort Myers, FL 33913



Inner Loop Working Group, Inc. Mission: To provide educational and scientific outreach to inform meaningful public input in the DRGR of Southeast Lee.